BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 unless otherwise specified in the specific commitments.	3 With respect to existing commercial presence: - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be ordinarily resident in Brunei Darussalam. - All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	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	4 Unbound except for measures concerning the categories of natural persons referred to in the market access column.	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	immediately preceding the date of their 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.		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(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 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 - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
All Sectors	Future liberalisation of measures affecting limitations on foreign equity or interest in companies established in Brunei Darussalam shall be carried out in a differentiated manner, and at the discretion of the relevant authorities.	All Countries	Indefinite	The measure would be applied in a differentiated manner to those investment that match Brunei Darussalam's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximise economic benefits of foreign participation in the Brunei Darussalam economy.
	Preferences for entry and temporary stay of workers from traditional sources of supply.	Traditional sources	Indefinite. Brunei Darussalam will periodically review this in the light of domestic and national policy considerations.	Due to the small population base the government needs to regulate the flow of foreign workers, both skilled and unskilled, to ensure social cohesion in Brunei Darussalam.
Legal Services	All measures pertaining to the provision of legal services in Brunei Darussalam.	All countries	Indefinite. Brunei Darussalam will keep the possibility of removing this exemption under review.	The exemption is necessary as the establishment of foreign law firms in Brunei Darussalam is based on case-by-case approval.



BRUNEI DARUSSALAM - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Radio and Television Radio and television is defined to include: - Free-to-air broadcasting - Cable and Pay television - Direct broadcasting by satellite - Tele text - All broadcasting services listed in Services Sectoral Classification List, MTN.GNS/W/120.	The Radio Television Brunei (RTB) accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements.	All countries. Currently, only Singapore, Malaysia and Indonesia are given preferential broadcast and transmission rights.	Brunei Darussalam will keep the possibility of removing the exemption under review.	To promote social economic and cultural relations.
Financial Services	Treatment with respect to the granting of approval to establish offshore banks and merchant banks, to expand existing operations and conduct new activities in the financial services sector may be accorded to service suppliers of another member in a differentiated manner or on the basis of reciprocity and at the discretion of the relevant authority.	All countries	Indefinite	To accord differentiated treatment to another member which accords favourable treatment to Brunei Darussalam financial institutions.

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BRUNEI DARUSSALAM - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Banking and other financial services	Under a currency interchange ability agreement between Brunei Darussalam and Singapore, the currency issuing authorities of Brunei Darussalam and Singapore would: - accept from banks, notes and coins by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and - arrange for repatriation at the expanse of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.	Singapore	Indefinite, until either country terminates the agreement.	The currency interchange ability agreement was entered into in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore.



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES Mode 1 'None, except...' due to bona fide regulatory reasons: Health and Safety reasons: Foreign professionals who intend to practice in Brunei Darussalam should submit plans of the proposed developments through licensed practicing companies/partnerships/architects in Brunei Darussalam to provide for an entity or a body that will be liable for the development.			
A. Professional Services 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: <u>A. For accounts kept in English</u> 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 <u>B. For accounts kept in language other than English</u> (a) Associate membership of one of the Bodies set out in A(a) above; and (b) Evidence of competency in the language concerned.	

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	
	(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 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.	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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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.	
Architectural Services (CPC 8671)	(1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam. * (2) None (3) Not less than 50% equity should be held by Brunei Citizens. (4) In addition to those indicated in the horizontal section, the licensed practicing architects should have recognised academic and professional qualifications and registered as "qualified persons" with the Ministry of Development.	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC 8672)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam.* (2) None (3) None (4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(1) None (2) None (3) Unbound (4) Unbound	
Integrated Engineering Services (CPC 8673) - for Transportation Infrastructure Turnkey Projects (CPC 86731) - for Water Supply and Sanitation Works Turnkey Projects (CPC 86732) - for the Construction of Manufacturing Turnkey Projects (CPC 86733) - for Other Turnkey Projects (CPC 86739)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam. * (2) None (3) Foreign equity participation is opened up to 55% max. (4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban planning and landscape architectural services CPC 8674	(1) None, other than plans should be submitted through licensed practicing Urban Planners in Brunei Darussalam (2) None (3) Foreign equity participation is opened up to 50%. (4) In addition to those indicated in the horizontal section, the licensed practicing Urban Planners should have recognized academic and professional qualifications.	(1) None (2) None (3) Unbound (4) Unbound	
B. Computer and Related Services Consultancy Services related to the Installation of Computer Hardware (CPC 841) Software Implementation Services (CPC 842) Data Processing Services (CPC 843)	(1) None (2) None (3) None (4) Unbound, except Director and needed Technical Experts	(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
Database Services (CPC 844)	(1) None (2) None (3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam with foreign equity not exceeding 51%. (4) Unbound, except as indicated under horizontal measures	(1) None (2) None (3) None (4) Unbound, except as indicated under horizontal measures	
Maintenance and repair services of office machinery and equipment including computers (CPC 845) Other computer Services (CPC 849)	(1) None (2) None (3) None (4) Unbound, except Director and needed Technical Experts	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services R&D services on natural sciences and engineering (CPC 851/8510)	(1) None (2) None (3) Foreign equity participation should not exceed 51-% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
R&D services on social sciences and humanities (CPC 852/8520)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Interdisciplinary R&D services (CPC 853/8530)	(1) None (2) None (3) Foreign equity participation should not exceed ~~51~~-% (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
Relating to other machinery and equipment (CPC 83106-83109)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Rental/Leasing services concerning personal and household goods (CPC 8320)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
F. Other Business Services Sale or leasing services of advertising space or time (CPC 8711)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Planning, creating and placement services of advertising (CPC 8712)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Other advertising services (Advertising consultancy services) (CPC 8719)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
Marketing research and public opinion polling services (CPC864/8640)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Management consulting service (CPC 865/8650)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Services related to management consulting (including management services n.e.c) (CPC 866/8660)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

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BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Building-cleaning services (CPC 874)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Photographic services (CPC 875/8750)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Packaging services (CPC 876/8760)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
Printing, publishing services (CPC 88442)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Duplicating services (CPC 87904)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Specialty design services (CPC 87907)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (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
COMMUNICATIONS SERVICES			
B. Courier Services (CPC 7512)	(1) None (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 51% foreign equity. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Telecommunication Services Note: * For the subsectors of (a) Public Non-Fixed and (b) Public Payphone services, this is in accordance with the new licensing regime under the new Telecommunications Order 2001 which requires new entrance/players wishing to provide such service domestically are required to apply for a license from the relevant Authority (i.e. The Authority for Info-Communication Technology and Industry (AITI) and if further required may also be subject to terms and conditions set by the authority including among others the need to have commercial arrangements with licensed operator(s).			
Voice Telephone Services (CPC 7521)	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Circuit - switched data transmission services (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
Packet- switched data transmission services (7523**)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations; Foreign equity participation should not exceed 70% (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
Telex services (CPC7523**) Telegraph services (CPC7522**)	(1) None (2) None (3) None (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Facsimile services (7521** + 7529**)	(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	
Electronic mail (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Voice Mail (7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) None (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	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
On-line information and database retrieval (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Electronic data interchange (EDI) (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Enhanced/value-added facsimile services, including store and forward and retrieve (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Code and Protocol Conversion	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations. Foreign equity participation should not exceed 70%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Online Information and Data Processing (incl transaction processing) (CPC 843*)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations (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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Public Non-Fixed*	(1) None, except subject to commercial arrangements with licensed operator(s).* (2) None, except subject to commercial arrangements with licensed operator(s) (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001. This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.
Local Services Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) None (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	



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Public payphone services*	(1) None, except subject to commercial arrangements with licensed operator(s) *	(1) None	This offer is based on the new licensing regime under the new Telecommunications Order 2001.
	(2) None, except subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) None	(3) None, except as indicated in horizontal section	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
International Service: Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s)	(1) None	
	(2) Subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) None	(3) None, except as indicated in the horizontal section	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile Services: Public Cellular Mobile Telephone Service.	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) None (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	
Prepaid Telecommunications Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging Services (CPC 75291)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations. Foreign equity participation should not exceed 70% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Trunked Radio service	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) None (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	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Video text (CPC 75299*)	(1) Subject to commercial arrangements with licensed operator(s)	(1) None	
	(2) Subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) None	(3) None, except as indicated in horizontal section	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC511) Construction Work for Buildings (CPC512) Construction Work for Civil Engineering (CPC513) Assembly and Erection of Prefabricated Constructions (CPC514) Special Trade Construction (CPC515) Installation Work (CPC516) Building Completion and Finishing Work (CPC517) Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)	(1) Unbound * (2) None (3) Foreign Citizen registered may hold up to maximum 55% equity (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) Unbound (4) Unbound	

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
Refuse disposal services (CPC 9402)	(1) None (2) None (3) Through a joint venture with foreign equity participation not exceeding 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Other environmental services	(1) None (2) None (3) Through a joint venture with foreign equity participation not exceeding 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
Primary Education For International School Only CPC921	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Secondary Education For International School Only CPC922	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Adult Education Courses with the maximum duration of 3 months (Private education) (CPC 924)	(1) None (2) None (3) - through joint venture with foreign equity participation shall not exceed 49% - foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Adult Education Services For Skill Centre Only CPC924	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre CPC929	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Medical and Dental Services (CPC9312)	(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	
Services provided by midwives, nurses, physiotherapists and para-medical personnel CPC 93191	(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	
Hospital services (CPC9311/93110) (excluding Laboratory and X-Ray Services)	(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	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Laboratory Services (CPC9311X)	(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	
X-Ray services (CPC9311X)	(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	
Pharmaceutical services (CPC 9319) (other than 93191)	(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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) None (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Restaurants (CPC 642,643)	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity. (4) Unbound	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) None (4) Unbound	

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BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Tourism Services - Youth Hostel - Golf Courses - Marina Facilities	(1) None (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Theme Parks	(1) None (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity. (4) Unbound	(1) None (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services Passenger transportation (CPC7211)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth, and berthing services
Freight transportation (CPC7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed ~~51~~% b) The supply of international maritime transport of energy goods: unbound (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	



BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of Vessels with Crew (CPC7213)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Maintenance and Repair of Vessels (CPC8868**)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Maritime Agency Services CPC7454*	(1) None (2) None (3) Foreign equity participation shall not exceed 51%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

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BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Services Passenger transportation (CPC7221)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	
Freight transportation (CPC7222)	(1) None (2) None (3) a) The supply of internal waterways transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 51% b) The supply of internal waterway transport of energy goods: unbound (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	

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BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of Vessels with Crew (CPC7223)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Maintenance and Repair of Vessels (CPC8868**)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Supporting Services for Internal Waterway Transport (CPC745*)	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Space Transport (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
E. Rail Transport Services Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
H. Services Auxiliary to All Modes of Transport Maritime Cargo Handling Services CPC741	(1) None (2) None (3) Foreign equity participation shall not exceed 51% (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
Storage and warehousing services CPC 742	(1) None (2) None (3) Foreign equity participation shall not exceed 51%. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Maritime Freight Forwarding Services CPC748	(1) None (2) None (3) Foreign equity participation shall not exceed 51%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

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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

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(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.

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
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 authorising 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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: <u>Business visitors</u> 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.	(4) Unbound, except for measures affecting the categories referred to under market access.	



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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	business. Executives would not directly perform tasks related to the actual supply of a service or services of the organisation. 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 organisation or a department of the organisation; 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 super-vised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service.		

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

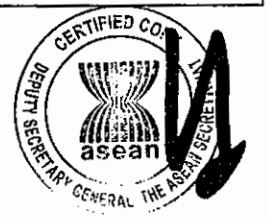
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	c) Specialists: Natural persons, within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's services, research 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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CAMBODIA - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Audiovisual services				
Production and distribution 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.	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
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
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.



CAMBODIA - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Internal waterways	Establishes procedures, charges, and specific regulations applicable for ships of countries concerned operating in Mekong river basin	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Mekong river.
Maritime transport	Establishes procedures, charges, and specific regulations for maritime transport applicable for ships of countries concerned operating in Siam Gulf.	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Siam Gulf.



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES **A. Professional Services**			
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	

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

CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

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



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural 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	
Engineering services (CPC 8672) Integrated engineering services (CPC 8673) 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	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
(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 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Advertising services (CPC 871)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Market research services (CPC 86401) Management consulting services (CPC 865) Services related to man. Consulting (CPC 866) 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	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
Placement and supply services of Personnel (CPC 872) Engineering related scientific and technical consulting services (CPC 8675) 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	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Convention Centre	(1) None (2) None (3) None, foreigners may own 100% capital share for investing in convention centre with more than 3000 people's capacity (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) Services must be provided with Cambodian Partners (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATION 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	
Telecommunication Services			
Voice telephone services (CPC 7521) Packet-switched data transmission services (CPC 7523**) Circuit-switched data transmission services (CPC 7523**) Telex services (CPC 7523**) Telegraph services (CPC 7522) Facsimile services (CPC 7521**+ 7529**) Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) None, except subject to requirement for local share holding of up to 49%. (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 undertakes obligations contained in the Reference Paperattached.

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E-mail (CPC 7523**) Voice-mail (CPC 7523**) On-line information and data base-retrieval (CPC 7523**) Electronic Data Interchange (CPC 7523**) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) Code and protocol conversion 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	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging services (CPC 75291)	(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	
Internet services provision, excluding voice telephony and facsimile	(1) Unbound (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	
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.

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
General Construction Work for Buildings (CPC 512) General Construction Work for Civil Engineering (CPC 513) Installation and Assembly Work (CPC 514, CPC 516) Building Completion and Finishing Work (CPC 517) Other (CPC 511, 515, 518)	(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	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Commission agents' services (CPC 621)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Wholesale trade services - Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244) - Wholesale trade services of motor vehicles (CPC 61111) - Sales of parts of motor vehicles (CPC 6113) - Sales of motorcycles and related parts (CPC 6121)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Retailing services For supermarkets and large department stores only[2]: - Food and non-food retailing services (CPC 631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211). - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234) - Retail sales of motor vehicles (CPC 61112) - Sales of parts of motor vehicles (CPC 6113) - Sales of motorcycles and related parts (CPC 6121)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Franchising services (CPC 8929)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATIONAL SERVICES			
Higher education services (CPC 923) Adult education (CPC 924) Other education services (CPC 929)	(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 practice.

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
Sewage services (CPC 9401) Refuse disposal services (CPC 9402) Sanitation and similar services (CPC 9403) 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	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Specialised medical services (CPC 93122) Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialised dental services	(1) None (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) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher[3] (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) None (2) None (3) Permit is granted taking into account characteristics of the area[4] (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



[3] 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.
[4] 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel agencies and tour operators services (CPC 7471)	(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	
Tourist guides services (CPC 7472)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services n.e.c. (CPC 96199): Cinema theatre services, including cinema projection services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Golf Course (CPC 96413)	(1) None (2) None (3) None, foreigners may own 100% capital share. (4) Unbound, except for resorts manager	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	



CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
Maritime Transport Services			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(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.	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification services.

CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental Vessels with crew (CPC 7213)	(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	
Maintenance and repair of vessels (CPC 8868**)	(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	
Pushing and towing Services (CPC 7214)	(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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting services for maritime transport (CPC 745**)	(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	
Internal Waterways Transport			
Passenger Transportation (CPC 7221); Exclude cabotage	(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	
Freight Transportation (CPC 7222); Exclude cabotage	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental Vessels with crew (CPC 7223)	(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	
Maintenance and repair of vessels (CPC 8868**)	(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	
Pushing and towing Services (CPC 7224)	(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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting services for Internal Waterway transport (CPC 745*)	(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	
Rail Transport Services			
Passenger Transportation (CPC 7111); Exclude cabotage	(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	
Freight Transportation (CPC 7112); Exclude cabotage	(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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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pushing and towing Services (CPC 7113)	(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	
Road Transport Services			
Passenger transportation (CPC 7121 + 7122) Freight transportation (CPC 7123) Rental of commercial vehicles with operator (CPC 7124) Maintenance and repair of road transport equipment (CPC 6112+8867) 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	

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CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pipeline Transport Services			
Transport of fuels (CPC 7131) Transport of other goods (CPC 7139)	(1) Services must be provided through a contract of concession granted by the State on case-by- cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by- cases basis. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
H. Services Auxiliary to All Modes of Transport Storage and Warehousing Services (CPC 742)	(1) Unbound (2) None (3) None, except Joint Venture is required and foreign equity participation I sonly permitted up to 49%. Cambodia Shipping Agency and Brokerage has exclusive rights to act as an agent for a branch or representative office. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	



REFERENCE PAPER

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

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

1.2. Safeguards

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

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



2. Interconnection

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

2.2. Interconnection to be ensured

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

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

2.3. Public availability of the procedures for interconnection negotiations

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

2.4. Transparency of interconnection arrangements

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

2.5. Interconnection: dispute settlement

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

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

3. Universal service

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



4. Public availability of 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.



INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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).	3) The Income Tax Law provides that non-resident taxpayers will be subject to withholding tax of 20% if they derive the following income from Indonesian source: (a) interest (b) royalties (c) dividend (d) fee from service performed in Indonesia The tax rate can be changed due to tax treaty. 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.	



INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. 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.	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 7th Package of Commitments under ASEAN Framework Agreement on Services

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 organisation, 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 organised 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 organised under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.

"Business visitors(s)": natural person(s) 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 - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Banking Services *	Measures relating to a joint-venture bank of national and foreign origin under which entry of foreign bank in Indonesia is allowed on a reciprocity basis (Pursuant to Articles 14(3) the Ministry of Finance Decrees No. 220/KMK.017/1993 dated 26th February 1993) With respect to joint-venture banks, licenses can only be granted to foreign banks of countries which adopt reciprocal policies regarding Indonesian banks	All countries which adopt reciprocal policies regarding Indonesia banks	Suspended until the end of the period of 60 days beginning on 1 November 1997 as stipulated in the Second Decision on Financial Services adopted by the Council for Trade in Services on 21 July 1995	To guarantee equal treatment to Indonesian nationals wishing to establish and operate bank abroad
Movement of Personnel (semi-skilled workers)	Low level occupations are reserved for Indonesian citizens. Based on Government Policy, limited exemptions may be granted to citizens of certain countries.	Nationals of Malaysia, Singapore, Brunei Darussalam, Papua New Guinea and Australia have been granted limited access to low level occupations	Indefinite	Development of the region is being undertaken and for the confirmation of this programme, it is decided to grant limited access to low level occupations to citizens at a limited number of countries
Construction Services (government funded projects)	Measures relating to preferential short listing in international competitive bidding	Nationals of Brunei Darussalam, Malaysia, The Philippines, Singapore and Thailand have been granted special treatment	These measures shall be maintained as long as the treaties of ASEAN remain in force	The implementation of a preferential short listing scheme for ASEAN contractors enhances the advancement of civil works, industrial construction and the economic development of the ASEAN region

Note: *) This exemption is removed as a GATS Plus Offer



INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
A. Professional Services			
Legal Services (Advisory services in home country law, and international law). (CPC 861)	(1) None (2) None (3) Unbound (4) Unbound except for foreign lawyers (advocate). Foreign lawyers (advocate) are allowed to work or take part in Indonesian law firm as employees or as experts in International Law, but shall not appear in courts and/or undertake legal proceedings under any circumstances.	(1) None (2) None (3) Unbound (4) Unbound except for foreign lawyers (advocate). Foreign lawyers (advocate) are : only allowed as employees or experts in Indonesian law firm obliged to transfer legal knowledge and professional capabilities to Indonesian Lawyers obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each month free of charge. The share of foreign lawyers (advocate) in Indonesian law firm must not exceed 20 per cent, and shall be limited to five foreign lawyers (advocate) per firm.	
Definition : Lawyer (advocate) is person who has the profession of providing legal service in and outside the court. International law means law established by international treaties and conventions as well as customary law			



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Accounting, Auditing and Bookkeeping Services (CPC 86220, Bookkeeping Services except Tax Return)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As specified in the Horizontal Section	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Architectural Services (CPC 8671)	(1) None (2) None (3) a) Joint operation: By establishing a representative office in Indonesia. b) Joint venture company: Not more than 51% 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) None (2) None (3) License fee requirement: 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. Local partner(s) in joint venture shall be registered by ConstructionServices Development Board and having qualification A/Big. (4) As specified in the Horizontal Section	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC-8672 except CPC 86721 and 86725)	(1) None (2) None (3) a) Joint operation by establishing a representative office in Indonesia. b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section (4) As specified in the Horizontal Section	(1) None (2) None (3) a) License fee requirement. 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	
Advisory and Consultative Services Related to Engineering (CPC 86721)	(1) None (2) None (3) None (4) Unbound except for director and technical expert	(1) None (2) None (3) The company must be a member of Indonesian Consultant Association (4) As specified in the Horizontal Section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Design Services for Industrial Processes and Production (CPC 86725)	(1) None (2) None (3) None (4) Unbound except for director and technical expert	(1) None (2) None (3) The company must be a member of Indonesian Consultant Association (4) As specified in the Horizontal Section	
Engineering Services (CPC 86725**) Mould and dies (die-Casting, forging, Stamping, etc) Powder metallurgy	(1) None (2) None (3) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended (4) As specified in the Horizontal Section	(1) None (2) None (3) License fee requirement 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. (4) As specified in the Horizontal Section	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated Engineering Services (CPC 8673)	(1) None (2) None (3) a) Joint operation: By establishing a representative office. b) Joint venture company: By fulfilling the requirements as specified in the Horizontal Section (4) As specified in the Horizontal Section	(1) None (2) None (3) License fee requirement 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. 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban Planning Services (CPC 86741)	(1) None (2) None (3) a) Joint operation: By establishing a representative office. b) Joint venture company: Not more than 51% 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) None (2) None (3) License fee requirement 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. 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape Architectural Services (CPC 86742)	(1) None (2) None (3) a) Joint operation by establishing a representative office in Indonesia. b) Joint venture company: Not more than 51% of the capital share of the Limited Liability Enterprise (Perseroan Teratas/PT) may be owned by foreign partner(s) (4) As specified in the Horizontal Section	(1) None (2) None (3) a) License fee requirement. 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services			
Consultancy Services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Software Implementation Services (CPC 842)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Input Preparation Services (CPC 84310)	(1) None (2) None (3) Jointventure with foreign equity participation not exceeding 70 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
System Analysis Services (CPC 84320) Time Sharing Services (CPC 84330) Other Data Processing Services (CPC 84390)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Data Base Services (CPC 84400*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Maintenance and repair Services of Office Machinery and Equipment Including Computers (CPC 845)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Computer Services (CPC 849)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation in the form of Limited Liability Enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the agregateforeign shareholding in the joint-venture corporation shall not exceed 49 per cent (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services			
Interdisciplinary R&D (CPC853, limited to Industrial Activities)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As specified in the Horizontal Section	(1) None (2) None (3) Subject to Qualification and Licensing requirement and procedure including registration (4) As specified in the Horizontal Section	
E. Rental and leasing services without operator			
Rental of Vessel without Crew (CPC 83103)	(1) None (2) None (3) Joint venture company withforeign equity participation up to 60 per cent (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	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Advertising Services (CPC 871)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) Unbound	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration. b. Have the obligation to cooperate with educational institution in providing internship programme for at least 100 person per year c. Must joint in Indonesian Advertising Association (4) Unbound	
Market Research Services (CPC 86401)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51%. (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration. b. Have the obligation to cooperate with educational institution in providing internship programme for at least 100 person per year (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
Management Consulting Services for: - General management consulting services (CPC 86501) - Marketing management consulting services (CPC 86503) - Human resources management consulting services (CPC 86504)	(1) None (2) None (3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital. (4) Unbound except as indicated in Horizontal section	(1) None (2) None (3) Unbound except as indicated in Horizontal section (4) Unbound except as indicated in Horizontal section	
Management Consulting Services for: - Marketing management consulting services (CPC 86503)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) Unbound except as indicated in Horizontal section	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration b. Have the obligation to cooperate with educational institution in providing internship programme for at least 100 person per year c. Must joint in Indonesian Consultant Association (4) Unbound except as indicated in Horizontal section	
Project Management Services other than for	(1) None	(1) None	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Construction (CPC 86601)	(2) None (3) Joint venture with foreign equity participation up to 51%. (4) Unbound except for director and technical expert	(2) None (3) a. Subject to Qualification andLicensing requirement and procedure including registration. b. Have the obligation to cooperate with educational institution in providing internship programme for at least 100 person per year. c. Must joint in Indonesian Consultant Association. (4) As specified in the Horizontal Section	
Technical Testing and Analysis Services (CPC 8676)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) Unbound (2) None (3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association (4) As specified in the Horizontal Section	



INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Technical Testing and Analysis Services (CPC 8676) Limited toTechnical Inspection Services (CPC 86764) only	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As specified in the Horizontal Section	(1) Unbound (2) None (3) Subject to Qualification and Licensing requirement and procedure including registration (4) As specified in the Horizontal Section	
Core analysis and other Lab Test, only for Isotop Analysis According to Indonesia Proposal of Energy Services Classification is under: Isotop Analysis (1.A.2.7.3.) According to WI20 is under: Business Services on Technical Testing and Analysis Services (CPC8676)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49% (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	
Services Incidental to energy distribution (CPC 887) Exclusively covers only consultancy services related to operation of power plant and network	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As specified in the Horizontal Section	(1) Unbound (2) None (3) As specified in the Horizontal Section (4) As specified in the Horizontal Section	

INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geological and Geophysical Services, only for Seismic Data Acquisition According to Indonesia Proposal of Energy Services Classification is under Seismic Data Acquisition (1A.1.4.1.1.) According to W 120, Seismic Data Acquisition is under: Business Services on Subsurface Surveying Services (CPC 86752)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (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	
Maintenance and Repair of Equipment (not including maritime vessel, air craft, or other transport equipment) (CPC 633+8861+8866)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) None (2) None (3) Subject to Qualification and Licensing requirement and procedure including registration (4) As specified in the Horizontal Section	
Packaging Services (CPC 87600)	(1) None (2) None (3) As indicated in the Horizontal Section (FEP 49%) (4) Unbound	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Convention Services (CPC 87909)	(1) None (2) None (3) As indicated in the Horizontal Section (FEP 49%) (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	
Professional congress organiser	(1) None (2) None (3) joint venture with foreign equity participation up to 51% is permitted. (4) Unbound	(1) None (2) None (3) As indicated in Horizontal commitment a. Only in certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara), while in other areas,it is closed for foreign investment. b. Joint Venture with local Small and Medium Enterprises(SME's) (4) Unbound	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Telecommunication Services			
Voice Telephone Services (CPC 7521)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49% (4) Natural Persons for management and technical expert is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Public local telephone services (CPC 75211) Fixed wireline access technology only	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the horizontal commitments	(1) None (2) None (3) Services shall be provided in certain provinces and or necessary areas (4) In addressing their labour need, they must give precedence to Indonesia national workers and improve the competency of Indonesia national workers through transfer of technology and others possible procedures	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packet-switched data transmition services (CPC 7523**)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. (4) Natural persons for management and technical expert is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Circuit-switched data transmission services(CPC 7523**)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the Horizontal commitments	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telex Services Telegraph Services Facsimile (CPC 7521** + 7529**)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70 %	(1) None (2) None (3) None	
	(4) Natural persons for management and technical expert is limited to 20 persons	(4) As specified in the Horizontal Section	
Private leased circuit services (CPC 7522** + 7523**)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. (4) Natural persons for management and technical expert is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Dedicated network services (CPC 75222)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the horizontal commitments	(1) None (2) None (3) (a) Services shall be provided in certain provinces and or necessary areas (b) Services shall be provided only for closed user group (c) Network provider is prohibited to connect to other networks (4) In addressing their labour need, they must give precedence to Indonesia national workers and improve the competency of Indonesia national workers through transfer of technology and others possible procedures	
Electronic mail services (CPC 75232) Electronic mail box (CPC 75232)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) Unbound, except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Voice mail services (CPC 7523)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) Unbound, except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
On-line information and database retrieval (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 51%. (4) As specified in the Horizontal Commitments	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic data interchange (EDI) (CPC 7523**)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the Horizontal Commitments	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Enhanced/ value added facsimile services, including store and forward, store and retrieve (CPC 7523**)	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the Horizontal Commitments	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Code and protocol conversion	(1) None (2) None (3) Aggregateforeign equity participation is permittedup to 70% provided that: up to 49% through foreign direct investment and the remaining percentage through other mechanisms. (4) As specified in the Horizontal Commitments	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
On-line information and or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) Joint venture foreign equity participation up to 49%. (4) Natural persons for management and technical expert is limited to 20 personsin total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Local services: c) Teleconferencing Services (CPC 75292)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. (4) Natural persons for management and technical expert for JVC is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Long Distance and International: Services: Teleconferencing Services (CPC 75292)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. (4) Natural person for management and technical expert for JVC is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Regional and National Paging Service (CPC 75291)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70%. (4) Natural persons for management and technical expert is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Internet Access Services	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. (4) Natural persons for management and technical expert is limited to 20 persons in total	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Computer time sharing services (CPC 84330) Video text services (CPC 75299)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70%. (4) Unbound, except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
File transfer services (CPC 75299) Home telemetering alarm (CPC 75299) Entertainment services (CPC 75299) Management information services (CPC 75299)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70%. (4) Unbound, except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC516) Building Completion and Finishing Work (CPC517) Renting Services Related 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. b) Joint venture company: Not more than 55 per cent 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) None (3) License fee requirement 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 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Wholesale Trade Services of food, beverages, and tobacco with minimum space above 5,000 meter square (CPC 6222) Wholesale Trade Services of textile, clothing and footwear with minimum space above 5,000 meter square (CPC 6223)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51%. (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration. b. Have to obligation to cooperate with at least 100 Indonesian Small and Medium Enterprises yearly as a supplier and retailer, along with training and development with due regard to the principle of mutual need, mutually reinforcing and mutually beneficial. c. Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku dan Papua d. Have to be located in the suburbs of the capital province (4) Unbound except as indicated in the Horizontal Section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct Selling (Multi Level Marketing)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) Unbound	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration. b. Have the obligation to include Indonesian product in their list of product. c. Must joint in Indonesian Direct Selling Association (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
B. Secondary education services: Technical and vocational secondary education services (electronic automotive) (CPC 92230)	(1) None (2) None (3) Joint venture with foreign equity participation up to 49% (4) As indicated in the Horizontal Section.	(1) None (2) None (3) (a) Subject to Qualification and Licensing requirement and procedure including registration. (b) Foreign Education Institutions are required to colaborate with local education in Jakarta, Surabaya, Bandung, Yogyakarta and Medan. (4) Subject to Qualification and Licensing requirement and procedure including registration	
C. Higher Education Services (CPC 923) Post-secondary technical and vocational education services (Polytechnique Machine and Electrical) (CPC 92310)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As indicated in the Horizontal Section	(1) None (2) None (3) (a) Subject to Qualification and Licensing requirement and procedure including registration. (b) Foreign Education Institutions are required to colaborate with local education in Jakarta, Surabaya, Bandung, Yogyakarta and Medan. (4) Subject to Qualification and Licensing requirement and procedure including registration	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Adult Education (CPC 924) Language courses and training	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As indicated in the Horizontal Section.	(1) None (2) None (3) (1) Subject to Qualification and Licensing requirement and procedure including registration. (2) Foreign Education Institutions are require to colaborate with local education in Jakarta, Surabaya, Bandung, Yogyakarta and Medan. (4) Subject to Qualification and Licensing requirement and procedure including registration	
E. Other Education services (CPC 92900) Football and chess only	(1) None (2) None (3) Joint venture with foreign equity participation up to 49%. Licences will be issued only for five foreign education institutionfor joint venture with foreign equity participation up to 51%. (4) As indicated in the Horizontal Section	(1) None (2) None (3) Subject to Qualification and Licensing requirement and procedure including registration Establisment only in Jakarta, Surabaya, Bandung, Yogyakarta and Medan. (4) Subject to Qualification and Licensing requirement and procedure including registration	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
A. Sewage Services (CPC 9401) wastewater management	(1) None for all sub sectors and activities (2) None for training, technical consultation, sample testing (3) Joint venture with foreign equity participation up to 51% (4) As indicated in the horizontal section	(1) None (2) None (3) Subject to qualification and registration requirement and procedure (4) Subject to qualification and registration requirement and procedure	
B. Refuse Disposal Services (CPC 9402) Solid Waste Disposal Services, only for : - Integrated hazardous waste treatment facility services for oil sludge and waste mercury treatment in a particular area. The services provider must be equipped with modern and sophisticated technology and environmental safety. The product will be used as a new material or energy power - In site hazardous waste treatment facility services for the treatment of waste of mining product and waste of fly ash and bottom ash of coal product	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As indicated in the Horizontal Sections	(1) None (2) None (3) Subject to qualification and registration requirement and procedure (4) Subject to qualification and registration requirement and procedure	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Cleaning Services of Exhaust Gases (CPC 9404) Air pollution Control	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% (4) As indicated in the horizontal section	(1) None (2) None (3) Subject to qualification and registration requirement and procedure (4) Subject to qualification and registration requirement and procedure	
D. Other Environmental Protection Services (CPC 9409) Limited to Laboratory Services for Environment (laboratory which has the ability and authority to test and examine the environmental quality parameter according to the current laws and regulations on environment)	(1) None (2) None (3) Joint venture with foreign equity participation up to51% (4) As indicated in the Horizontal Section	(1) None (2) None (3) Subject to qualification and registration requirement and procedure (4) Subject to qualification and registration requirement and procedure	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Clinic of specialised medical services (only for registered health institution, with 3 sub specialistic/super specialistic medical care/more specific than specialistic medical care) (CPC 93122)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70%, except in Makasar and Manado up to 51% (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions The health professionals shall be Indonesian Establishment limited to the capital of provinces in East Indonesia region (4) Unbound	
Clinic of specialised dental services (only for registered health institution, with specialistic dental care, provided by hospital of more than 50 dental units and chairs) (CPC 93123)	(1) None (2) None (3) Joint venture with foreign equity participationup to 70%, except in Makasar and Manado up to 51% (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions The health professionals shall be Indonesian Establishment limited to the capital of provinces in East Indonesia region (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Veterinary Services (CPC 93209) Exclusively covers only Poultry Farms Consultant Services	(1) None (2) None (3) Joint venture company with foreign equity participation up to 70 per cent (4) As specified in horizontal section	(1) None (2) None (3) Subject to Qualification and Licensing requirement and procedure including registration (4) Subject to Qualification and Licensing requirement and procedure including registration	
Nursing services (only for specialistic care) (CPC 93191)	(1) None (2) None (3) In East Indonesia region (except in Makasar and Manado) Joint venture company with foreign equity participation up to 49 per cent. In Medan and Surabaya up to 51%. (4) The nursing services : - shall be provided by persons with nursing licenses issued by Ministry of Health of Indonesia and professional organisation/council - has to be a part/sub-ordinate of a hospital services - for continuing home care after hospital treatment - has applied quality audit by	(1) None (2) None (3) As indicated in the Horizontal Section and General Condition The health professionals shall be Indonesian (4) Foreign nurse professionals : - are allowed as trainer/consultant only, and can not deliver direct nursing services to patient - must have a valid nursing licenses issued by Ministry of Health of Indonesia and health organisation - are obliged to transfer nursing knowledge and professional capabilities to Indonesian nurse	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	- Ministry of Health of Indonesia - the nurse must has a recommendation as a trainer from MOH and has certification from professionals organisation and MOH	- shall have at least 2 Indonesian under studies during hiss/her term - are allowed to work for only 2 years and can be extended fluent to speak Indonesian language both spoken and written in his work	
Hospital services (only for specialist and super specialist medical care/more specific than specialist medical care, provided by hospital of more than 200 beds) (CPC 9311)	(1) None (2) None (3) In East Indonesia region (except in Makasar and Manado) Joint venture with foreign equity participation up to 70 %. In Medan and Surabaya up to 51%. (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Section and General Condition The health professionals shall be Indonesian (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Human Health Services (CPC 9319 other than 93191) Limited to Residential health facilities services than hospital services only (CPC 93193)	(1) Unbound (2) Unbound (3) Joint venture foreign equity participation up to 49 % (4) Unbound	(1) Unbound (2) Unbound (3) Subject to Qualification and Licensing requirement and procedure including registration (4) Unbound	
Social Services (Social welfare services for the elderly) (Social welfare services for persons with disabilities) Social welfare training and education Social workers and care workers	(1) None (2) None (3) Joint venture foreign equity participation up to 51% (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound	

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
A. Hotel and Restaurant Services			
Hotels (CPC 64110) (3, 4, 5 starred hotels)	(1) None (2) None (3) In Eastern Part of Indonesia, Kalimantan, Bengkulu, Jambi, Sulawesi and East Nusa Tenggara (NTT), 100 % of capital share can be owned by foreign investor, however joint venture up to 70 % in all other areas (4) Unbound except for: a. Top Management Level in Hotel Business comprised of: i. General Manager ii. Food and Beverage Manager iii. Resident Manager iv. Comptroller v. Marketing Director b. Highly Skilled Professionals comprised of: i. Executive Chef ii. Sous Chef iii. Specialty Cook	(1) None (2) None (3) Higher paid-up capital is required of foreign services suppliers than of domestic services suppliers. This measures will be eliminated in the year 2020 (4) Asspecified in the Horizontal Section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hotels (CPC 64110) (1 or 2 starred hotels)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) joint venture withforeign equity participation up to 70% is permitted. For other areas,it is closed for foreign investment (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound	
Motel Lodging Services (CPC 6412/64120)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) joint venture with foreign equity participation up to 70 % is permitted in partnership with Indonesian Small and Medium Enterprises (SME's)..For other areas,it is closed for foreign investment (4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals	(1) None (2) None (3) As indicated in the Horizontal Measures (4) As indicated in the Horizontal Section	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Letting services of furnished accommodations (CPC 64193)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) joint venture with foreign equity participation up to 49%. For other areas,it is closed for foreign investment (4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals	(1) None (2) None (3) As indicated in the Horizontal Measures (4) As indicated in the Horizontal Section	
Meal Serving Services with Full Restaurant Services (CPC 64210)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) joint venture with foreign equity participation up to 70% is permitted.For other areas,it is closed for foreign investment (4) Unbound	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with the article XIV a) of the GATS (4) As specified in the Horizontal Section	



INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Beverage Serving Services without Entertainment (CPC 64310)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) joint venture with foreign equity participation up to 49% is permitted. For other areas,it is closed for foreign investment (4) Unbound except for: a) Top management level; b) Highly skilled professional	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with the article XIV a. of the GATS (4) As specified in the Horizontal Section	
Beverage serving services with entertainment (CPC 6432/64320)	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) joint venture with foreign equity participation up to 51% is permitted. For other areas,it is closed for foreign investment (4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral and public order in accordance with the Article XIV a) of the GATS (4) As indicated in the Horizontal Section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel Agencies and Tour Operators			
Travel Agent and Tour Operator Services (TA&TO) (CPC 7471)	(1) None (2) None (3) Maximum services providers 55 TA &TO There should be license from Regional Investment Coordinating Body to establish TA&TO in Badung and Denpasar districts (Bali), except for special TA & TO i.e. ones which manage tourist demo a certain country (4) Unbound except for TechnicalAdvisors	(1) None (2) None (3) Tour operator must be inbound tour operator in Jakarta and Bali (4) As specified in the Horizontal Section	
C. Tourist Guide Services			
Tour Leader Services (CPC 74710)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other			
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. Foreign equity participationis permitted up to 70 % (4) Unbound	(1) None (2) None (3) Unbound (4) Asindicated in the Horizontal Section	
International Hotel Operator (CPC 91135)	(1) None (2) None (3) Joint venture with foreign equity participation up to 70 %	(1) None (2) None (3) As indicated in Horizontal commitment a. Only in certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara), while in other areas,it is closed for foreign investment. b. Joint Venture with local Small and Medium Enterprises(SME's)	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for: a. Top Management Level in Hotel Business comprised of: i. General Manager ii. Food and Beverage Manager iii. Resident Manager iv. Comptroller v. Marketing Director b. Highly Skilled Professionals comprised of: i. Executive Chef ii. Sous Chef iii. Specialty Cook	(4) Asindicated in the Horizontal Section	
RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIO VISUAL SERVICES)			
D. Sporting and Other Recreational Services			
Golf Courses and other facilities (CPC 96413)	(1) None (2) None (3) In eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi and East Nusa Tenggara (NTT), Papua, Moluccas, Lampung, Riau, Bangka Belitung, 100 per cent of capital share can be owned by foreign investor.For other areas, joint venture with the maximum foreign equity participation is 51%. (4) Unbound except for Resort Manager.	(1) None (2) None (3) Higher paid-up capital is required of Foreign Service suppliers than of domestic service suppliers. These measures will be eliminated in the year 2020. (4) Asindicated in the Horizontal Section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Other			
Tourist Resorts include: • Hotel (3, 4 and 5 stars)Marinas • Golf Courses and other sport facilities (Not include marina facilities and hotel management)	(1) None (2) None (3) In eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, Papua, Moluccas, Bangka Belitung, Lampung, South Sumatera, Riau and Nusa Tenggara, 100% of capital share can be owned by foreign investor. For other areas, joint venture with maximum foreign equity participation is 70%. (4) Unbound except for Resort Manager.	(1) None (2) None (3) Higher paid-up capital is required of Foreign Service suppliers than of domestic service suppliers. These measures will be eliminated in the year 2020. (4) As indicated in the Horizontal Section	
Marina facilities	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Hotel Management	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

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



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services International Passenger Transport Excluding Cabotage (pillar 1) (CPC 7211) International Freight Transport excluded Cabotage (CPC 7212)	(1) None (2) None (3) Joint venture with foreign equity participation up to 60 per cent or owner's representative**. (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	The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning and water supply; 4. Garbage collection and ballast waste disposal; 5. Port captain's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operation, including communication, water and electrical supply; 8. Emergency repair facilities; and 9. Anchorage and berthing services.



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of Vessels (CPC 8868)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51% , for Eastern part of Java and eastern part of Indonesia, with vessels clasification 500 DWT above. For other area and capacity, as indicated in the Horizontal Commitment (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
Pushing and Towing Services for Maritime Transport (CPC 7214) (Excluding Cabotage)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 51% (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	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 (CPC 7454)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49% (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
B. Internal Waterways Transport Passenger Transportation (CPC 7221) Freight Transportation (CPC 7222)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49% (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	
Maintenance and repair of vessels (internal waterways) (CPC 8868)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51%, for Eastern part of Java and eastern part of Indonesia, with vessels clasification 500 DWT above. For other area and capacity, as indicated in the Horizontal Commitment (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	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pushing and towing Services (CPC 7224) Supporting services for internal Waterways Transport (CPC 745*) *(Excluding Cabotage)*	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49% (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. Rail Transport Services Passenger Transportation (CPC7111)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture railway companycould be 49% (4) As indicated in the HorizontalSection	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	
Passenger Transportation (CPC7111) limited to Interurban Passenger Transportation (CPC 71111)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 51% (4) As indicated in the Horizontal Section	(1) None (2) None (3) Shall not operate on the existing railways (4) As indicated in the Horizontal	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Section	
FreightTransportation (CPC 7112)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture railway companycould be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	
FreightTransportation (CPC 7112) limited to Transportation of Frozen or Refrigerated Goods (CPC 71121)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 51% (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	
Pushing and Towing Services (CPC 7113) Supporting Services for Rail Transport Services (CPC 743)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49%	(1) None (2) None (3) As indicated in the horizontal Section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) As specified in the horizontal Section	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) a. Commercial presence is only possible by establishing joint venture company b. Maximum share of foreign equity participation (FEP) in the joint venture company is 49% c. Maximum share of foreign equity participation (FEP) is allowed up to 51% if the joint venture is established with PT. INKA (state owned company) (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
F. Road Transport Services Freight Transportation (CPC7123) Supporting Services for Road Transport Terminal (CPC 744)	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49% (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of road transport equipment (CPC 8867)	(1) None (2) None (3) a. Commercial presence is only possible by establishing joint venture company b. Maximum share of reign equity participation (FEP) in the joint venture company is 49% (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	
H. Services Auxiliary to All Mode of Transport Maritime cargo handling Services (CPC 741)	(1) Unbound* (2) None (3) Joint venture shipping company with foreign equity participation up to 60 per cent (4) As indicated in the Horizontal Section	(1) Unbound* (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	



INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehousing services Outside Port Area and 1st Area for: - Storage services of frozen or refrigerated goods (CPC 7421) - Other storage or warehousing services (CPC 7429)	(1) None (2) None (3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital. (4) Unbound except as indicated in Horizontal section	(1) None (2) None (3) Unbound except as indicated in Horizontal section (4) Unbound except as indicated in Horizontal section	
Storage and warehousing services Outside Port Area and 1st Area for: - Storage services of frozen or refrigerated goods (CPC 7421)	(1) None (2) None (3) Joint venture with foreign equity participation up to 51 % (4) Unbound except as indicated in Horizontal section	(1) None (2) None (3) a. Subject to qualification and Licensing requirement and procedure including registration. b. Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua (4) Unbound except as indicated in Horizontal section	

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INDONESIA –SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Freight Forwarding Services	(1) None (2) None (3) Joint venture company with foreign equity participation up to 49 per cent (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	

Notes (Maritime) :

* : The tasks of General Agent in Indonesia inter alia are as follows :

a. to make arrangement in order to get all necessary port services as required by the foreign vessel concerned during their stay in Indonesia ports;
b. to appoint stevedoring company for cargo loading and uploading on behalf of its principal;
c. to arrange cargo booking and canvassing;
d. to collect freight on behalf of the principal;
e. to issue Bill of Lading on behalf of the principal;
f. to settle the disbursement and claim (if any);
g. to give information as required by its principal.

** : Owner's Representative appointed by foreign shipping company has the following tasks :

a. to monitor his vessels during operational activities in Indonesian ports;
b. to supervise activities done by its General Agent in servicing of its vessels, calling in Indonesia.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES N.E.C			
ENERGY SERVICES General Condition on energy services: Indonesia's Schedule of specific commitments on energy services sector is based on Indonesian Proposal of Energy Services Classification			
Liquefaction and Gasification only for Coal According to Indonesia Proposal of Energy Services Classification is under: Coal Liquefaction (2.4.4.4) Coal Gasification (2.4.4.5) According to W/120 is under Services Incidental to Manufacturing (CPC 884)	(1) None (2) None (3) (a) Joint operation through a representative office in Indonesia (b) Joint venture with foreign equityparticipation up to 51% (4) Allowed for directors and technical experts	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	
Spa Services	(1) None (2) None (3) As indicated in the horizontal measures (4) Unbound	(1) None (2) None (3) As indicated in the horizontal measures (4) Unbound	

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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

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(c)not making available to other services suppliers on a timely basis technicalinformation 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.

2.4Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

(a) at any time or

(b) after a reasonable period of time which has been made publicly known



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

3. Universal service

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

4. Public availability of licensing criteria

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

(a)all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and

(b)the terms and conditions of individual licences.

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

5. Regulatory Authority

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

6. Allocation and use of scarce resources

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



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 foreign service suppliers can be in the following form: - A joint venture with one or more domestic Lao investors, - A wholly foreign-owned enterprise[1] - A branch or representative office 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.	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. 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.	

[1] 100% foreign invested Companies

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. 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	4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government personal income tax, calculated in accordance with the provisions of the applicable laws and regulations of the Lao PDR.	

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LAO PDR - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Legal services		All countries	Indefinite	Can be approved on case by case approval
Banking and other financial services	Measures affecting the supply of banking and other financial services to be granted on a bilaterally favorable basis with countries Laos has agreements	All countries	Indefinite	For reciprocity purpose, and the financial stability



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. BUSINESS SERVICES **A. Professional Services**			
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Foreign service suppliers may acquire a license to practice as Certified Public Accountants or Accounting Consultants in Lao PDR provided that an agreement or contract is signed with their countries on such issue. Nevertheless, on a temporary basis, the Professional Accountants Body can authorise foreigners to practice as Certified Public Accountants or Accounting Consultants if they belong to countries, which are members of the International Accounting Standards Committee. To apply for a license in Lao PDR, foreign professional accountants shall acquire certification based on the following conditions: a) Equivalence of diploma as provided for Lao professional accountants. Such certificates shall be issued with the approval of the Equivalence Qualification	(1) None (2) None (3) Unbound	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Commission. b) Employment of assistants of Lao nationality in percentage not less than the one provided by the professional sector. c) Commitment to provide necessary and continuous training to employees of Lao nationality. d) Morality conditions required by the Professional Accountant's Body Board. e) Certification of financial statements by staff of Lao nationality In addition foreign service suppliers shall implement rights and obligations similarly to members of the Professional Accountant's Body, but they may not become members of such body. - For auditing services: foreign suppliers may audit only private enterprises All accounting and bookkeepingmust be done by Lao national certified accountant. (4) Unbound	(4) Unbound	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Taxation consulting services (Part of CPC 863)	(1) None (2) None (3) As specified in the horizontal section (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) As specified in the horizontal section (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	
(e) Engineering services (CPC 8672)	(1) None (2) None (3) As specified in the horizontal Section[1] (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As specified in the horizontal Section (4) Unbound, except as indicated in the horizontal section	

[1] Approval shall be also in accordance with sectoral laws and regulations.

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 - Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731) - Integration engineering and project management services (CPC86732) - Integrated engineering services for the construction of manufacturing turnkey projects(CPC86733)	(1) None (2) None (3) Joint venture with Lao services suppliers is required and foreign equity participation limited to 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	
(g) Urban planning and landscape architectural services - Urban planning services(CPC 86741) - Landscape architectural services (CPC 86742)	(1) None (2) None (3) As specified in the horizontal Section[2] (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As specified in the horizontal section (4) Unbound, except as indicated in the horizontal section	

[2] Approval shall be also in accordance with sectoral laws and regulations.

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Consultancy services related to the installation of computer hardware (CPC 841) Software implementation service (CPC 842) Data base services (CPC 844)	(1) None (2) None (3) As per specified in the horizontal commitments (4) As specified in horizontal section	(1) None (2) None (3) Same as mentioned in Market Access (4) Same as mentioned 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 mentioned in Market Access (4) Unbound, except as indicated in the horizontal section	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services - R&D Services on Natural sciences and Engineering (CPC 851) - Research and experimental development services (CPC 852) - Interdisciplinary R&D Services (CPC 853)	(1) None (2) None (3) Joint venture with Lao services suppliers 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	
E. Rental/Leasing Services without Operators - Rental/ Leasing services relating to ships (CPC 83103) - Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107) - Rental/ Leasing services relating to other machinery and equipment (CPC 83106-83109)	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) Contents shall be approved by the Ministry of Information and Culture of Lao PDR	(1) None (2) None (3) As indicated in the horizontal section[3] (4) Unbound, except as indicated in the horizontal measures	(1) None (2) None (3) As indicated in the horizontal section (4) Unbound, except as indicated in the horizontal measures	
b. Marketing research services (CPC 86401) c. Management consulting services - General management consulting services (CPC 86501) - Marketing management consulting services (CPC 86503)	(1) None (2) None (3) As indicated in the horizontal section[4] (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

[3] Approval shall be also in accordance with sectoral laws and regulations.
[4] Approval shall be also in accordance with sectoral laws and regulations.

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) CPC 86761: Testing and analysis services of the chemical and biological properties of materials such as air, water, waste (municipal and industrial)	(1) None (2) None (3) Joint Venture only, with limitation on foreign equity for only 51% (4) Unbound, except as specified in the horizontal section	(1) None (2) None (3) As specified in the horizontal section (4) Unbound, except as specified in the horizontal section	
m. Related scientific and technical consulting - Geological, geophysical and other scientific prospecting services (CPC 86751) - Sub-surface surveying services (CPC 86752) o. Building-cleaning services (CPC 874)	(1) None (2) None (3) As indicated in the horizontal section[5] (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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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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+8861-8866)	(1) Unbound, due to lack of technical feasibility (2) None (3) None, shall be joined with local partner (4) Unbound, except as indicated in the horizontal section	(1) Unbound, due to lack of technical feasibility (2) None (3) As specified in the horizontal section (4) Unbound, except as indicated in the horizontal section	
p. Photographic services (CPC 875)	(1) None (2) None (3) As indicated in the horizontal section[6] (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
q. Packaging services (CPC 876)	(1) None (2) None (3) Joint venture with Lao services suppliers 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	
r. Printing and Publishing (CPC 88442)	(1) None (2) None (3) Joint venture, with minimum 49% foreign equity share (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicated in the horizontal commitment (4) Unbound, except as indicated in the horizontal section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATIONS SERVICES			
A. Postal services (CPC 7511)	(1) Unbound, due to lack of technical feasibility (2) None (3) Unbound (4) Unbound	(1) Unbound, due to lack of technical feasibility (2) None (3) Unbound (4) Unbound	
B. Courier Services Multi-modal courier services (CPC 75121)	(1) None (2) None (3) None (4) As indicated in the Horizontal Section	(1) None (2) None (3) None (4) As indicated in the Horizontal Section	
C. Telecommunication Services The following services can be supplied only on a facilities basis, for public use, with regard to local and national long-distance services. (a) Voice telephone service (CPC 7521)	(1) None (2) None (3) None, allow 100% foreign owned enterprise, or Joint-Venture Enterprise (4) This has to be in consistence with the Labour Law and Law on the Promotion and Management of the Foreign Investment	(1) None (2) None (3) None, except service falls under licence type 1 in accordance with Amended Telecommunication Law (4) As specified in Horizontal Section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Telexservices (CPC 7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
(e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7529) Other: Paging services(CPC 75291)	(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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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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**) (i) Voice mail (CPC 7523**) (j) Online information and data base retrieval (CPC 7523**) (k) Enhanced / value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)	(1) None (2) None (3) None[7] (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(j) Electronic data interchange (EDI) (CPC 7523**) (m) On-line information and / or data processing (incl transaction processing) (CPC 843**)	(1) None (2) None (3) None[8] (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] Shall be approved by competent authority (Ministry of Post and Telecommunications)
[8] Shall be approved by competent authority (Ministry of Post and Telecommunications)



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packet-switched data transmission services (CPC 7523**) *(Electronic message and information services (CPC 75232))* Circuit-switched data transmission services (CPC 7523**) *(Data and message transmission services (CPC 7523))* Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) None[3] (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Section	
Telecommunication consulting services (CPC 75440)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, but shall be in accordance with the amended Telecommunication Law (4) Unbound, except as indicated in the horizontal section	

[9] Shall be approved by competent authority (Ministry of Post and Telecommunications)



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Audiovisual Services Motion Picture and Video tape production and distribution services (CPC 9611) - Motion Picture Production (CPC 96112 excl. video tape) - MotionPicture Distribution (CPC 96113 excl. video tape) Motion Picture Projection service (CPC 9612)	(1) None (2) None (3) Joint venture, with minimum 49% foreign equity share (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicate in the horizontal commitment (4) Unbound, except as indicated in the horizontal section	
Radio and Television Services (CPC 9613) - Radio Services only for production of radio programmes (CPC 96131) - Television Services only for production of TV programmes (CPC 96132)	(1) None (2) None (3) As indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicate in the horizontal commitment (4) Unbound, except as indicated in the horizontal section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517)	(1) None (2) None (3) As per specified in the horizontal commitment (4) This has to be in consistence with the Labour Law and Law on the Promotion and Management of the Foreign Investment	(1) None (2) None (3) Same as mentioned in Market Access (4) Same as mentioned in Market Access and in Law on Taxation	
Pre-erection Work at Construction Site (CPC 511) Special Trade Construction (CPC515) Rental services related to equipment for construction or demolition of buildings works with operator (CPC 518)	(1) None (2) None (3) As per specified in the horizontal commitment (4) Unbound, except intra cooperate transfer and as per conditions in the horizontal section	(1) None (2) None (3) Same as mentioned in Market Access (4) Same as mentioned in Market Access and in Law on Taxation	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. Commission agents' services - Sale on a fee or contract basis of textiles, clothing and footwear (Part of CPC 621) B. Wholesale trade services - Wholesale trade services on a fee or contract basis of textiles, clothing and footwear (Part of CPC 622) D. Franchising included only for textiles, clothing and footwear (Part of CPC 8929)	(1) None (2) None (3) Joint venture with Lao services providers is required. Foreign equity participation is limited to 49 %. Subject to meeting economic needs test (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATION SERVICES			
- The education curriculum and contents must be approved by the Ministry of Education of Lao PDR and concerned Ministry. - With respect to C and D below, the commitments cover only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law, tourism and language training fields. - The scope of private education services concerns only fully-privately funded services.			
A. Primary Education Services (CPC 921)	(1) None (2) None	(1) None (2) None	
B. Secondary education services - Higher Secondary Education Services (CPC 9222)	(3) As per specified in the horizontal section	(3) Unbound, except as indicated in the horizontal section	
C. Higher education services - Post Secondary Technical and Vocational Education Services (CPC 92310)	(4) 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Secondary education services - General Secondary Education services (CPC 9221) - Technical and vocational training(Part ofCPC 922) C. Higher education services (CPC 923) D. Adult education services (CPC 924) E. Other education services Short term foreign language training (Part of CPC 929)	(1) None (2) None (3) As per specified in the horizontal section and subject to economic need tests (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENT SERVICES The scope of commitments extended to services in Vientiane Capital only. Publicly funded services are excluded.			
Sewage Services (CPC 9401) Refuse Disposal Services (CPC 9402) Sanitation and Similar Services (CPC 9403) Cleaning of exhaust gases (Part of CPC 9404) Noise abatement services (Part of CPC 9405) Nature and Landscape Protection Services (CPC 9406)	(1) None (2) None (3) As specified in horizontal section (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
Medical and Dental services (CPC 9312) - General and Medical services (CPC 93121) - Specialized Medical services (CPC 93122)	(1) None (2) None (3) a. Joint-venture with Lao services suppliers and foreign equity participation limited to 49%. b. In accordance with domestic laws and regulations. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Private hospital services (Hospital with more than 100 beds and modern facilities only) (Part of CPC 93110)	(1) None (2) None (3) a. Joint-venture with Lao services suppliers b. 100% foreign owned (4) Unbound, *except* intra-corporate/hospital transferees] OR [intra-corporate/hospital transferees only	(1) None (2) None (3) As specified in horizontal sections (4) Unbound	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 lodging services, with 3 stars or more (Part of CPC 641)	(1) None (2) None	(1) None (2) None	
Meal serving services with full restaurant service (CPC 64210) Beverage serving services without entertainment (CPC 64310)	(3) None, - Joint Venture of any proportion of equity participation - 100% foreign owned (4) Unbound, except for intra-corporate transferees of general manager and managers and subject to the approval of the competent authority of Lao PDR.	(3) As specified in horizontal sections (4) Unbound, except as indicated in the Horizontal Section	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel agencies and tour operators services (CPC 7471) Travel agencies services, in-bound services only (Part of CPC 74710)	(1) None (2) None (3) Foreign equity participation limited to 70% [10]; (4) Unbound, except for managers and subject to approval by the competent authority of Lao PDR.	(1) None (2) None (3) As specified in horizontal sections (4) Unbound, except as indicated in the horizontal section	
Other: Tourism consulting services	(1) None (2) None (3) As per specified in the horizontal section. Subject to economic need tests. (4) Unbound, except for managers and subject to approval by the competent authority of Lao PDR.	(1) None (2) None (3) As specified in horizontal sections (4) Unbound, except as indicated in the horizontal section	

[10] The following requirements are applied:
a) foreign investment shall be as a travel agency;
b) a joint venture with one or more Lao services suppliers;
c) in compliance with the laws and regulations of Lao PDR.



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Passenger transportation (CPC 7211) Freight transportation (CPC 7212) Rental of vessels with crew (CPC 7213) Pushing and towing services (CPC 7214) Maintenance and repair of vessels (CPC 8868) Vessels salvage and re-floating services (not applicable in harbor) (CPC 7454)	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, except as indicated in the Horizontal Section	
B. Internal Waterway Transport Services Passenger transportation (CPC 7221) Freight transportation (CPC 7222) Rental of vessels with crew Maintenance and repair of vessels (CPC 8868**)			

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services Passenger transportation (CPC 7111) Freight transportation (CPC 7112) Pushing and towing services (CPC 7113) Maintenance and repair of rail transport equipment (CPC 8868**) Supporting services for rail transport services (CPC 743)	(1) None[11] (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	(1) None [12] (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	

[11] subject to domestic laws and regulations
[12] subject to domestic laws and regulations

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Freight transportation (CPC 7123)	(1) None (2) None (3) None Foreign equity participation is 100% for domestic transportation For Cross border transportation: joint venture with local service provider(s) is required, with foreign equity limited to 49% (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	
Rental of commercial vehicles with operator (CPC 7124) Supporting services for road transport services (CPC 744)	(1) None (2) None (3) Joint venture with Lao services providers is required. Foreign equity participation is limited to 70%. (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	



LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of road transport equipment (CPC 6112+8867)	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, exceptas indicated in the Horizontal Section	
H. Services auxiliary to all modes of transport Storage and warehousing services related to maritime transportation (Part of CPC 742) Freight forwarding services Shipping brokerage services	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) Unbound, exceptas indicated in the Horizontal Section	

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LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES NOT INCLUDED ELSEWHERE			
Skill training services(CPC 97090)	(1) None (2) None (3) As per specified in the horizontal section and subject to economic need tests (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

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 UNLESS OTHERWISE INDICATED	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.	3) <u>Land, Property and Real Estate</u> Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State. <u>Incentives/Preferences</u> 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 the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.	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.	
	4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below 1. <u>Intra-corporate Transferees</u> a) senior managers being persons within an organisation having proprietary information of the organisation and who exercise wide latitude in decision making relating to the establishment, control and operation of the organisation being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organisation; and	4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b) two specialists or experts per organisation being persons within the organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management. Additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or sub sector: Provided that such persons are employees of the foreign 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.		

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	2. Others a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisations' products and services subject to market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or sub sector b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies; and		

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

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

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MALAYSIA - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
All Sectors	Liberalisation 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: - maintain the arrangements under existing bilateral agreements; and - ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
All Sectors	Liberalisation 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 maximise economic benefits of foreign participation in the Malaysian economy.



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES **A. Professional Services**			
Legal Services (CPC 8619) covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None (2) None (3) None for corporations 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	
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 51 per cent.	(1) None (2) None (3) None	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language.



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) 8 specialists/experts for each institution	(4) Unbound, except for the categories of natural persons referred to under market access	
Taxation Services (CPC 863 / 8630)	(1) None (2) None (3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 49 per cent. (4) 2 specialists/experts for each institution, subject to registration as a tax agent under Section 153 of the Income Tax Act 1967 and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.	(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 services for the purposes of registration with the professional bodies will be conducted in the English language.



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	(1) None (2) None (3) a) Architectural services may be supplied only by natural person; b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed (4) 2 specialists/experts per country and registration with the Board of Architect Malaysia. Temporary registration on annual basis and renewal subject to domestic regulations.	(1) Architectural services must be authenticated by a licensed architect in Malaysia. (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 services for the purposes of registration with the professional bodies will be conducted in the English language.

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Architectural Services (CPC 86719**) Covering preparation of promotional materials and presentation; and preparation of as-built drawing only.	(1) None (2) None (3) None (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) As indicated in the horizontal section.	
Engineering services (CPC 8672) covering: (CPC 86721- 86729)	(1) None (2) None (3) For multi–disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed. (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	(1) None (2) None (3) None (4) Engineering services must be authenticated by a registered professional engineer in Malaysia.	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. Other requirements as per in ASEAN Chartered Professional Engineer (ACPE) Registry.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673) covering: (CPC 86731, 86732, 86733, 86739)	(1) None	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.
	(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	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) Only through a locally registered partnership with Malaysian Registered Landscape Architects or Malaysian controlled corporations or both and aggregate foreign shareholding in the JV corporation shall not exceed 40 per cent. (4) Two specialists/experts per institutions	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	(4) Qualifying examination to determine the competency and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian Registered Landscape Architects or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 51 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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 a. Consultancy services related to the installation of computer hardware (CPC 841) b. Software implementation service (CPC 842) c. Data processing services (CPC 843) d. Data base services (CPC 844) e. Other • Maintenance and Repair Services of office machinery and equipment including Computers (CPC 845) • Data preparation services from clients not involving data processing services (CPC 84910) • Other computer services not elsewhere classified (CPC 84990**): - Specifically training services for staff of clients; data recovery services; and development of creative content. - Other computer services n.e.c. covering training services for staff of clients; data recovery services; and development of creative content. (CPC 84990**)	(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	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services Research and development services on natural sciences and engineering (CPC 851** research and development services involving Malaysia's natural resources, biodiversity and genetic materials and CPC 85105 research and development services on medical sciences and pharmacy) Limited to industrial activities and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include: (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.	(1) None (2) None (3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 70 per cent.	(1) None (2) None (3) None	
	(4) Unbound except as indicated in 1(a) and (b) and 2 (a) and (c) in the horizontal sections.	(4) Unbound, except for the categories of natural persons referred to under market access.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Research and development services on medical sciences and pharmacy (CPC 85105**) Research and experimental development on medical sciences and pharmacy limited to clinical trials and study which evolves any investigation in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmaco-dynamic effects of an investigational product(s), and/or to identify any adverse reactions to an investigational products(s), and/or to study absorption, distribution, metabolism, and excretion of an investigational product(s) with the object of ascertaining its safety and/or efficacy. (This will also include pre-clinical contract research organization and contract manufacturing organization)	(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	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 51 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	
Research and experimental development services on economics (CPC 85202)	(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 51 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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Interdisciplinary research and development services (CPC 8530**) Covering industrial activities covering all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include: (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.	(1) None (2) None (3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 70per cent For interdisciplinary research and development services involving Malaysia's natural resources, biodiversity and genetic materials the aggregate foreign equity shall not exceed 49 per cent. (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal sections	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Operator 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 (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Rental of cargo Vessels without crew (Bareboat Charter) for international shipping (CPC 83103)	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 40 per cent (4) Ships crew (for vessels with crew) is permitted to disembark only for duration of berth subject to applicable domestic regulations	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Leasing or rental services concerning goods transport without operator CPC 83102	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)	(1) None (2) None (3) None except only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporation acting or both. Aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Leasing or rental services concerning other machinery and equipment without operator (CPC 83109)	(1) None (2) None (3) Foreign shareholding shall not exceed 51 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound , except as indicated in the horizontal section	
Leasing or rental services concerning personal and household goods (CPC 832)	(1) None (2) None (3) Foreign shareholding shall not exceed 51 per cent. (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 aboard 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 Advertising services (CPC 8711, 8712, 8719)	(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 51 per cent <u>Advertisement through electronic media</u> subject to guidelines on local content (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Market research services (CPC 86401)	(1) None (2) None (3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both with foreign equity up to 51 per cent (4) Unbound, except as indicated in the horizontal sections	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Public opinion polling services (CPC 86402)	(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 equity shall not exceed 51 percent. (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal sections	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access column	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Management Consulting Services a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*) b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*) c) covering advisory and guidance in the field of pharmacy as follows: - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing drugs and vaccine; and - Vaccine production (CPC 8650*) d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 51 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 as indicated in the horizontal section	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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 70 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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services incidental to energy distribution CPC 887 Consulting services related to the advisory, guidance and operational assistance concerning management of the transmission of non-conventional energy, power plant and network.	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Executive search services CPC 87201	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Alarm monitoring system services CPC 87303	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Subsurface surveying services Covering Offshore 3-D Seismic Site Surveys - 3-D Seismic Site Surveys Offshore in Support of Resource Exploration and Development (CPC 86752) Surface surveying services Covering Building Surveying Services only in the provision of the survey of buildings in the investigation and assessment of the construction, condition and dilapidation of building(s), including diagnosis of building defects, costs of repair and guidance on remedial works for the Commercial and Industrial sub-sector of the Property (Real Estate) Sector (CPC86753	(1) Unbound* (2) None (3) Unbound (4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	(1) Unbound* (2) Unbound (3) Unbound (4) Unbound, except for the categories of natural persons referred to under market access	
Surface surveying services Covering Quantity Surveying (Cost Engineering) Specialist Services in the provision of Arbitration/litigation, Tax Depreciation, Pre/Post Contract Audits, Technical Due Diligence, Resource analysis, Construct ability Analysis (CPC 86753)	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	(1) Unbound* (2) Unbound (3) Unbound (4) Unbound, except for the categories of natural persons referred to under market access	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) CPC 8866 Covering medical, precision and optical instruments, watches and clocks	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Building cleaning services (CPC 8741) Covering disinfecting and exterminating services	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Specialty photography except aerial photography (CPC 875*)	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Packaging Services (CPC 8760) (excludes services that consists solely of printing information on packaging materials)	(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 51 percent. (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal sections	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Printing and publishing Covering book binding services CPC 88442 **	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Convention Centre (CPC 87909) (convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events for convention centres with over 5,000 seating capacity)	(1) None (2) None (3) Only through joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70%. (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) Joint venture corporation with Malaysian individuals or Malaysian – controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent foreign equity. (4) None subject to domestic regulation	(1) None (2) None (3) None (4) None subject to domestic regulation	
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 as indicated in the horizontal section	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 (CPC 87909)	(1) None (2) None (3) None except OHQ must operate in Malaysia and fulfil criteria as set out in the Guidelines on Setting up Operational Headquarters in Malaysia. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
International Procurement Centre (IPC) (IPC refers to a locally incorporated company which carries on the business in Malaysia to undertake procurement and sales of raw materials, components and finished products for its group of related and unrelated companies in Malaysia and abroad)	(1) None (2) None (3) None except that an IPC must be locally incorporated, conducts its business in Malaysia and fulfils the criteria of an IPC (4) Unbound except as indicated in 2(a) in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Regional Distribution Centre (RDC) (An RDC is a collection and consolidation centre for finished goods, components and spare parts produced by its own companies for its own brand to be distributed to dealers, importers or subsidiaries or other unrelated companies within or outside the country. Among the activities are bulk breaking, re-packaging and labelling)	(1) None (2) None (3) None except that an RDC must be locally incorporated, conducts its business in Malaysia and fulfils the criteria of an RDC (4) Unbound except as indicated in 2(a) 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Courier services CPC 7512	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Telecommunication Services			
Basic Telecommunications 1. Voice service (wired or wireless) (CPC 7521) 2. Packet-switched data transmission services, including frame-relay services (CPC 7523) 3. Circuit switched data transmission services (CPC 7523) 4. Facsimile Service (CPC 7521**, PCPC 7529**) 5. Private leased circuit service (CPC 7522** & CPC 7523**)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent in these service providers is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telex services (CPC 7523)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Unbound	(1) None (2) None (3) None (4) None	
Telegraph services (CPC 7522)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Foreign shareholding of up to 70 per cent is allowed (4) Unbound	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Data and message transmission services Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.	(1) None (2) None (3) None (4) None	
Basic Telecommunications Paging services (CPC 75291)	(1) None (2) None (3) Foreign shareholdings of up to 70 per cent is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other telecommunication services 7. Domestic/International satellite services and satellite links/capacities (inclusive of mobile satellite) 8. Satellite earth station 9. International switching and other international gateway 10.Mobile services analogue/digital cellular 11. Trunked radio services 12. Video transport services	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)
Mobile telephone service (CPC 75213)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile data services (CPC 7523)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
Interconnection services (CPC 7525 and 76250) Integrated telecommunication services (CPC 7526, 75260)	(1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113) Motion picture or video tape production services (CPC 96112) Other services in connection with motion picture or video tape production and distribution (CPC 96114)	(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 shall not exceed 51 per cent (4) Unbound, except as indicated in 1a) and b) and 2a) 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	
Motion picture projection services CPC 96121 Video tape projection services CPC 96122	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Broadcasting services covering transmission from foreign broadcast station of foreign broadcast matter from foreign territory through television or radio (CPC 7524*)	(1) None (2) None (3) Unbound* (4) Unbound*	(1) None (2) None (3) Unbound* (4) Unbound*	
Sound Recording services. Covering production, distribution and public display of sound recordings, but excluding all broadcasting and audiovisual services and materials that are broadcasting-related.	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for 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)	(1) Unbound* (2) None (3) None except through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 51per cent (4) Unbound except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Commission agents' services (CPC 621*) Only for textiles, clothing and footwear	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Wholesale, and Retail Trade Businesses (CPC 6111, 6113, 6121, 6130, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 631, 632)	(1) Unbound (2) None (3) Aggregate foreign equity is allowed up to 51 per cent. Minimum foreign capital investment in respective formats of businesses is as per the Guidelines on Foreign Participation in Distributive Trade Services.	(1) Unbound (2) None (3) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions: a) Key Post The person applying for the post must hold or has held a management position in the company's wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit. b) Time Post These posts are for executives or experts who must possess the necessary qualification and practical experience including holding equivalent or related position in the company's business for not less than 3 years and subject to the condition that Malaysians are trained to eventually take over the post concerned through an acceptable training programme.	(4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Franchising (CPC 8929)	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
Primary education services (CPC 921) Covering international schools only General secondary education services (CPC 9221) Covering international schools only	(1) Unbound* (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent. (4) Unbound, except as indicated in the horizontal sections	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal sections	
Technical and vocational secondary education services (CPC 9223) Covering private education services only Technical and vocational secondary school-type education services for handicapped students (CPC 9224) Covering private education services only	(1) Unbound* (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent. (4) Unbound, except as indicated in the horizontal sections	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal sections	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Higher Education Services provided by privately funded higher education institutions excluding private higher education institutions with Government of Malaysia equity or that receive assistance from Government of Malaysia (CPC 92390) Adult education services provided by privately funded education institutions excluding private education institutions with Government of Malaysia equity or that receive assistance from Government of Malaysia (CPC 924)	(1) Unbound, except for requirement for commercial presence (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent and subject to the requirement of a needs test if necessary	(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents (2) Unbound (3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents.	3) Up to than 51per cent foreign equity will be considered subject to additional criteria which include: a) courses deemed important to attain Malaysia's educational objective b) Potential to generate export revenues
	(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below: 1. <u>Intra-corporate Transferees</u> a) senior managers being persons with an organization having propriety information of the organization and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of	(4) Unbound except as listed in the market access column	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	directors or partners of the organization. b) Lecturers and experts 10 lecturers and/or experts but not more than 30 per cent of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience. 2. Others a) Professionals 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. b) Business visitors Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who is an investor or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the purposes of evaluating business opportunities.		

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	c) Contractual Service Suppliers (i) Independent Professionals - the natural person has obtained a service contract in the territory of the Member where the service is to be provided; - possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies; - commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; - commitment applies only to the list of sectors specified in the schedule. (ii) Employees of Juridical Persons - Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Member where the service is to be provided;		

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For the 8th Package of Commitments under ASEAN Framework Agreement on 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 juridical person has obtained a service contract to be provided in the territory of another Member - The employees receive remuneration from their employer while abroad; - The employees may not engage in other employment in the territory of the Member where the service is to be provided; - The employees have appropriate educational and professional qualifications relevant to the service to be provided; - Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned; - Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other education services (CPC 929 / 9290 / 92900)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) Only through a joint venture with foreign equity not exceeding ~~51~~ per cent.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound except as indicated in the horizontal section	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
Wastewater Management (CPC 9401) Covers only removal, treatment and disposal of industrial effluents. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, provincial, district or municipalities or contracted out by them)	(1) None (2) None (3) Only through a locally incorporated, joint-venture with Malaysian individuals or Malaysian control corporations or both and aggregate foreign shareholding shall not exceed ~~51~~ 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 as indicated under the market access column.	
Refuse disposal services CPC 9402* Covering private industrial waste management services covering treatment and disposal services	(1) None (2) None (3) Only through approval of National Solid waste Management Technical Evaluation Committee and approved licence from National Solid Waste Management Department. The aggregate foreign equity shall not exceed 51 per cent. (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Refuse disposal services CPC 9402* Covering solid waste disposal services, only for: - integrated biomass treatment facility services - the services provider must be equipped with high technology specifically built for biomass solid waste disposal services and fulfil all environmental safety requirements. The product will be used as a new material for energy purposes.	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Protection of Ambient Air Climate (CPC 9404 –corresponds to Cleaning Services of Exhaust Gases) Covers only services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district or municipalities or contracted out by them)	(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 shareholdings shall not exceed 49%. (4) Unbound, except as indicated in paragraph 1 (a), 1(b) and 2(a) of the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in market access column.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) Covers only monitoring programmes, and installation of noise reduction and screen in residential, commercial and industrial premises. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district or municipalities or contracted out by them)	(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 shareholdings shall not exceed 51 per cent (4) Unbound, except as indicated in paragraph 1 (a), 1(b) and 2(a) of the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in market access column.	
Nature and Landscape protection Services covering only contaminated soil clean-up and remediation. (part of CPC 94060) (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district or municipalities or contracted out by them)	(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 shareholdings shall not exceed 51 per cent (4) Unbound, except as indicated in paragraph 1 (a), 1(b) and 2(a) of the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in market access column.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Specialised medical services (CPC 93122) covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(1) None (2) None (3) Specialised medical services may be supplied only by a natural person (4) Unbound, except indicated in 2 a) in the horizontal section	(1) None (2) None (3) None (4) - practice only in private hospitals of at least 50 beds; - practice to be only at a specified location and a change of location requires approval; and - the setting up of individual or joint group practices is not permitted	4) The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.
Dental Services (CPC 93123) Covering at least five (5) dental specialties in the fields of: Oral Surgery, Orthodontics, Periodontics, Pediatric Dentistry, Oral Pathology/Oral Medicine, and Special Care Dentistry; with competency/competencies in the field of orthognathic surgery, cranio-facial surgery, dental oncology, dental-facial trauma or cleft lip and cleft palate	(1) None (2) None (3) Foreign equity in the PDSC shall not exceed 70 per cent (4) Unbound except indicated in 2 (a) in the horizontal section. In respect of 2(b), only two (2) foreign dental specialists with specified competency/competencies per establishment.	(1) None (2) None (3) As in market access limitations. (4) As in market access limitations.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Veterinary services (CPC 932)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both and aggregate share of foreign interest shall not exceed 70 per cent, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognized by and registered with relevant professional bodies	(3) Unbound	
	(4) Unbound, except indicated in 2 a) in the horizontal section	(4) Unbound, except indicated in the market access	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Specialised Nursing Services (CPC 93191) - Intensive Care Nursing - Coronary Care Nursing - Peri-Operative Nursing - Neonatal Nursing - Pediatric Nursing - Emergency and Trauma Care - Oncology Nursing - Gerontology - Renal Nursing - Orthopedic Nursing - Opthalmology Nursing	(1) None (2) None (3) Services may be supplied by a natural person. The setting up of individual or joint group practices is not permitted. (4) Unbound except indicated in 2 (a) in the horizontal section.	(1) None (2) None (3) Unbound (4) Practice to be only at a specified location and a change of location requires approval.	
Private hospital services (CPC 93110*)	(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 corporations shall not exceed 70 per cent; and (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Establishment of feeder out patient clinics is not permitted (4) Unbound, except as indicated in the horizontal section	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other human health services CPC 93199 covering pharmacy services in the manufacturing sector only	(1) None (2) None (3) Foreign equity shall not exceed 70 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Welfare services delivered through residential institutions to old person and the handicapped (CPC 93311) Vocational rehabilitation services for the handicapped (CPC 93324)	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal sections.	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 and restaurant services (CPC 64110) covering only: (i) Hotel Lodging Services (CPC 64110) (ii) Holiday Centre and Holiday Home Services (CPC 64192) (iii) Letting Services of Furnished Accommodation (CPC 64193) Covering the management and operational of hotels or resorts including, outlet which may not necessarily include ownership of such properties	(1) None (2) None (3) Joint venture corporation with Malaysia individuals or Malaysia – controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 70 per cent foreign equity (for 4&5 star hotel) (4) Unbound except as indicated in (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	
Food serving services (CPC 642) Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) Joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent foreign equity. (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192, 96194)	(1) Unbound*	(1)	
	(2) None	(2) None	
	(3) Entertainment services may be supplied only by a natural person	(3) None	
	(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	
Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 96192)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign shall not exceed 51 per cent.	(3) None	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel Agencies and Tour Operators Services (CPC 7471) (For inbound travel only)	(1) None (2) None (3) Through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent. (4) Unbound except as indicated in 1(a) and (b) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) Unbound* (4) None	(1) None (2) None (3) Unbound* (4) None	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Theme Park (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, edutainment, adventure and excitement. The concept of the park can either be outdoor or indoor or a combination of both)	(1) None (2) None (3) Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 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	
Library Services CPC 96311	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) None	(1) None	
	(2) None	(2) None	
	(3) None except only through a Malaysian-controlled corporation acting as the local sponsor	(3) None	
	(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	



MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services International maritime transportation services, excludes cabotage (CPC 7211, 7212)	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 51 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth.	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	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 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

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of cargo vessels with crew for international shipping (CPC 7213) Rental and leasing services of all types of self-propelled seagoing vessels with operator, such as passenger vessels (except pleasure bath), tankers, bulk dry cargo vessels, cargo and freight vessels.) * These are limited to services of hiring of a vessel with crew under charter party terms for voyage or period of time.	(1) None (2) None (3) None (4) Ships crew (for vessels with crew) is permitted to disembark only for duration of berth subject to applicable domestic regulations	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
Maintenance and repair vessels (CPC 8868**) (these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels)	(1) Unbound* (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 maximum of 51 per cent. (4) Unbound, except as indicated in the horizontal sections	(1) Unbound* (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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. Supporting services for maritime transport Vessel salvage and refloating services (not applicable in harbour) (CPC 74540) (Vessels salvage services provided on ocean and seas. Such 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	
Classification Societies [1] (Except for statutory services for Malaysia flag vessels)	(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 51 per cent. (4) Unbound, except as indicated in the horizontal sections	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

[1] Provision of rules on construction and safety of ships and issuance of certificate should be in accordance with specified rules stated in domestic legislation. Exclude survey and classification of Malaysian flag vessels which requires specific authorization by the relevant authority.

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

1) Cross-border supply 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 Rail Transport Services Maintenance and repair of rail transport equipment CPC 88688**	(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 equity shall not exceed 51 per cent (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Freight Transportation Covering private carriers (Class C Licence) (CPC 7123)	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Maintenance and repair services not elsewhere classified of trailers and semi trailers on a fee or contract basis CPC 88670*	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Private services provided by car parks, parking lots and parking garages, whether or not roofed CPC 74430	(1) None (2) None (3) Foreign equity shall not exceed 51 per cent (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to all modes of transport Maritime Cargo Handling Services (CPC 741 **) (Limited only for sea transport) Maritime Cargo Handling services limited to activities exercised by terminal operators but not including the direct activities of dockers, when this work force is organized independently of the stevedoring or operator companies. The activities covered include the organization and supervision of the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo and the reception/delivery and safekeeping of cargoes before shipment or after discharge.	(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. Aggregate foreign shareholding in the joint venture corporation shall not exceed 49 per cent. (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehousing services. Covering private bonded warehousing services only. CPC 742	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporations or both and aggregate foreign shareholding shall not exceed 51 per cent (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal commitments.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Maritime freight forwarding services (CPC 7480) (Consist of organizing 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 51 per cent (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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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime agency services Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required (CPC 7454*)	(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	
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 70 per cent; and (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 6th Package of Commitments under ASEAN Framework Agreement on Services

ANNEX I
Annex to Additional Commitments (Telecommunication Services)

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measure to: - Maintain fair competition among network operators. - Safeguard the interest of consumers.
2. Universal Service Obligation	Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other underserved areas as stipulated in the licences
3. Public availability of licensing criteria	To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators
4. Independent regulator	To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;
5. Interconnection arrangements	To ensure that the following principles pertaining to interconnection arrangement are adhered to: - 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.

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MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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]	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 sole proprietorship, partnership or limited company. The proposed investment may be refused subject to such implications as financial arrangements security risk	3) (a) The Income Tax Law 1974, prescribed that non-resident (foreigner) will be subject to a withholding tax is as follows; **Class of Income** — **Non resident foreigners** ▪ Interest — 15% ▪ Royalties for use of licenses, trademarks, patent rights etc. — 20% ▪ Payments to contractors made by Government Organizations, Municipalities and Co-operative Societies — 3.5 % ▪ Payment for work done to foreign contractors — 3% According to the Notification No. 115/2006 issued by the Ministry of Finance and Revenue, income tax shall be paid in foreign currency of	

[1] Only applies to subsectors inscribing "Subject to horizontal commitments" at their "Additional Commitment" column.

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MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	involved and compliance with existing conditions (b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Act 1914. 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) Services activities are restricted under section 3 of the State Economic Enterprises Law. However, these activities may be permitted by cabinet notification according to the section 4 of the said law. <u>Tax</u> Under The Myanmar Foreign Investment Law, the Commission shall, for the purpose of promoting foreign investments within the States, grant the investor exemption or relief from taxes.	non-resident foreigners' total income at the rate of 35% (thirty five percent) in such foreign currency. <u>Tax</u> According to the Sections 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 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 <u>Republic of</u> the Union of Myanmar. - In this regards, foreign workers and staff who work at least six months (183 days) in Myanmar and the foreign enterprises	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		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. - However, the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (B) of the Income Tax 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 Land Nationalization Act 1953 and the	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Transfer of Immoveable Property Restriction Law 1987, foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual circumstance.	
	4) (a) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1846, 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. (b) All foreign enterprises and foreign workers shall abide by Business Visa* Period for Permission of Visa 70 days Period for Permission of stay Extension - up to 3 months** 36US$ - Over 3 months-up 90 US$	4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and / 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.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	to one year** [**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) (c) 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. The duration of registration is six months and the registration fee is 5 FEC for one person.	- 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 recognition of the educational certificates and technical standard certificate, Myanmar only determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES **A. Professional Services**			
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 (4) Unbound	(1) None (2) None (3) As indicated in market access (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	(1) Unbound due to technical feasibility (2) None (3) a. Commercial presence of foreign suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 under this law: (i) 100 % foreign Investment or (ii) Joint venture with a Myanmar citizen or enterprises with a Minimum of 35 % equity is permitted. b. Foreign organisations and persons are not allowed to own a land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	(1) None (2) None (3) As indicated in market access column	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws. Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to one year and extendable there on. b. Preference for entry and temporary stay of skilled workers from traditional source of supply c. Unskilled labour is not allowed in Myanmar	(4) a. As indicated in market access column b. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering services (CPC 8672)	(1) Unbound due to technical feasibility (2) None (3) a. Commercial presence of foreign suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 under this law: (i) 100 % foreign Investment or (ii) Joint venture with a Myanmar citizen or enterprises with a Minimum of 35 % equity is permitted. b. Foreign organisations and persons are not allowed to own a land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	(1) None (2) None (3) As indicated in market access column	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws. Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to one year and extendable there on. b. Preference for entry and temporary stay of skilled workers from traditional source of supply c. Unskilled labour is not allowed in Myanmar	(4) a. As indicated in market access column b. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673)	(1) Unbound due to technical feasibility (2) None (3) a. Commercial presence of foreign suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 under this law: (i) 100 % foreign Investment or (ii) Joint venture with a Myanmar citizen or enterprises with a Minimum of 35 % equity is permitted. b. Foreign organisations and persons are not allowed to own a land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances	(1) None (2) None (3) As indicated in market access column	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws. Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to one year and extendable there on b. Preference for entry and temporary stay of skilled workers from traditional source of supply c. Unskilled labour is not allowed in Myanmar	(4) a. As indicated in market access column b. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban Planning Services (CPC 86741)	(1) Unbound (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	Subject to horizontal commitments
Landscape architectural services (CPC 86742)	(1) Unbound due to technical feasibility (2) None (3) a. Commercial presence of foreign suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 under this law: (i) 100 % foreign Investment or (ii) Joint venture with a Myanmar citizen or enterprises with a Minimum of 35 % equity is permitted. b. Foreign organisations and persons are not allowed to own a land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances	(1) None (2) None (3) As indicated in market access column	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws. Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to one year and extendable there on b. Preference for entry and temporary stay of skilled workers from traditional source of supply c. Unskilled labour is not allowed in Myanmar	(4) a. As indicated in market access column b. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services			
a. Consultancy services related to the installation of computer hardware (CPC 841) b. Software implementation services (CPC 842) System and software consulting services (CPC 8421) System analysis services (CPC 8422) System design services (CPC 8423) Programming services (CPC 8424) System maintenance services (CPC 8425) c. Data processing services (CPC 843) Input preparation services (CPC 8431) Data-processing and tabulation services (CPC 8432) Time-sharing services (CPC 8433) Other data processing services (CPC 8439)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the. Myanmar Companies Act 1914. Under the law- (i) 100% Foreign Investment, or (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. b. Foreign organisation and persons are not allowed to own land in Myanmar. However, land may be on long term lease, depending on the individual circumstances. c. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws, Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay one year and may extendable there on	(1) None (2) None (3) a. Foreign service suppliers and/or providers have to comply with existing Laws, rules and regulations concerning investment, taxation, immigration and labour b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be on long term lease, depending on the individual circumstances	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Data base services (CPC 844) e. Other (CPC 845 + 849) Maintenance and repair services of office machinery (CPC 845) Other computer services (CPC 849) Data preparation services (CPC 8491) Other computer services (CPC 8499) System integration services Software development services	(4) a. Only member of management and related skilled technicians will be allowed to enter to carry out the activities. b. In appointing personnel, preference shall be given to citizens of Myanmar, if necessary allow the appointment of experts and technicians from abroad.	(4) a. Natural persons shall receive the approval of the respective authority and abide by the immigration rules and procedures when entering into Myanmar. b. Natural persons shall abide by the laws, rules and regulations of the Union of Myanmar and they shall not interfere in the internal affairs of the country.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services R&D Services on natural sciences (CPC 851) - R&D and experimental development services on physical sciences (CPC 85101) - Research and experimental development services on Chemistry and Biology (CPC 85102) - Research and experimental development services on Engineering and technology (CPC 85103) - Research and experimental development services on Agricultural Sciences (CPC 85104)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of cargo vessels without crew (Bareboat charter) for international shipping. (CPC 83103)	(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	Subject to Horizontal Commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operator Rental and leasing of studio recording equipment (CPC 83109)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services Advertising Services (CPC 871)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Market research services (CPC 86401)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Unbound (4) None	
Marketing management consulting services (CPC 86503)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Unbound (4) None	



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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services incidental to energy manufacturing (including electricity)	(1) None (2) None (3) Commercial presence of foreign oil companies are allowed in accordance with the existing laws & regulations of the Union of Myanmar (4) Unbound except for management, professional and technical experts, unless mentioned otherwise are allowed to stay subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws	(1) None (2) None (3) As indicated in market access column (4) Unbound Local rules and regulation procedures shall be applied if necessary	
Packaging Services (CPC 876)	(1) None (2) None (3) As indicated in horizontal commitments (4) Unbound	(1) None (2) None (3) As indicated in horizontal commitments (4) Unbound	Subject to horizontal commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Printing and Publishing (CPC 88442)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Postal Services (CPC 7511)	(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	Subject to horizontal commitments * Subject to compliance with the provision of existing rules and regulations
Courier Services (CPC 7512) a. Multi-modal courier services (CPC 75121) b. Other Courier services (CPC 75129) (Courier services in respect of Documents & parcels excluding letters and postcards)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the. Myanmar Companies Act 1914. Under the law- (i) 100% Foreign Investment, or (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. b. Subject to the Union of Myanmar Foreign Investment Law, Labour Laws and Immigration Laws, Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to	(1) None (2) None (3) a. Foreign service suppliers and/or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour. b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be on long terms lease, depending on the individual circumstances	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	one year and may extendable there on. (4) a. Only member of management and related skilled technicians will be allowed to enter to carry out the activities. b. In appointing personnel, preference shall be given to citizens of Myanmar, if necessary allow the appointment of experts and technicians from abroad.	(4) a. Natural persons shall receive the approval of the respective authority and abide by the immigration rules and procedures when entering into Myanmar. b. Natural persons shall abide by the laws, rules and regulations of the Union of Myanmar and they shall not interfere in the internal affairs of the country.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telecommunication Services			
I. Facsimile Services (CPC 7521**+7529**) II. enhanced/ value-added facsimile services incl, store and forward, store and retrieve (CPC 7523**) III. Packet-switched data transmission services (CPC 7523**) IV. Circuit-Switched data transmission Services (CPC 7523**) V. Private Leased Circuit Services (CPC7522**+7523**)	(1) None*# (2) None*# (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None*# (2) None*# (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	* Subject to horizontal commitments and subject to utilisation of the National Gateway only # Subject to compliance with the provision of existing rules and regulations as well as directives of the telecom regulatory body

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telex services (CPC 7523**)	(1) None (2) None (3) According to Myanmar's foreign investment policy and other relevant policies, proposal by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises(with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions. (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, and Immigration Laws	(1) None (2) None (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances. (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations.	* Subject to comply with the provisions of existing rules and regulations

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telegraph services (CPC 7522)	(1) None (2) None (3) According to Myanmar's foreign investment policy and other relevant policies, proposal by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises(with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions. (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, and Immigration Laws.	(1) None (2) None (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances. (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations.	Subject to comply with the provisions of existing rules and regulations

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic mail (CPC 7523**)	(1) None *# (2) None *# (3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions.# (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws.#	(1) None # (2) None # (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. # (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations.#	*Subject to utilisation of the National Gateway only # Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Voice mail (CPC 7523**)	(1) None *# (2) None *# (3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements , security risk involved, and compliance with existing conditions. # (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws. #	(1) None # (2) None # (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. # (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations. #	*Subject to utilisation of the National Gateway only # Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
On-line information and data base retrieval (CPC7523**)	(1) None*#	(1) None #	*Subject to utilisation of the National Gateway only
	(2) None *#	(2) None #	# Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body
	(3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements , security risk involved, and compliance with existing conditions. #	(3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. #	
	(4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws. #	(4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations. #	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic data interchange (EDI) (CPC 7523**)	(1) None *# (2) None *# (3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements , security risk involved, and compliance with existing conditions. # (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws. #	(1) None # (2) None # (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. # (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations. #	*Subject to utilisation of the National Gateway only #Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Code and protocol conversion (CPC 7523**)	(1) None* # (2) None *# (3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions. # (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws. #	(1) None *# (2) None *# (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. # (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations. #	*Subject to utilisation of the National Gateway only #Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
On-line information and/or data processing (incl. transaction processing) (CPC 843**)	(1) None *# (2) None *# (3) According to Myanmar's foreign investment policy and other relevant policies, proposals by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions. # (4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws. #	(1) None # (2) None # (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own and in Myanmar. However, Land may be acquired on long term lease, depending on the individual circumstances. # (4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations. #	*Subject to utilisation of the National Gateway only #Subject to compliance with the provisions of existing rules and regulations as well as directives of telecom regulatory body



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Public telephone services (CPC 7521)	(1) None (2) None (3) The Government may permit joint-venture between the government and any other person or any other economic organisation or under conditions by any person or any economic organisation subject to conditions. Foreign equity participation is at least 35 percent of the total capital. (4) In appointing personnel, preference shall be given to citizens of Myanmar, if necessary allow the appointment of experts and technicians from abroad.	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to horizontal commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Private Leased Circuit Services (CPC 7522** + 7523**) (d) Business network services (CPC 7522)	(1) None (2) None (3) The Government may permit joint-venture between the government and any other person or any other economic organisation or under conditions by any person or any economic organisation subject to conditions. Foreign equity participation is at least 35 percent of the total capital. (4) In appointing personnel, preference shall be given to citizens of Myanmar, if necessary allow the appointment of experts and technicians from abroad.	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to horizontal commitments

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packet-switched Data Transmission Services (CPC 7523**) (e) Data and message transmission services (CPC 7523) Circuit-switched Data Transmission Services (CPC 7523**) (e) Data and message transmission services (CPC 7523)	(1) None (2) None (3) The Government may permit joint-venture between the government and any other person or any other economic organisation or under conditions by any person or any economic organisation subject to conditions. Foreign equity participation is at least 35 percent of the total capital. (4) In appointing personnel, preference shall be given to citizens of Myanmar, if necessary allow the appointment of experts and technicians from abroad.	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to horizontal commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telecommunication equipment maintenance services (CPC 75450)	(1) None* (2) None* (3) According to Myanmar's foreign investment policy and other relevant policies, proposal by "foreign entities" to provide Services inside Myanmar either with 100% foreign investment or with JV arrangements between a foreign entity(ies) and Myanmar citizens or enterprises (with minimum equity of 35%) require notification and prior approval from the Government of the Union of Myanmar. The proposed investment may be refused subject to such implications as financial arrangements, security risk involved, and compliance with existing conditions.	(1) None* (2) None* (3) a. Foreign service suppliers and / or providers have to comply with existing Laws, rules and regulations concerning investment, taxations, immigration and labour b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	* Subject to comply with the provisions of existing rules and regulations

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Subject to the Union of Myanmar Foreign Investment Law, Labour Laws, Immigration Laws, only the core Staff including management Staffs, technical experts, and such are permitted to stay up to one year. The allowable duration of stay may be extended upon request, subject to approval from concerned departments. Only core staff including management staffs, technical experts, and such will be allowed to enter to carry out the activities.	(4) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audio Visual Services			
Audio Visual Services Motion Picture and Video Tape Production and Distribution Services (CPC 9611)	(1) None (2) None (3) Foreign service suppliers are allowed to produce motion pictures only in cooperation with domestic producers. Joint Venture film producing companies, based on equity or contract, with majority domestic ownership will be allowed to established modern production studios and production parks. Commercial Presence of Foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment law 1988. Under this law, joint venture with Myanmar citizen or enterprises with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914.	(1) None (1) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Foreign organisations and persons are not allowed to own land in Myanmar, However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Law, only managers, executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply, in accordance with rules and regulations, for an extension of a period not exceeding one year.	(4) Subject to domestic rules and regulations for the categories of natural persons referred to under market access. Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Motion Picture Projection Services (CPC 9612)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Radio and television services (CPC-9613) - Radio Services only for Production of Radio Programmes (CPC 96131) - Television Services only for Production of TV Programmes (CPC 96132)	(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	Subject to horizontal commitments
Radio and Television transmission services (CPC -7524)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Cinema Theatre Services (CPC 9615)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 . Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, only managers executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply in accordance with rules and regulations for an extension of a period not exceeding one year.	(1) None (2) None (3) Subject to the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. (4) - Subject to domestic rules and regulations for the categories of natural persons referred to under market access. - Standard rate of income taxes are 30% of net profit for kyat-income and 2% of net profit for foreign currency-income.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND ENGINEERING RELATED SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC5 13) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (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 due to technical feasibility (2) None (3) commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914 under this law: 100 % foreign Investment or Joint venture with a Myanmar citizen or enterprises with a Minimum of 35 % equity is permitted. (4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws. Management, Professional and Technical Experts unless mentioned otherwise are allowed to stay up to one year and extendable there on.	(1) None (2) None (3) As indicated in market access column (4) a. As indicated in market access column b. Unskilled labour is not allowed in Myanmar c. The government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Commission Agent Services (CPC 621)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Wholesale Trade in Services (CPC 622)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Retailing Services (CPC 631)	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988. Under this law, joint venture with Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. A limited company has to be formed in accordance with the Myanmar Companies Act 1914. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
Primary education services (CPC 9211) - Preschool education services (CPC 9211) - Other primary education services (CPC 9219)	(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.	Subject to horizontal commitments Due to existing regulations of education, all kinds of education services are to be regulated by Ministry of education.
Secondary education Services (CPC 922) - General secondary education services (CPC 9221)	(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.	Subject to horizontal commitments Due to existing regulations of education, all kinds of education services are to be regulated by Ministry of education.
Higher education services (CPC 923) - Post-secondary education services (CPC 9231) - Other higher education Services (CPC 9239)	(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	Subject to horizontal commitments Due to existing Regulations of education, all kinds of education services are to be regulated by Ministry of Education.

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Adult education services (CPC 924/9240) - Language courses and training - Business courses	(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	Subject to horizontal commitments Due to existing Regulations of education, all kinds of education services are to be regulated by Ministry of Education.
Other education services (CPC 929/9290) - 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) electronic; (5) information technology; (6) avionics (CPC 97090) - High level training services of computer	(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	Subject to horizontal commitments Due to existing Regulations of education, all kinds of education services are to be regulated by Ministry of Education.

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
Sewage Services (CPC - 9401)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the. Myanmar Companies Act 1914. Under the law: (i) 100% Foreign Investment, or (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. b. Foreign organisation and persons are not allowed to own land in Myanmar. However, land may be used on long term lease, depending on individual circumstances. c. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Laws and Immigration Laws, management, professional and technical experts unless mentioned otherwise are allowed to stay one year and may extend thereon (4) Unbound	(1) None (2) None (3) a. Foreign service suppliers and/or providers have to comply with existing laws, rules and regulations concerning investment, taxation, immigration and labour b. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be on long term lease, depending on individual circumstances (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Refuse Disposal Service (CPC 9402)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under the law joint venture with a Myanmar citizen or enterprise with a minimum of 35% foreign equity is permitted. b. Foreign service organisation and persons are not allowed to own land in Myanmar. However, land may be used on long term lease, depending on individual circumstances. c. Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Law, managers, professionals and technical experts unless mentioned otherwise are allowed to stay one year and may extend thereon. (4) Unbound	(1) None (2) None (3) a. Foreign service suppliers and/ or providers have to comply with existing laws, rules and regulations concerning investment, taxation, immigration and labour. b. Foreign service organisation and persons are not allowed in possession of land in Myanmar. However, land may be used on long term lease, depending on individual circumstances. (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sanitation and similar services (CPC 9403)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	Subject to horizontal commitments

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Human Health Services **A. Medical and Dental Services** General medical services (CPC 93121)	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Specialised medical services (CPC93122)	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Dental services (CPC 93123)	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presence of foreign service suppliers is permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Veterinary Services (CPC 932/9320)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the. Myanmar Companies Act 1914. Under this law: 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. b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914. If the investment involves state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914. (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	Subject to horizontal commitments

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hospital services (CPC 9311)	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Ambulance services (CPC 93192)	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Laboratory Services	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the. Myanmar Companies Act 1914. Under this law: Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Minimum foreign capital is US $ 300,000 for services. Form of incorporation can be partnership or limited company. b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share capital (in cash) requirement for services companies and branches is equivalent of Ks 300.000 in USD at current official rate. If the investment involves state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Residential health facilities services other than hospital services (CPC 93193)	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other human health services (CPC 93199)	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	(1) None (2) None (3) Commercial presences of foreign service suppliers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and 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. Foreign organisations and persons are not allowed to own land in Myanmar. However, land may be acquired from the government on long term lease basis. (4) Unbound	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
SOCIAL SERVICES			
Social services without accommodation Early childhood care & Development Programme for children (CPC - 9332)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	



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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and Restaurant Services Hotel and other lodging services (CPC6411 / 64110)	(1) None (2) None (3) None Foreign equity allowed from minimum 35 % to maximum 100 %. Hotel projects with 100 % foreign investment are allowed in BOT system under Foreign Investment Law (4) None	(1) None (2) None (3) Entitled to enjoy the exemptions under the Foreign Investment Law Chapter X, Article 21 (4) Unbound	
Motel lodging services (CPC 64120)	(1) None (2) None (3) None Foreign capital shall be at least 35% of the total capital for joint ventures Motel lodging projects with 100% foreign investment are allowed in BOT Systems under the Union of Myanmar Foreign Investment Law (4) Subject to the union of Myanmar Foreign Investment Law, Myanmar Labour laws and Immigration laws	(1) None (2) None (3) If it is permitted by the Myanmar Investment Commission, the foreign investors shall be entitled to enjoy the exemptions and relief under the Union of Myanmar Foreign Investment Law, Chapter X Article 21(f) (4) As indicated in the market access column	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Meal serving services with full restaurant service (CPC6421 / 64210	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Entitled to enjoy the exemptions under the Foreign Investment Law Chapter X, Article 21 (4) Unbound	
Beverage serving services without entertainment (CPC 64310)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) If it is permitted by the Myanmar Investment Commission, foreign experts and technicians shall have the right to pay income tax payable to the State in Foreign Currency at the rates applicable to the citizens residing within the country, according to the Union of Myanmar Foreign Investment Law, Chapter X Article 21(f) (4) Unbound	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel Agencies and Tour Operators Services Travel Agencies and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Tourist transport operation: exclusively operating a tourist business by motor vehicle, water craft or both	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Theme Parks Amusement Parks (CPC 96194)	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) None	
News Agency Services (CPC-962)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	Subject to horizontal commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Library services (CPC 96311)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	Subject to horizontal commitments
Archive Services (CPC 96312)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	Subject to horizontal commitments
Museum services (CPC 96321)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) Unbound	Subject to horizontal commitments

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services International passenger transport (excluding cabotage) (CPC 7211)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/ or providers are permitted in accordance with Myanmar Companies Act (1914) and Union of Myanmar Foreign Investment Law (1988). Under these Laws: - 100% Foreign investment, or - Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company. b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914.	(1) None (2) None (3) (a) The income Tax Law (1974) prescribed that non resident (foreigner) will be subject to a withholding tax is as follows: Class of Income — Non-resident foreigners - Interest 15% - Royalties for use of Licenses, trademarks, Patent rights etc. 20% - Payment to contractors made by Government Organizations, Municipalities And Co-operative societies 3.5% - Payment for work done to foreign contractors 3% (b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	If the investment involves state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.		
	(4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, Management, level is allowed to stay up to one year and may extendable thereon subject to the approval of concerned agencies.	(4) (a) Any expatriate engage in Joint Venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. (b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. (d) Individual service provider who work with approval of respective authority shall register themselves with the Department of Labour.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International freight transport (excluding cabotage) (CPC 7212)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/ or providers are permitted in accordance with Myanmar Companies Act 1914 and Union of Myanmar Foreign Investment Law (1988). Under these Laws: - 100% Foreign investment, or - Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company. b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914.	(1) None (2) None (3) (a) The income Tax Law (1974) prescribed that non resident (foreigner) will be subject to a withholding tax is as follows: Class of Income — Non-resident foreigners - Interest 15% - Royalties for use of Licenses, trademarks, Patent rights etc. 20% - Payment to contractors made by Government Organizations, Municipalities And Co-operative societies 3.5% - Payment for work done to foreign contractors 3% (b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the individual circumstances.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	If the investment involves state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.		
	(4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, Management, level is allowed to stay up to one year and may extendable thereon subject to the approval of concerned agencies.	(4) (a) Any expatriate engage in Joint Venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. (b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. (d) Individual service provider who work with approval of respective authority shall register themselves with the Department of Labour.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of cargo vessels with crew for international shipping (CPC 7213/72130)	(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	Subject to Horizontal Commitments
Maintenance and repair of Vessels (CPC 8868**)	(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	Subject to Horizontal Commitments

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Supporting services for maritime transport Vessel salvage and refloating services (CPC 7454) (not applicable in harbour limit)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under these laws: - 100% foreign investment, or; - Joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914.	(1) None (2) None (3) a. The Income Tax Law 1974 prescribed that non resident (foreigner) will be subject to a withholding tax as follows: Class of income: Non-resident foreigners (i) Interest (15%); (ii) Royalties for use of licenses, trademarks, patent rights etc. (20%) (iii) Payment to contractors made by government organisations, municipalities and Co-operative societies (3.5%) (iv) Payment for work done to foreign contractors (3%) According to the Notification No. 115/ 2006, income tax shall be paid in foreign currency of non-resident Foreigners' total income at the rate of 35 % (thirty five percent) in such Foreign currency.	



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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.	Tax- 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 whose resides in Myanmar for not less than one hundred and eighty three days during the income year; (ii) in the case of an 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 as 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 .	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Limitation on National Treatment In this regards, foreign workers and staffs who working at least one year in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notification No. 124/2006 announced by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15%(fifteen percent) in such foreign currency. However, the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (B) of the Income Tax Regulation and paid in foreign currency. The corporate tax rate is 30% (thirty percent) b. Foreigners are not allowed to own land in Myanmar. However, land may be acquired on long lease, depending on the individual circumstances.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Subject to the Union of Myanmar Foreign Investment Law, Existing Labour Laws of the Ministry of Labour and Immigration Laws, Management level is allowed to stay up to one year and may extendable thereon, subject to the approval of concerned agencies.	(4) a. Any expatriate engaged in Joint venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. b. The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. c. Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. d. Individual service provider who works with approval of respective authority shall register themselves with the Department of Labour.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Classification Societies	(1) None (2) None (3) None	(1) None (2) None (3) (a) The Income Tax Law 1974, prescribed that non -resident (foreigner) will be subject to a withholding tax is as follows: Class of Income — Non-resident foreigners - Interest — 15% - Royalties for use of licenses, trademarks, patent rights etc. — 20% - Payment to contractors made by Government Organizations, Municipalities and Co-operative Societies — 3.5% - Payment for work done to foreign contractors — 3% (b) Foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on individual	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		circumstances.	
	(4) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Labour Law and Immigration Laws, Management level is allowed to stay up to one year and may be extendable thereon subject to the approval of concerned agencies.	(4) (a) Any expatriate engage in joint venture, representative offices or other types of judicial person and/ or individual services providers shall receive the approval of the respective authority. (b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. (d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour, the Ministry of Labour.	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport Maritime cargo handling services	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under these laws: - 100% foreign investment, or; - Joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914.	(1) None (2) None (3) a. The Income Tax Law 1974 prescribed that non resident (foreigner) will be subject to a withholding tax as follows: Class of income: Non-resident foreigners (i) Interest (15%); (ii) Royalties for use of licenses, trademarks, patent rights etc. (20%) (iii) Payment to contractors made by government organisations, municipalities and Co-operative societies (3.5%) (iv) Payment for work done to foreign contractors (3%) According to the Notification No. 115/ 2006, income tax shall be paid in foreign currency of non-resident Foreigners' total income at the rate of 35 % (thirty five percent) in such Foreign currency.	

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.	Tax- 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 whose resides in Myanmar for not less than one hundred and eighty three days during the income year; (ii) in the case of an 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 as 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 year in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notification No. 124/2006 announced by the Ministry of	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		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. However, the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with clause 5 (B) of the Income Tax Regulation and paid in foreign currency. The corporate tax rate is 30% (thirty percent) b. Foreigners are not allowed to own land in Myanmar. However, land may be acquired on long lease, depending on the individual circumstances.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Subject to the Union of Myanmar Foreign Investment Law, Existing Labour Laws of the Ministry of Labour and Immigration Laws, Management level is allowed to stay up to one year and may extendable thereon, subject to the approval of concerned agencies.	(4) a. Any expatriate engaged in Joint venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. b. The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. c. Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. d. Individual service provider who works with approval of respective authority shall register themselves with the Department of Labour.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehouse services (CPC 742)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under these laws: - 100% foreign investment, or; - Joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914. . If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company	(1) None (2) None (3) a. The Income Tax Law 1974 prescribed that non resident (foreigner) will be subject to a withholding tax as follows: Class of income: Non-resident foreigners (i) Interest (15%); (ii) Royalties for use of licenses, trademarks, patent rights etc. (20%) (iii) Payment to contractors made by government organisations, municipalities and Co-operative societies (3.5%) (iv) Payment for work done to foreign contractors (3%) According to the Notification No. 115/ 2006, income tax shall be paid in foreign currency of non-resident Foreigners' total income at the rate of 35 % (thirty five percent) in such Foreign currency.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.	Tax- 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 whose resides in Myanmar for not less than one hundred and eighty three days during the income year; (ii) in the case of an 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 as 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 .	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a. Subject to the Union of Myanmar Foreign Investment Law, Existing Labour Laws of the Ministry of Labour and Immigration Laws, Management level is allowed to stay up to one year and may extendable thereon, subject to the approval of concerned agencies.	(4) a. Any expatriate engaged in Joint venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. b. The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. c. Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. d. Individual service provider who works with approval of respective authority shall register themselves with the Department of Labour.	



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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime freight forwarding services (CPC 7480)	(1) None (2) None (3) a. Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Union of Myanmar Foreign Investment Law 1988 and the Myanmar Companies Act 1914. Under these laws: - 100% foreign investment, or; - Joint venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company b. Incorporation of an enterprise, not involving state enterprise is to be made under the Myanmar Companies Act 1914.	(1) None (2) None (3) a. The Income Tax Law 1974 prescribed that non resident (foreigner) will be subject to a withholding tax as follows: Class of income: Non-resident foreigners (i) Interest (15%); (ii) Royalties for use of licenses, trademarks, patent rights etc. (20%) (iii) Payment to contractors made by government organisations, municipalities and Co-operative societies (3.5%) (iv) Payment for work done to foreign contractors (3%) According to the Notification No. 115/ 2006, income tax shall be paid in foreign currency of non-resident Foreigners' total income at the rate of 35 % (thirty five percent) in such Foreign currency.	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	If the investment involves a state enterprise, incorporation shall be made under the Special Company Act 1950 and Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959.	Tax- 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 whose resides in Myanmar for not less than one hundred and eighty three days during the income year; (ii) in the case of an 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 as 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 .	

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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Subject to the Union of Myanmar Foreign Investment Law, Existing Labour Laws of the Ministry of Labour and Immigration Laws, Management level is allowed to stay up to one year and may extendable thereon, subject to the approval of concerned agencies.	(4) a. Any expatriate engaged in Joint venture, representative offices or other type of judicial person and individual services providers shall receive the approval of the respective authority. b. The immigration rules and procedures shall abide by any expatriate when entering into Myanmar. c. Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country. d. Individual service provider who works with approval of respective authority shall register themselves with the Department of Labour.	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Sub-sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Ship broking 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	Subject to Horizontal Commitments

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (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) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u> 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.	3) <u>Access to Domestic Credit</u> 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: a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and b) 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.	

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PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease. Foreign investors may lease only private-owned lands. 4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u> Non-resident aliens may be admitted to the Philippines for the supply of a service after a determination of the non-availability of a person in the Philippines who is competent, able and willing, at the time of application, to perform the services for which the alien is desired.[1]		

[1] The Philippines shall undertake a review of this provision within two (2) years after the entry into force of the Agreement for the Philippines.

PHILIPPINES - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
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 simplied entry procedures are provided	All countries	Expiry date or termination of bilateral treaties on entry rights for traders and investors	To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities
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 per cent share of its bilateral export and import liner cargo trade with the Philippines	All countries which have acceded to the UNCTAD Liner Code	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade

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PHILIPPINES - LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Cabotage transport	Access to domestic shipping is reserved for Philippine owned or registered vessels However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation	All countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	Allow limited access to cabotage transport on a reciprocal basis
Banking and Other Financial Services (including insurance)	With respect to the granting of authorisation for the establishment of commercial presence or expansion of existing operations in Financial Services in the Philippines, favourable treatment would be accorded, on a discretionary basis, to financial service suppliers of another Member that accords favourable treatment to financial service suppliers of the Philippines	All countries	Indefinite	To promote greater liberalisation in financial services between the Philippines and other Members in a manner that would contribute to the attainment of Philippine development objectives in the financial sector

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
A. Professional Services			
All subsectors **(Except for Non-regulated/Non-licensed Services)**		(1) **Service Outputs**: For professions with specific service outputs (e.g., plans, specifications, audit reports), such outputs shall be recognised by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC).	
	(4) Upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorise 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) 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	(4) Upon recommendation of the concerned PRB, the PRC may approve registration of and authorise 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) 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	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; b) That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or special temporary permit to: - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time	and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state; b) That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or special temporary permit to: - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	c) Agencies/organisations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC.	c) That agencies/organisations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC	
b. Bookkeeping services, except tax returns (CPC 86220) (Note: Non-Regulated/Non-Licensed Services)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section for professional services	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Auditing Services - covers financial auditing and accounting review (CPC 86211) (CPC 86212)	(1) None (2) None (3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation (4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines: - In accordance to existing laws, international treaty organisations (MRAs); - Provided foreign country admits Filipinos to practice same profession without restriction b) As indicated in the horizontal section for Professional Services	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Taxation Services (CPC 863)	(1) None (2) None (3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation. (4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines: - In accordance to existing laws, international treaty organisations (MRAs); - Provided foreign country admits Filipinos to practice same profession without restriction b) As indicated in the horizontal section for Professional Services.	

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PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural Services (CPC 8671)	(1) None (2) None (3) A firm/company/partnership/ corporation/association may be registered for architectural practice provided: a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals, form/obtain registration as firm/company/ partnership/association/corporation for architectural practice. b) At least 75% of owners/shareholders/incorporators/directors/ executive officers are registered/ licensed architects. c) Individual members of firm/ partnership/association/ corporation are responsible for individual/ collective acts as an entity. d) Such firm/partnership/association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture.	(1) None (2) None (3) A firm/company/partnership/ corporation/association may be registered for architectural practice provided: a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals form/obtain registration as firm/company/ partnership/association/corporation for architectural practice. b) At least 75% of owners/shareholders/incorporators/directors/ executive officers are registered/ licensed architects. c) Individual members of firm/ partnership/association/corporation are responsible for individual/ collective acts as an entity. d) Such firm/partnership/ association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section for Professional Services.	(4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows Filipinos to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services.	
Engineering Services (CPC 8672) The disciplines/activities covered by Engineering Services are limited to:			
Civil Engineering	(1) None (2) None (3) A firm/partnership/corporation/ association may be registered for civil engineering practice provided: a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/ obtain registration as firm/ partnership/association for civil engineering practice	(1) None (2) None (3) A firm/partnership/corporation/ association may be registered for civil engineering practice provided: a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/ obtain registration as firm/ partnership/association for civil engineering practice	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect c) Individual members of such firms/partnership/association shall be responsible for their own respective acts. (4) As indicated in the horizontal section for Professional Services.	b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect c) Individual members of such firms/partnership/association shall be responsible for their own respective acts. (4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electrical Engineering	(1) None (2) None (3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts. (4) Reciprocity provisions: a) Exempt from exams/registration are foreign electrical engineers/ erection/commissioning/ graduate engineers employed as technical consultants by Philippine government/private firms provided no qualified Filipino is available and foreign electrical installers for erection/ installation of special project/work provided: - They are legally qualified to practice the profession in foreign country in which requirements for obtaining license/certificate of	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		- registration are not lower than those specified in the electrical engineering law. - The scope of practice is limited to particular work contracted. - They shall not engage in private practice. - For every foreign professional contracted, one registered Filipino understudy shall be employed by private firm utilising the services of such foreign professional during his tenure with the firm. - Exemption is good only for 6 months, renewable for another 6 months. b) Foreign engineers may be admitted to take the board exam/be given certificate of registration/be entitled to rights and privileges if his country specifically permits Filipino engineers to practice within its territorial limits on same basis as subjects/citizens of such country. c) As indicated in the horizontal section for Professional Services	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geodetic Engineering	(1) None (2) None (3) Duly registered geodetic engineers may organise/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Duly registered geodetic engineers may organise/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules. (4) a) Foreign geodetic engineers may be issued temporary license to practice the profession provided the foreign country permits the Filipino geodetic engineers within its territorial limits on same basis as subjects/citizens of such foreign state/country b) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mechanical Engineering	(1) None (2) None (3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/ partnership/association. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/ partnership/association. (4) Reciprocity provisions: a) Temporary Special Permit from Board of Mechanical Engineering may be issued to: - Foreign Mechanical Engineers, installation/ commission or graduate engineer called in for projects not requiring more than 3 months residence in the Philippines in a 12-month period, provided they are legally qualified in their countries in which require-ments/qualifications are equal to those specified in Philippine law on mechanical engineering. - Foreigners employed as technical officers, training officers/consultants who are	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		- necessary/advantageous for the country particularly in aspects of technology transfer, provided: • Competent/able/willing Filipino mechanical engineers are not available • Previously employed foreigners by engaging firm/foreign business partner for not less than one year provided immediately preceding date of engagement • Specific engagement shall not be more than 6 months which may be renewed once, except for a newly established firm, such period of engagement may be longer but not to exceed two years. b) Certificate of registration may be issued to a foreigner if foreign country permits Filipino citizens to practice within its territorial limits on same basis as subjects /citizens of such country/state. c) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Metallurgical Engineering	(1) None (2) None (3) A firm/co-partnership/company/ corporation/association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/corporation or association. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) A firm/co-partnership/company/ corporation/ association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/ corporation or association. (4) Reciprocity provisions: a) Foreigner may take licensure exam under reciprocity provisions. b) Exempt from registration: - Foreign consultants/ engineers/ technicians called by government for consultation/ specific assignment/project or employed by private firm provided no qualified Filipino is available as certified by the firm and that employment is for one year	



Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		- extendable for another year and not to exceed three years for any one individual. - Foreigners are subject to the following: • Good reputation/moral character • Applicants' CV and exemption application to be submitted to the Board • Not to engage in private practice • For every foreign applicant, one registered Filipino understudy shall be employed by the firm • Applicant is legally qualified to practice the profession in his country which also allows Filipinos to practice within its territorial limits c) Exempt from examination: Foreign metallurgists/ metallurgical engineers who have been in actual/ bona fide metallurgy/ metallurgical engineering practice for at least 5 consecutive years in the Philippines. d) As indicated in the horizontal section for Professional Services	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sanitary Engineering	(1) None (2) None (3) A firm/partnership/corporation/ association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) A firm/partnership/corporation/ association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering. (4) a) A foreigner may be allowed to take the exam provided foreign country admits Philippine citizens to practice same profession without restriction or allows them to practice it on strict/absolute equality with citizens/subjects/nationals of the country concerned including unconditional recognition of degrees. b) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Industrial Engineering (CPC 8672((Note: Non-Regulated/Non-Licensed Services)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed Limitation listed in the horizontal section shall also apply (4) Unbound, except as indicated in the horizontal section for professional services	(1) None (2) None (3) None, 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
Landscape Architectural Services (CPC 86742)	(1) None (2) None (3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/ licensed landscape architects or with other registered/licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided: a) 80% of members of the partnership/association/ corporation are registered/ licensed landscape architects. b) Individual partners/stockholders/ members are personally/jointly responsible/liable to the partnership/association/corporation for their respective acts in their respective professional practice. c) The partnership/association/ corporation is responsible/liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorised representatives are authorised to enter into contracts for services.	(1) None (2) None (3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/licensed landscape architects or with other registered/ licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided: a) 80% of members of partnership/association/ corporation are registered/licensed landscape architects. b) Individual partners/stockholders /members are personally/jointly responsible/liable to the partnership/association/corporation for their respective acts in their respective professional practice. c) The partnership/association/ corporation is responsible/ liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorised representatives are authorised to enter into contracts for services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	However, only a registered/ licensed professional is responsible for and signs plans/documents involving his/her professional practice (4) As indicated in the horizontal section for Professional Services.	However, only a registered/ licensed professional is responsible for and sign plans/documents involving his/her professional practice (4) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Environmental (Urban Planning) Planning Services (CPC 86741, 91123)	(1) None (2) None (3) A consulting firm/partnership/ company/corporation may engage in environmental planning practice in the Philippines provided: a) Entity is registered as such with Board of Environmental Planning. b) At least 75% of Board members of corporation/partnership/firm/ association are registered environmental planners and at least 75% of total capitalisation is owned by them. c) The practice of consulting entity is carried out by duly registered environmental planner. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) A consulting firm/partnership/ company/corporation may engage in environmental planning practice in the Philippines provided: a) Entity is registered as such with Board of Environmental Planning. b) At least 75% of Board members of corporation/partnership/firm/ association are registered environmental planners and at least 75% of total capitalisation is owned by them. c) The practice of consulting entity is carried out by duly registered environmental planner. (4) a) Valid temporary/ special permit duly issued by Professional Regulatory Board or Professional Regulatory Commission is required to practice the profession. b) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services			
Consultancy services related to the installation of computer hardware* (CPC 841)	(1) None (2) None (3) 100% foreign equity participation is allowed (4) Natural persons are allowed in the following cases: a) paid-in equity capital is not less than US$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. Employment of foreign professionals: As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Software implementation services (CPC 842)**	(1) None (2) None (3) 100% foreign equity participation is allowed (4) Natural persons are allowed in the following cases: a) paid-in equity capital is not less than US$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. Limitations listed in the horizontal section shall also apply.	(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
Data Processing Services (CPC 843) Data base services (CPC 844) Others (CPC 845+849)	(1) None (2) None (3) 100% foreign equity participation is allowed (4) Natural persons are allowed in the following cases: a) paid-in equity capital is not less than US$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. Limitations listed in the horizontal section shall also apply.	(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
C. Research and Development Services			
a. R&D services on agricultural sciences (CPC 85104)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity requirements and 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
b. R&D services on economics (CPC 85202)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity requirements and as indicated in the horizontal section (4) Unbound	
c. Interdisciplinary research and experimental development services on information and communications technology (CPC 853**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity requirements and 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
D. Real Estate Services			
a. Renting or leasing services involving own or leased residential property (CPC 82101)	(1) Unbound* (2) None (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. Limitations listed in the horizontal section shall also apply. (4) Unbound	(1) Unbound* (2) None (3) 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
b. Residential property management services on a fee or contract basis, excluding services of real estate consultants, appraisers, assessors, brokers and developers (CPC 82201)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None, except for paid-in equity requirements and 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
E. Rental/Leasing Services without Operators			
Relating to ships (CPC 83103)	(1) None (2) None (3) Up to 40% foreign equity participation is allowed. Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA). Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None	

Note:

* Assistance services to the clients in the installation of computer hardware (i.e. physical equipment) and computer services

** All services involving consultancy services on, development and implementation of software.

*** All services provided from primarily structured databases through a communication network.



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Relating to other machinery and equipment, except construction machinery and equipment (83106-83109**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
e. Leasing or rental services concerning televisions, radios, video cassette recorders, and related equipment and accessories (CPC 83201)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and 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
F. Other Business Services			
a. Advertising services (CPC 871)	(1) None (2) None (3) Unbound, except that up to 30 percent foreign equity participation is allowed (4) Unbound	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound	
b. Market research services (CPC 86401) c. General management consulting services, except for legal organization (86501) c. Other management consulting services (CPC 86509)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
d. Project management services other than for construction (CPC 86601)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Testing and analysis services of physical properties (CPC 86762) e. Technical inspection services (CPC 86764)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
j. Services incidental to energy distribution (CPC 887) Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed Limitations listed in the horizontal section shall also apply (4) Unbound	(1) Unbound* (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound	

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PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geology	(1) None (2) None (3) A firm/co-partnership/company/ corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/ company/corporation/ association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) A firm/co-partnership/company/ corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/company/ corporation/association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law. (4) Reciprocity provisions: a) Foreign applicants shall satisfy exam requirements for Filipinos, provided the foreign country accords the same reciprocity with the Philippines. b) Exempt from registration are qualified foreign geologists/geological engineers called in for consultation/conduct of special geological investigation only by:	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		- Government (with written permission from the Board of Geology) - Bona fide corporations registered under Philippine laws, provided: • Work is for six months only with renewal under authority by the Board of Geology for not more than six months; • They are legally qualified geologist/geological engineers in their countries; and • Their country grants the same reciprocity to Filipino citizens. c) As indicated in the horizontal section for Professional Services.	

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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) Repair services of electrical household appliances (CPC 63302)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
o. Window cleaning services (CPC 87402)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
p. Portrait photography services (CPC 87501)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
q. Packaging services (876)	(1) Unbound* (2) None (3) Up to 70 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and 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
r. Printing, publishing Bookbinding services (CPC 88442**)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	
Other Professional Congress Organisers	(1) None (2) None (3) 60% foreign equity is allowed (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
Other: Translation and Interpretation services for private meetings/conferences (CPC 87905**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Interior Design Services	(1) None (2) None (3) Registered/licensed interior designers may organise among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law. (4) As indicated in the horizontal section for Professional Services	(1) None (2) None (3) Registered/licensed interior designers may organise among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law. (4) Reciprocity provisions: a) Temporary license to practice interior design may be given to a foreigner if the foreign country permits Filipino interior designers to practice within its territorial limits on the same basis as subjects or citizens of such foreign state or country. b) Special Temporary Permit may be given to foreign interior designers/consultants in foreign-funded/assisted projects of government or employed/	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATION SERVICES			
A. Postal Services			
a. Domestic Mail Services - Ordinary Mail - Registered Mail[1] - Express Mail - Domestic Parcel - Business Reply[1] - Printed Matters b. International Mail Services - Ordinary Mail - Registered Mail[1] - Express Mail - Printed Matters - International Parcels c. Money Order Service (Domestic and International)[1]	(1) Commercial presence is required. (2) None (3) Entry is subject to the following requirements: a) Foreign equity is permitted up to 40%; and b) Philippine Government authority to operate private express and/or messengerial delivery services. Limitations listed in the horizontal section shall also apply. (4) Provision of postal/courier services is reserved only to Filipino citizens. Limitations listed in the horizontal section shall also apply.	(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. Limitations listed in the horizontal section shall also apply. (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)

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Courier Services	(1) Commercial presence is required (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 aboard (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 (CPC 7521) - Local services - Toll services • Domestic • International 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)	(1) Subject to commercial arrangement with licensed operators (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%. d) Resale of private leased lines is not allowed[2]. 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 authorised.	(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. Limitations listed in the horizontal section shall also apply.	The Philippine Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.

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

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PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
f. Facsimile services (CPC 7521**+7529**) g. Private Leased Circuit Services (CPC 7522**+7523) h. Other - Cellular Mobile Telephone Service (CPC 75213) - Satellite services	g) Subject to the availability and efficient utilisation 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. Limitations listed in the horizontal section shall also apply. (4) Service suppliers must be Filipino citizens. Limitations listed in the horizontal section shall also apply.	(4) Service suppliers must be Filipino citizens.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i) voice mail (CPC 7523**) j) on-line information and database retrieval (CPC 7523**) k) electronic data interchange l) Videotext	(1) Only through duly enfranchised and certificated domestic public telecommunications carriers (2) None (3) Operation subject to securing of : a) Franchise from Congress of the Philippines b) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commissions (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
Value added services i.e. m) electronic mail (CPC 7523**) n) value added facsimile service (CPC 7523**) o) code and protocol conversion p) on-line information and/or data processing (CPC 843**)	(1) Unbound[3] (2) None (3) Entry is subject to the following requirements: a) Foreign equity is permitted up to 40% b) Must register with the Philippines regulatory body but is not allowed to build its own network. Limitations listed in the horizontal section shall also apply. (4) Service suppliers must be Filipino citizens. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) Entry is subject to the following requirements and conditions: a) The number of non-Filipino citizens on the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. b) All executives and managers must be citizens of the Philippines Limitations listed in the horizontal section shall also apply. (4) Service suppliers must be Filipino citizens.	

[3] Shall be reviewed in the future in accordance with the developments of its laws and regulations.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Data and message transmission services Data network services (CPC 75231) Electronic message and information services (CPC 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 40%. d) Resale of private leased lines is not allowed[4] 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 authorised. g) Subject to the availability and efficient utilisation 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. Limitations listed in the horizontal section shall also apply.	

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. Limitations listed in the horizontal section shall also apply. (4) Service suppliers must be Filipino citizens. Limitations listed in the horizontal section shall also apply.	(4) Service suppliers must be Filipino citizens.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging services (CPC 75291)	(1) Unbound (2) Unbound (3) Entry is subject to the following requirements and conditions: franchise from Congress foreign equity is limited to 40% subject to the availability and efficient utilisation of radio frequencies (4) Unbound	(1) None (2) None (3) 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. All executives and managers must be citizens of the Philippines (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services			
a. Production services of animated cartoons of any kind (CPC 96112**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed, provided the services provider exports 70% or more of its output. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in capital requirements and as indicated in the horizontal section (4) Unbound	
b. Motion picture projection services in private screening rooms (CPC 9612)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity capital requirements and 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
e. Sound Recording Recording of music on records, tapes and compact discs	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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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 authorised 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.

Authorised 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.

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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
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514+CPC 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511+ CPC 515)	(1) Unbound due to lack of technical feasibility (2) None (3) a) 40% foreign equity for construction of locally funded private projects b) 100% foreign equity for foreign-funded/ assisted internationally-bid construction projects	(1) Unbound due to lack of technical feasibility. (2) None (3) a) Unbound b) Foreign Contractors are required to secure a Special Contractor's License form the Philippine Contractors Accreditation Board on a per project basis - Foreign Contractors are required to employ qualified Filipino Sustaining Technical Employees (STE) who meet the minimum requirements for the category and classifications applied for - Foreign Contractors are required to have a Resident Alien Representative (RAR) in the Philippines who is a holder of an Alien Certificate of Registration (ACR) and a working visa to receive summons and act for and in behalf of the company	

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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 that foreign engineers or architects to be involved in undertaking construction and related activities must register/secure the necessary permit from the Phil Regulation Commission, the Bureau of Immigration and the Department of Labour and Employment	
Renting services related to equipment for const. or demolition of building or civil engineering works, with operator (CPC 518)	(1) None (2) None (3) Up to 40% Foreign Equity is allowed (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) All executives and managing officers must be Filipino citizens (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
A. Commission Agents' Services except rice and corn industry (CPC 621)	(1) None (2) None (3) 100% foreign equity participation is allowed subject to paid-in capital requirements. (4) a) A natural person is allowed provided that the total investment is not less than US$200,000 for domestic market enterprises; or b) A natural person is allowed provided that the total investment is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or c) A natural person is allowed provided that the total investment is not less than US$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or, d) A natural person is allowed provided he exports 60% or more of his output. Limitations listed in the horizontal section shall also apply.	(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
B. Wholesale trade services Wholesale trade services of fur articles (CPC 62234)	(1) None (2) None (3) Up to 51 per cent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in capital requirements and as indicated in the horizontal section (4) Unbound	
C. Retailing Services Wholesaling services of snowmobiles and related parts and accessories (CPC 6121**)	(1) Unbound* (2) None (3) Up to 51% foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None, except for paid-in capital requirements and as indicated in the horizontal section (4) Unbound	
D. Franchising Services (CPC 8929)	(1) None (2) None (3) Up to 51% foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in capital requirements and as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Others Petroleum product retail outlets	(1) Unbound* (2) None (3) Up to 70% foreign equity is allowed in the operation of a petroleum product retail outlet provided that the minimum paid in capital of US$2.5 million is complied and maintained; provided further that pre qualification requirements are complied in accordance with rules and regulations of appropriate government agencies. Up to 70% foreign equity is also allowed in branches provided that the minimum paid in capital of US$830,000 per retail outlet is complied and maintained. Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise. (4) Unbound	(1) Unbound* (2) None (3) Prior notification for cessation of operation and for opening and closing of outlets. Provided further that 30 percent local inventory requirement, public offering requirement under certain conditions and prohibition to engage in certain retailing activities are complied. Every registered foreign retail outlets are to submit to the Department of Trade and Industry (DTI) (4) Unbound	

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PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
a. Sewerage services (CPC 9401)	(1) Unbound* (2) None (3) For participation in public and/or private sewerage services, up to 40% 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:	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section.	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	a) Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/ arrangements with the LWDs. 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. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.	(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Cleaning services of exhaust gases for a factory (CPC 9404)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in equity capital requirements and 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
B. Refuse Disposal Services - Establishment of recycling center/facility and TSD (treatment, storage and disposal) facility under the BOT scheme (CPC 94020**)	(1) None (2) None (3) Up to 100% foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. Limitations listed in the horizontal section shall also apply. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board 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	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTH RELATED AND SOCIAL SERVICES			
Hospital services (CPC 9311) Other human health services n.e.c. Laboratory services	(1) Unbound* (2) None (3) Up to 100% foreign equity participation is allowed. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply	
i. Veterinary Services Other veterinary services- Specialised Hospital services for pets (CPC 93201**)	(1) Unbound* (2) None (3) Up to 70 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Veterinary medicine (CPC 932)	(1) None (2) None (3) Corporate practice is not allowed. A foreigner may be admitted to take the exams or be registered as veterinarians if the country of which he/she is citizen permits Filipino citizens to practice the profession without need for registration, or allows them to practice after an examination on terms of strict / absolute equality with nationals of said country. This limitation also applies to national treatment. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services relating to ergotherapy, speech therapy, homeopathy and acupuncture provided by para-medical personnel (CPC 93191**)	(1) None (2) None (3) Up to 70 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services.	(1) None (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section for professional services.	



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (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, resort, pension houses, tourist inns apartelles lodging services (CPC 64110)	(1) None (2) None (3) None except as indicated in the horizontal section (4) None except as indicated in the horizontal section	(1) None (2) None (3) None except as indicated in the horizontal section (4) None	
Meal Serving Services with Full Restaurant Service (CPC 64210)	(1) None (2) None (3) Enterprises with paid-up capital of US$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
Beverage Serving Services for consumption on the premises (CPC 6431 - 6431(2)	(1) None (2) None (3) Enterprises with paid-up capital of US$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section.	(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
Travel Agencies and Tour Operator (CPC 7471)	(1) None (2) None (3) Up to 70% foreign equity is allowed (4) As indicated in the horizontal section	(1) None (2) None (3) None except for paid-in equity capital requirements and 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
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) Singer group and band entertainment services (CPC 96191**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in equity requirements and as indicated in the horizontal section (4) Unbound	
B. News Agency Services Supply services of news pictures to printed book businesses (CPC 96212**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in equity requirements and as indicated in the horizontal section (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. Entertainment Services (including theater, live bands and circus services) Other entertainment services: - Certified ballroom dance instructor and/or degree-licensed dance teacher services - (CPC 96195**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) None, except for paid-in capital requirements and as indicated in the horizontal section (4) Unbound	
C. Private museum services, except for historical sites and buildings (CPC 96321**)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and 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
D. Sporting and other Recreational Services Sporting services - Sport event organization services by private sports clubs (CPC 96412**)	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements and as indicated in the horizontal section (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
All Subsectors	(3) No franchise, certificate, or any other form of authorisation for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organised 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 also apply		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. Maritime Transport Services			
International Transport passenger, except cabotage transport, and government own cargoes.	(1) None (2) None (3) None (4) For specialised vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
International transport (freight),except cabotage transport and government own cargoes	(1) None (2) None (3) None (4) For specialised vessels, aliens may be employed as supernumeraries only for a period of six months	(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
Leasing/Rental of vessel without crew	(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	
Maintenance and repair of vessels	(1) Unbound due to lack of technical feasibility (2) Any repairs, conversion or drydocking of Philippine-owned or registered vessels are required to be done at domestic repair yards registered with the Maritime Industry Authority (MARINA) (3) None except as indicated in the horizontal section (4) None	(1) Unbound due to lack of technical feasibility (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
Pushing and towing services (CPC 72140)	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
Supporting services for maritime transport (CPC 745**) Container yard and depot services	(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 aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Port and waterway operation services (CPC 74510)	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
Maritime agency services (CPC 7454)	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section.	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other supporting services for water transport (CPC 74590)	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
Classification societies	(1) None (2) None (3) Unbound, except up to 40 per cent foreign equity is allowed (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
a. Passenger transportation (CPC 7111) b. Freight transportation (CPC 7112) e. Supporting services (CPC 743) Railroad, street railway, traction railway	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
d. Maintenance and repair of rail transport equipment (CPC 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
F. Road Transport Services			
a. Passenger transportation (CPC 7121+ CPC 7122) b. Freight transportation (CPC 7123) c. Rental of commercial vehicles with operator (CPC 7124)	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
d. Maintenance and repair of road transport equipment (CPC 8867)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
e. Supporting services for road transport services Parking services (CPC 7443	(1) Unbound* (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except for paid-in equity capital requirements 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
G. Pipeline Transport (CPC 713)	(1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services auxiliary to all modes of transport			
a. Cargo handling services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
b. Storage and warehousing services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
c. Freight transport agency services (CPC 74800**) International freight forwarding by sea	(1) None (2) None (3) a) Up to 100% foreign equity participation is allowed, provided that paid-in equity capital is not less than $200,000, otherwise up to 40% foreign equity participation is allowed. b) Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise.	(1) None (2) None (3) None, except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) None, except as indicated in the horizontal section.	(4) None	
Domestic freight forwarding by sea	(1) None (2) None (3) a) Up to 40% foreign equity participation is allowed. b) Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(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
Other Packing and crating and unpacking and de-crating services (CPC 749**)	(1) None (2) None (3) Up to 51 percent foreign equity participation is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except for paid-in equity capital requirements and 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
OTHER SERVICES NOT INCLUDED ELSEWHERE			
Services related to the supply of energy Oil Terminals/Depot	(1) Unbound* (2) None (3) None Limitations listed in the horizontal section shall also apply (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
Oil refinery	(1) Unbound* (2) None (3) Initial public offering for 10 percent of common stock is required on commencement of refinery operation Limitations listed in the horizontal section shall also apply (4) Unbound	(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
Oil and gas exploration and development	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed subject to approval of the President. The Constitution allows the President to enter into service contract agreements with foreign-owned corporations 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: As indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.	(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
Geothermal exploration and development	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
Coal exploration and development	(3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply.	(3) None	
	(4) Employment of foreign professionals: As indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services related to power generation			
Construction of power plants under BOT scheme	(1) Unbound* (2) None (3) Up to 100% foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. Limitations listed in the horizontal section shall also apply. (4) Unbound	(1) Unbound* (2) None (3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board 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	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Operation of Power Plants under BOT schemes	(1) Unbound* (2) None (3) None, except that electric cooperative operation is limited to Filipinos (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
Religious services (CPC 95910)	(1) None (2) None (3) Up to 51 per cent foreign equity is allowed (4) Unbound	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound	

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Notes to the Specific Commitments in the Sectors of Transport Services:

Maritime Transport Services

1. <<Maritime Agency Services>> means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

(a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;

(b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

2. <<Pushing and towing services>> on the high seas and on coastal waters shall mean the business of pulling a vessel with the help of a watercraft/vessel, which is equipped with powerful engines and deck mounted winches to perform towing and pushing services. This is a service provided to ships, which are difficult to maneuver to berth or during bad weather conditions to assure their safety. These services are generally provided by vessels, which do not themselves carry freight or passengers.

3. <<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 organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:
   - the loading/discharging of cargo to/from ship;
   - the lashing/unlashing of cargo;
   - the reception/delivery and safekeeping of cargoes before shipment or after discharge

4. <<Port and waterway operation services>> shall mean the operation services of Ferry Terminals under the Road Roll-On/Roll-Off Terminal System (RRTS) of the Philippines' Strong Republic Nautical Highway (SRNH). The Guidelines on the Development, Construction, Management and Operation of Ferry Terminals under the Road Roll-on Roll-Off Terminal System (RRTS) is contained in Philippine Ports Authority (PPA) Administrative Order No. 03-2004.

Freight Forwarding Services

1. Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this schedule of specific commitments, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purposes 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 purposes of carrying out multimodal transport operations.



Note1 <<Multimodal transport operator>> means any person who on his own or behalf or through another person acting on his behalf concludes a multimodal transport contract and who acts as a principal, not as an agent or on behalf of the consignor or of the carriers participating in the multimodal transport operations, and who assumes responsibility for the performance of the contract.

Note2 <<Reasonable and non-discriminatory terms and conditions>> means, for the purposes of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

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SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 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 recommend hiring, firing, or other	4) Unbound	

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	include, but are not limited to, members of licensed professions). 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.)	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		- 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.)	
	1), 2), 3), 4) Specific commitments in market access in any sector or sub sector, through any mode of delivery, shall not be construed to override the limitations established in the financial services sector	1), 2), 3), 4) Unbound for subsidies except for specific commitments contained in WTO document GATS/SC/76 (15 April 1994), GATS/SC/76 Suppl.2 (11 April 1997) and GATS/SC/76 Suppl.3 (26 Feb 1998).	

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SINGAPORE – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
All Sectors: Presence of: - unskilled and semi-skilled natural persons - skilled persons (include craftsmen skilled in a particular trade, but exclude specialists/professional personnel at management level)	Preference for workers from traditional sources of supply	Traditional sources	Indefinite Singapore will periodically review this in the light of domestic and national policy considerations	Due to land constraints and the fundamental need for social cohesion among the multi-racial population, the Government needs to regulate the flow of foreign workers, both skilled and unskilled, to ensure that Singapore is not overpopulated and foreigners who could potentially disrupt social order are not admitted
All sectors: Investment Guarantee Agreements (IGAs)	Investment guarantee, i.e. obligations to protect foreign investments from unforeseen contingencies such as nationalisation, war, etc. are accorded only to co-signatories of Investment Guarantee Agreements	All countries.	Indefinite Singapore will periodically review this in the light of international developments	Currently, many countries' obligations to protect foreign investments from unforeseen contingencies are governed by the provisions established under bilateral investment guarantee agreements. The agreements also help to provide the economic and political guarantees for the promotion of bilateral relations



SINGAPORE – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
All Sectors: Commonwealth Tax Credit Scheme	Section 48 of the Income Tax Act provides for the granting of relief against Singapore tax payable on income derived from a Commonwealth country	Commonwealth countries which grant reciprocal relief	Indefinite Singapore will periodically review this in the light of international developments	This is part of Singapore's cooperation among Commonwealth members
Legal Services	All measures pertaining to the provision of legal services in Singapore	All countries	Indefinite Singapore will keep the possibility of removing this exemption under review	The exemption is necessary as the establishment of foreign law firms in Singapore is based on case-by-case approval
Broadcasting Broadcasting is defined to include: - Free-to-air broadcasting - Cable and pay television - Direct broadcast by satellite - Tele text - All broadcasting services listed in Services Sectoral Classification list, MTN.GNS/W/120	The Ministry of Information, Communications & The Arts, Singapore accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements	All countries.	Singapore will keep the possibility of removing this exemption under review	To promote social, economic and cultural relations

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SINGAPORE – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Computer reservation systems	Market access and national treatment are based on reciprocity in mutual concessions, but not necessarily in the same areas, as established under bilateral Air Services Agreements	All countries.	Indefinite Singapore will periodically review this in the light of international developments	Currently, the conditions and level of market access granted in air transport services are primarily governed by other multilateral agreements and/or bilateral air services agreements. In addition, the "Annex on Air Transport Services" contained in the GATS currently has only limited application to measures affecting the air transport services sector.
Maritime Transport Services: - Storage and warehousing - Freight forwarding - Inland trucking - Container station and depot services	The undertaking of the commitments to bind the current level of market access and treatment to services and services supplier, in the 4 sub sectors will be through the conclusion of bilateral shipping agreements	All countries.	Indefinite Singapore will periodically review this in the light of international developments	Some of Singapore's trading partners do not accord Singapore companies satisfactory access to maritime transport services in their territories



SINGAPORE – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
FINANCIAL SERVICES[1] Banking and other financial services	Under a currency inter-changeability agreement between Singapore and Brunei, the currency-issuing authorities of Singapore and Brunei would: - accept from banks, notes and coins issued by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and - arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.	Brunei	Indefinite, until either country terminates the agreement	The currency inter-changeability agreement was entered into in 1967 arising from special historical and economic ties between Singapore and Brunei



[1] Supplementary information provided for transparency
The Stock Exchange of Singapore (SES) and the Singapore International Monetary (SIMEX) have established trading linkages with the exchanges of some countries to facilitate the trading of securities and futures. The establishment of trading linkages is a commercial decisions of the SES and SIMEX

SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES **A. Professional Services**			
Accounting/ Auditing (CPC 8621)	(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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Book-Keeping Services (CPC 8622)	(1) None, except that statutory audits must be conducted by a Singapore registered public accountant. (2) See Mode 1. (3) None, other than the proprietor or one of the partners/directors of a public accounting firm or a public accounting corporation must be a Singapore registered public accountant and ordinarily resides in Singapore; or, the owner or one of the partners/manager/director is ordinarily resident in Singapore. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
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	

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Unlimited Corporations a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate; and b) the business of the corporation, so far as it relates to architectural services in Singapore, will be under the control and management of a director of the corporation who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate. Partnership a) The beneficial interest in the capital assets and profits of the partnership must be held by registered architects or allied professionals who each has in force a valid practicing certificate, b) the business of the partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	resident in Singapore and who has in force a valid practising certificate. Limited liability partnership a) at least one of the partners of the limited liability partnership is an architect or allied professional who has in force a valid practising certificate; b) the business of the limited liability partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate. (4) Unbound, except as indicated in the horizontal sector	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC 8672)	(1) None	(1) None, except that the implementation in Singapore of engineering works which require approval by the authorities has to be carried out by a professional engineer physically present in Singapore	
	(2) None	(2) None	
	(3) <u>Limited Corporations</u> a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practicing certificate; b) the business of the corporation, so far as it relates to professional engineering work in Singapore, will be under the control and management of a director of the corporation who is a registered professional engineer who has in force a valid practicing certificate	(3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<u>Unlimited Corporation</u> a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practicing certificate; and b) the business of the corporation, so far as it relates to professional engineering work in Singapore, will be under the control and management of a director of the corporation who is a registered professional engineer who has in force a valid practicing certificate. <u>Multi-Disciplinary Partnership</u> a) The beneficial interest in the capital assets and profits of the partnership must be held by registered professional engineers and allied professionals who each has in force a valid practicing certificate; and		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b) the business of the partnership, so far as it relates to professional engineering work in Singapore, will be under the control and management of a partner who is a registered professional engineer; and has in force a valid practicing certificate. <u>Limited Liability Partnership</u> a) at least one of the partners of the limited liability partnership is a registered professional engineer who has in force a valid practicing certificate; b) the business of the limited liability partnership, so far as it relates to professional engineering work in Singapore will be under the control and management of a partner who is a registered professional engineer who has in force a valid practicing certificate. (4) Unbound, except as indicated in the horizontal sector	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Landscape Architecture 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer-Related Services			
Consultancy Services Related to the Installation of Computer Hardware (CPC 84100)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Software Implementation Services (CPC 842)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Information Technology 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Data Processing	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Database Services (CPC 84400)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Maintenance and Repair Services of Computers	(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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and Development Services			
R&D services on natural sciences, specifically biotechnology services and industrial research (CPC 85102-85103)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Research and experimental development services on economics (CPC 85202)	(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
R&D services on social sciences and humanities, specifically economic and behavioral 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	
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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Real Estate Services Residential and non-residential property management services on a fee or contract basis (CPC 82201 + 82202)	(1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore (2) None (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore (4) Unbound, except as indicated in the horizontal section	(1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore (2) None (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore (4) Unbound, except as indicated 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 – 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	
Leasing or rental services concerning construction machinery and equipment services without an operator (CPC 83107)	(1) None (2) None (3) Maximum foreign equity participation should not exceed 30% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Rental and leasing of studio recording equipment (CPC 83109)	(1) None (2) None (3) Maximum foreign equity participation should not exceed 51%. (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
Leasing or rental services concerning personal and household Goods (CPC 832)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services Advertising Services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Market Research Services (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	
Industrial Research	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Commercial Market Research	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Management Consulting Services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Public Relations 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	

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SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

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

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SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Building Cleaning Services (CPC 874)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
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	
Exhibition Management Services	(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
Translation/Interpretation Services (CPC 87905)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Interior Design Services, excluding Architecture	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Buildings and Facilities Management Services	(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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SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Duplicating services (CPC 87904)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Speciality Design services (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	

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SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	As annexed
Resale basis: a) Public Switched Services (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	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	

[2] Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed –Wireless Broadband Multimedia Services.

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Value - Added Network (VAN) Services[3] The services covered are: - Store-and-retrieve VAN services (S&R), - store-and-forward VAN services (S&F), - electronic mail, - voice mail, - on-line information and data base retrieval, - electronic data Interchange, - code and protocol conversion - on-line information and/or data processing Others - Telecommunications consulting services	(1) Provision of VAN services is subjected to licence from the Infocomm Development Authority of Singapore (IDA) The basic requirements for VAN licence are: - Foreign companies are required to either set up a local branch of their company duly registered with the Registry of Companies and Businesses in Singapore, or grant a power of attorney to a local agent for the provision of their VAN services in Singapore. - VAN does not carry traffic which resembles any of the basic telecommunication services (2) None (3) Same as Mode 1 (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

[3] Provision of VAN services is subject to registration for store and retrieve VAN services from the Infocomm Development Authority of Singapore (IDA). Note: for the purpose of Singapore s commitments under the AFAS, the services under CPC 7523 are included within Singapore s offer for VAN services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Audio-visual Services i) the services covered are production, distribution and public display of - motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) 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	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND ENGINEERING RELATED SERVICES			
Construction Services (CPC 511 – 518)	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Commission agent services (CPC 621) except for pharmaceutical and medical goods and cosmetics (except 62117)	(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 services (CPC 622)** except for pharmaceutical and medical goods and surgical and orthopaedic instruments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Wholesale of motor vehicles (CPC 61111)	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Retail sales of motor vehicles (CPC 61112)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Sales of parts or accessories of motor vehicles (CPC 61130)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Retail sales of motorcycles and snowmobiles and related parts and accessories (CPC 61210)	(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 aboard 3) Commercial presence 4) Presence of natural persons

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 purpose of admission, registration and qualification for professional practice in Singapore.			
Adult Education Services (CPC 924)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
ENVIRONMENTAL SERVICES			
Sanitation and similar services (CPC 9403) Cleaning of exhaust gases (CPC 9404) Noise abatement services (CPC 9405)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTH RELATED AND SOCIAL SERVICES			
Medical Services, specifically General Medical Services (CPC 93121) 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	
Veterinary Services (CPC 932/ 9320)	(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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Deliveries and related services, nursing services, physiotherapists, and para-medical personnel (CPC 93191**)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Hospital services (CPC 9311/93110)	(1) Unbound* (2) None (3) Unbound, except for foreign equity ownership permitted up to 51% (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) Unbound (4) Unbound	
Private hospital services Ownership and management of private hospitals and clinics only (93110*)	(1) Unbound* (2) None (3) Foreign equity ownership permitted up to 70 % (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
Ambulance services (CPC 93192)	(1) Unbound* (2) None (3) Unbound, except for foreign equity ownership permitted up to 70% (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound	
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	
Laboratories licensed under the Private Hospitals and Medical Clinics Act (CPC 931991**)	(1) Unbound* (2) None (3) Unbound, except for foreign equity ownership permitted up to 70% (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
SOCIAL SERVICES Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments			
Social services delivered through residential institutions to old persons and the handicapped (CPC 93311)	(1) Unbound* (2) None (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 (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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	
Welfare services not delivered through residential institutions (CPC 93323)	(1) None (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound except as indicated in the horizontal section	(1) None (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound except as indicated in the horizontal section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
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	
Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) Unbound, except up to 70 % equity participation 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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel Agencies and Tour Operators (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	
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Other Tourism Services - International hotel operator, - Tourism consultancy services, - Convention centre, - Tourist resorts include hotel, - Marinas, golf course and other - Sport facilities - Hotel management - Professional Congress Organisers	(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
RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIO VISUAL SERVICES)			
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	
Library Services	(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
TRANSPORT SERVICES **Maritime Transport Services**			
International Maritime Passenger and Freight Transport (CPC 7211 and CPC 7212) Less Cabotage	(1) None (2) None (3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act (4) Unbound, except as indicated in the horizontal commitments	
Maintenance and repair vessels (CPC 8868*)	(1) Unbound* (2) None (3) Foreign equity allowable up to a maximum of 51% (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
International Towage	(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 Service: Classification societies[4], 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, except as indicated in the horizontal section	
Vessels salvage and re-floating services (not applicable in harbour) (CPC 7454)	(1) None (2) None (3) Foreign equity allowable up to a maximum of 51 % (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

[4] provision of rules on the construction and safety of ships and issuance of classification certificate in accordance to the specified rules. Excludes survey and classification of Singapore flag vessels, which requires specific authorisation by the relevant authority

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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) None (2) None (3) None (4) Unbound	
• Freight (Road) 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) None (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport 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	
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	

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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.

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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

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(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.

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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.

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 in sectors or subsectors in this schedule is permitted only through limited liability company which is registered in Thailand or the other type of legal entity as specified in the sector-specific commitments of which the company is incorporated and registered, pursuant to Thai laws and regulations and will have to meet one of the following condition as indicated in the sector-specific commitments: 3.1 Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national; or 3.2 Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national; or 3.3 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	3) For 3.3, legal entity which is owned or controlled by foreigner(s) must meet the requirements as stipulated by laws and regulations regarding foreign investment. For 3.1 and 3.2, prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by relevant authorities. In establishing its commercial presence, a legal entity which is owned or controlled by foreigner(s) must apply for a certificate of business operation pursuant to a treaty or obligation under section XI of the Foreign Business Act; Ministerial Regulation Prescribing Rules and procedures Pertaining to the Application for a Foreign Business certificate B.E. 2546 (2003). According to article XIV and XIV bis of GATS, service supplier is required to comply with section V of the Foreign Business Act. For legal entity incorporated pursuant to Thai laws and regulations with foreign equity participation not exceeding 49 per cent of the registered capital: None	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	concerned.	Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, taxation measures, and nationality requirement.	
	4) Temporary movement of natural persons is unbound except in the following categories: I. Business Visitor : A natural person who stays in Thailand for the purpose of participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities and entering with a purpose to establish a commercial presence in Thailand. Such temporary entry will be permitted for an initial period of not more than 90 days and may be extended for a further period of not more than one year. II. Intra-corporate Transferee : A corporate transferee of the managerial or executive level or a specialist, provided that such person has been employed by the company concerned outside Thailand for a period of not less	4) Unbound, except as provided in the MA column	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	than one year immediately preceding the date of his or her application for admission and has satisfied the criteria for management needs[1] stipulated by the Department of Employment. The temporary stay is limited to a one year period and may be extended for a further three terms of not more than one year each.		
	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. For 3.1 and 3.2, a natural person or juridical person of another member that acquires or gains ownership of land, shall be deemed ineligible to exercise rights and privileges under this agreement	3), 4) The board of directors, including administrative and executive position or alike in the legal entity must be of Thai national and have permanent domicile in Thailand. The person or the representative of the juridical person who apply for a license must be of Thai nationality. For 3.1 and 3.2 a natural person or a juridical person who receive other special privileges or incentives from Thai authorities other than those provided under this agreement may not claim benefits under this agreement.	

[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.

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THAILAND – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Business services - Auditing services	Bilateral agreement based on reciprocity treatment	Countries which allow Thai nationals to practise auditing in their territories	Indefinite	Reciprocal basis
- Publishing newspapers	Thailand will grant permission to a natural person of the countries which have treaties with Thailand	Countries which have treaties with the Thai Government	Indefinite	Reciprocal basis
Computer reservation system services	Only airlines/CRS partners which are in Amadeus system can bring in and install their own systems in Thailand	Countries whose CRS operators are in Amadeus system and intend to bring in and install the systems to any travel agencies in Thailand	Indefinite	To ensure that local operators are able to make complete access to the Amadeus system within a certain period of time
Transport services - Selling and marketing of maritime transport services - Selling and marketing of air transport services	The value added tax in use comprises three rates, namely 10 per cent, zero per cent and exempted. VAT collection is based on a reciprocal basis.	- Countries which have the same zero rate VAT system as Thailand - Countries which exempt Thai persons from VAT or other taxes of similar nature by virtue of the treaties concluded or to be concluded with Thailand	Indefinite	Reciprocal basis



THAILAND – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
		- Countries which exempt juristic persons constituted in accordance with Thai law from VAT or other taxes of similar nature on the basis of reciprocity - Countries which do not levy VAT or other taxes of similar nature on juristic persons constituted in accordance with Thai law on the basis of reciprocity		
International maritime transport of cargoes	1) Rights to carry all products: Treaty of Amity and Economic Relations between the Kingdom of Thailand and the United States of America	The United States of America	10 years	Bilateral agreement
	2) Cargo sharing - Commercial Maritime Navigation Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam	The Socialist Republic of Vietnam	10 years	Bilateral agreement

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THAILAND – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
	- Agreement of Maritime Transport between the Government of the Kingdom of Thailand and the Government of the People's Republic of China	The People's Republic of China	10 years	Bilateral agreement
International road transport services - Passenger transportation - Freight transportation - Rental of non-commercial vehicles with/without driver	Reciprocity treatment	Countries that have the agreement on international road transport with Thailand	Indefinite	Reciprocal basis
Aircraft repair and maintenance services	Thailand will grant permission to airlines of those countries which treat Thai carriers on reciprocal basis	- Countries whose airline is accepted as a designated airline by Thailand under bilateral air services agreements - Countries whose regulations do not prevent Thai carriers from performing similar activities in that country	Indefinite	Reciprocal basis

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THAILAND – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
Service sectors stipulated in the relevant articles of the Treaty of Amity and Economic Relations especially Articles 4 and 10	Only American citizens and entities are granted national treatment with respect to operating business and providing services in Thailand	The United States of America	10 years	Bilateral agreement

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
A. Professional Services			
(a) Legal services (CPC 861)	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
Legal advisory for drafting of documents concerning international commercial law, excluding local laws and regulations (CPC Version 1.1: part of 82119)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Auditing must be authenticated by licensed auditor in Thailand (2) None (3) None (4) Unbound	
Bookkeeping services, only for tax returns for foreign affiliated company (CPC Version 1.1: part of 82220)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 / 8630)	(1) None	(1) Tax filing must be authenticated by licensed tax auditor and/or licensed auditor in Thailand.	
	(2) None	(2) None	
	(3) As indicated in 3.3 of the horizontal section	(3) None	
	(4) Unbound	(4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 (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) As indicated in 3.3 of the horizontal section; <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	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	 (4) Unbound	
(d) Architectural advisory and pre-design services (CPC Version 1.1: 83211)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672)	(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) As indicated in 3.3 of the horizontal section; <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 Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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.	(4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Engineering advisory and pre-design services for traffic control systems (CPC Version 1.1: 83339)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	
(f) Integrated engineering services Integrated engineering services for traffic control systems (CPC Version 1.1: 83319)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 and landscape architectural services (CPC 8674)	(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) As indicated in 3.3 of the horizontal section <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	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	d) At least half of its partner or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
(g) Urban planning services Development services for programmes concerning land use, site selection, control and utilization, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban development (CPC Version 1.1: part of 83221)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None (4) Unbound	
(k) Other professional services Weather forecasting and meteorological services (CPC Version 1.1: 83550)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(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
B. Computer and Related Services			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Hardware consultancy services (CPC Version 1.1: part of 83141)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(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
(b) Software implementation services (CPC 842)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Software consultancy services (CPC Version 1.1: part of 83142)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Data processing services (excluding those provided over public telecommunications network) (CPC 843)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Data processing services (excluding those provided over public telecommunications network) (CPC Version 1.1: 85960)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Data base services (excluding those provided over public telecommunications network) (CPC 844)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
(e) Other Computer services: Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research and development services			
(a) Research and development on natural sciences: research and experimental development services on: - physical sciences (CPC 85101) - chemistry & biology (CPC 85102) - engineering & technology (CPC 85103)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Research and experimental development services on physical sciences (CPC Version 1.1: 81110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) Research and experimental development services on: - economics (CPC 85202) - law (CPC 85203) - linguistics and languages (CPC 85204)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Research and experimental development services in linguistics and languages (CPC Version 1.1: 81240)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) interdisciplinary research and experimental development services (CPC Version 1.1: 81300)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Real Estate Services			
(a) Involving own or leased property Renting or leasing services involving own or leased residential property (CPC 82101)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) On a fee or contract basis Residential property management services on a fee or contract basis (CPC 82201)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Residential condominium management services on a fee or contract basis (part of CPC 1.1 : 72211)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Operator			
(a) Relating to ships: Leasing or rental services concerning vessels (CPC 83103)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) Vessels registered under Thai flag may be granted rights and privileges in accordance with relevant Thai laws (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(a) Relating to ships: Leasing or rental services concerning non-Thai flag vessels without operator (CPC Version 1.1: 73115) This subclass does not include: - leasing, renting or hiring services concerning vessels for coastal and transoceanic water transport with operator, 65130. - leasing, renting or hiring services concerning cabotage and inland water vessels with operator, 65230. - leasing, renting or hiring services concerning pleasure craft, 73240.	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Relating to other transport equipment : Private car (CPC 83101)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) Relating to other transport equipment : Leasing or rental services concerning space transport without operator	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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: - Agricultural machinery and equipment without operator (CPC 83106) - Construction machinery and equipment without operator (CPC 83107) - Office machinery and equipment without operator (CPC 83108) - Other machinery and equipment without operator (CPC 83109)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
- Computer server (CPC Version 1.1: 73124)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Other Leasing or rental services concerning pleasure and leisure equipment (CPC 83204)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(e) Other Leasing or rental services concerning furniture (CPC Version 1.1: 73230**)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
(a) Advertising services Sale of internet advertising space (except on commission) (CPC Version 1.1: 83633)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 86401)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
(b) Market research services (CPC 86401) Market research services (excluding public opinion polling services) (CPC Version 1.1: 83700)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Services related to management consulting: Project management services other than for construction (CPC 86601)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(d) Services related to management consulting: Planning related to production management (CPC Version 1.1: 83115) This subclass does not include consulting services for: - Human resources management consulting services - Marketing management consulting services - Financial management consulting services - General management consulting services - Other management consulting services	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 - Composition and purity testing and analysis services (CPC Version 1.1: 83561)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
- Other technical testing and analysis services (CPC 86769)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(j) Services incidental to energy distribution, on fee or contract basis (excluding transport-related services on a fee or contract basis of petroleum and natural gas)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(k) Placement and supply services of personnel Executive search services only for local employment (part of CPC 87201)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section. The managing partner and/or manager must be the person of Thai Nationality (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(l) Investigation and Security Alarm monitoring services for manufacturing factory (part of CPC 87303)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(m) Related scientific and technical consulting services: Oil and gas exploration	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(m) Related scientific and technical consulting services: Scientific consulting services from mathematicians and statisticians (CPC 1.1: part of 83139)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 vessel, aircraft or other transport equipment): Machinery and equipment, on a fee or contract basis (part of CPC 88620)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(n) Maintenance and repair of equipment (not including maritime vessel, aircraft or other transport equipment): Repair services of medical, precision and optical instruments (CPC Version 1.1: 87154)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(o) Building and cleaning services: Disinfecting and exterminating services (CPC 87401)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(o) Building and cleaning services: Window cleaning services (CPC Version 1.1: 85320)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(p) Photographic services: Specialty photography services except aerial photography (part of CPC 87504)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(p) Photographic services: Photography processing services (CPC Version 1.1: part of 83820)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(q) Packaging services (CPC 876)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(q) Packaging services (CPC Version 1.1: 85400) This subclass does not include: - packing and crating services incidental to transport, cf. 64-67 - package design services, cf. 83490 - solely printing information on packaging materials, cf. 89121 - packaging services including processing of client owned materials into a different product (e.g. mixing water and concentrate to produce soft drinks, cooking fish prior to canning, blending creams and colouring materials into cosmetics), cf. 88 and 89	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
Book Binding Services (CPC 1.1 part of 89121)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(s) Convention services Convention centre over 2,000 participants (The development of a building that consists of Exhibition Halls, Meeting Rooms, a conference hall with more than 2,000 seating capacity, a banquet and a business centre equipped with state of the art telecommunication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate car parks, shops and restaurants/cafes to the exhibitors, participants and visitors)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
Annual international trade fair and exhibition organization services on a fee or contract basis (CPC Version 1.1: part of 85970)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(t) Other: Translation and interpretation services (CPC 87905)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
(t) Other: Translation and interpretation services (CPC Version 1.1: 83910)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES **Telecommunications Services**			
Commitments undertaken in this offer are subject to the following general conditions: - Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a licence from the designated national authority(s). - Licenses are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - The service provider shall operate for public use through existing facilities licensed by the designated national authority(s). - The designated national authority(s) may prohibit the license application or terminate the license of any telecommunication businesses which deemed to have any act of "business control" by a juridical person who is not of Thai national - Basic necessary new telecommunication acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts.			
Public local, domestic long distance and international services: (a) Fixed-line voice telephone services (a) Mobile telephone services (CPC 75213)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(1) None (2) None	Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging services (CPC 75291	(3) As indicated in 3.3 of the horizontal section. (4) As indicated in the horizontal section	(3) None (4) As indicated in the horizontal section	and operational functions, and the allocation and use of scarce resources.

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Telegraph services (CPC 7523**) (e) Telex services (CPC 7523**) (f) Facsimile services (CPC 7521**+7529**)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	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 resources.

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(j) Data base access services (part of CPC 7523)	(1) Service providers must use networks operated be suppliers duly licensed (2) None (3) a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital b) Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(1) None (2) None (3) No limitation as long as foreign equity participation does not exceed 25 per cent (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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**) (i) Voice mail (CPC 7523**)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
((j) On-line information and data base retrieval (CPC 7523**) (n) On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital b) Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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 resources.

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(l) Enhance/ Value added facsimile Services including store and forward, store and retrieve (CPC 7523*) (m) Code and protocol conversion	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(o) Other: Telecommunications terminal equipment leasing services (CPC 75410)	(1) None, subject to commercial arrangement with licensed operators (2) None (3) As indicated in 3.3 of the horizontal section (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic VSAT	(1) a) Service providers must use network operated by suppliers duly licensed b) 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) Must use public telecommunication network under national telecommunication authorities (4) As indicated in the horizontal section	(1) None (2) None (3) No limitation as long as foreign equity participation does not exceed 40 per cent (4) As indicated in the horizontal section	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telecommunications equipment sales services (part of CPC 75420)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Telecommunication Consulting Services (CPC 75440)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Dedicated network services (CPC 75222)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital b) Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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 resources.

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Videotext Teleconference Domestic leased circuits	(1) (a) Service providers must use network operated by suppliers duly licensed (b) 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) Must use public telecommunication network under national telecommunication authorities (c) Selection of service providers shall be based on open tender (4) As indicated in the horizontal section	(1) None (2) None (3) No limitation as long as foreign equity participation does not exceed 40 percent (4) None	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services			
(a) Motion picture and video tape production and distribution services : Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
Video tape production services for scientific education (CPC 1.1: part of 96121)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Radio/television services - Production services of radio programmes (CPC 96131) - Production services of television programmes (CPC 96132)	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
(e) Sound recording Production of sound recording only (excl. all broadcasting and AV services)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Production of sound recording for higher education in University only (excl. all broadcasting and AV services)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Other Colour correction services, i.e. adding, modifying, or excluding colour of audiovisual works (produced on film, video, or digital media, etc.) electronically, using digital techniques	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
E. Other Communication equipment maintenance services on a fee or contract basis (CPC 75450)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION SERVICES			
A. General Construction Work for Buildings (CPC 512) B. General Construction Work for Civil Engineering (CPC 513) C. Installation and Assembly Work (CPC 514+516) D. Building Completion and Finishing Work (CPC 517) E. Other: Pre-erection Work at Construction Sites (CPC 511) Special Trade Construction Work (CPC 515) Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. General Construction Work for Buildings (CPC 512) General construction services of mines and industrial plant (CPC 1.1 54260) This subclass does not include construction services of warehouses and industrial buildings, cf. 54121 B. General Construction Work for Civil Engineering (CPC 513) Excavating and earthmoving services (CPC 1.1 : 54330) of harbours, waterways, dams, irrigation and other water works (CPC 1.1 : 54230) C. Installation and Assembly Work (CPC 514+516) Installation and Assembly Work Assembly and erection of Prefabricated constructions (CPC1.1 : 54400)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Building Completion and Finishing Work (CPC 517) Glazing services (CPC 1.1 : 54710) E. Other: Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 1.1: 54800)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
A. Commission agents' services (CPC 62111 to 62118)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
A. Commission agents' services Sales, on a fee or contract basis, of medical goods (part of CPC 62117)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Wholesale trade services: Wholesale trade services of sports goods (incl. bicycles) (CPC 62266)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
B. Wholesale trade services: Wholesale trade services, on a fee or contract basis, of medical goods (CPC Version 1.1: 61273)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
C. Retailing services: Retailing services by Foreign service supplier established in Thailand of the products manufactured in Thailand under its own brand (CPC Version 1.1: part of 624)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising: Other non-financial Intangible assets (CPC 8929)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
D. Franchising For the right to franchises only for fast food business (excluding fast food restaurant) (CPC version 1.1 part of 733)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Other: Retail sales of motor fuel and fuel oil	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
E. Other: Mail order retail trade services of Books, newspapers, magazines and stationery (CPC Version 1.1: part of 623)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(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
EDUCATION SERVICES			
Commitments undertaken in this offer are subject to the following general conditions: - Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of degrees for the purpose of admission, registration and qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned.			
A. Primary education services: Preschool education services (CPC 92110)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality (4) Unbound	(1) None (2) None (3) - The manager or the representative of the juridical person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals. - The School manager/Executive manager must be a Thai national. (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Secondary education services: - General secondary education services (CPC 9221) - Higher secondary education services (CPC 9222) - Technical and vocational secondary education services (CPC 9223) - Technical and vocational secondary school-type education services for handicapped students (CPC 9224)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Higher education services: Post-secondary technical and vocational education services (CPC 9231)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality (4) Unbound	(1) None (2) None (3) - The manager or the representative of the juridical person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals. - The School manager/Executive manager must be a Thai national. (4) Unbound	
C. Higher education services: Science and technology faculty (Part of CPC 92390)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) At least half of the university council members must be of Thai nationality (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other higher education services (CPC 9239)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) At least half of the university council members must be of Thai nationality (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Adult education services (CPC 924) Professional and/or Short Courses Education Services (CPC 92400)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
E. Other education services: Foreign language tuition services	(1) None (2) None (3) As indicated in 3.3 of the horizontal section At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality (4) Unbound	(1) None (2) None (3) - The manager or the representative of the juridical person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals. - The School manager/Executive manager must be a Thai national. (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
A. Sewage Services Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401) Environmental Protection and Environmental Abatement Services (CPC 9401) Sewage services (including industrial waste water treatment system) (CPC 9401)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
Sewage removal services usually provided using equipment such as waste pipes, sewers or drains (part of CPC 1.1 : 94110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
B. Refuse Disposal Services Hazardous waste treatment and disposal services (CPC Version 1.1: 94222)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Sanitation and Similar Services (CPC 9403)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
C. Sanitation and Similar Services Beach cleaning services Drain unblocking services (CPC Version 1.1: part of 94390)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other: - Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services (CPC 9409)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
- Marine environmental protection services (CPC Version 1.1: Part of 94900)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTH RELATED AND SOCIAL SERVICES			
Medical and dental services: - General medical services (CPC 93121) - Specialised medical services (CPC 93122)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section and must only be OP clinic in a hospital. A person is allowed to operate not more than one sanatorium. (4) As indicated in the horizontal section. The person who will be responsible to operate the OP clinic is required to have the license to operate for not more than one OP clinics, and has obtained a license to practice in Thailand	(1) None (2) None (3) The person who applies for the license to operate must have a domicile in Thailand. (4) As indicated 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Specialised medical services provided in hospital (CPC Version 1.1: part of 93122) This subclass includes: - consultation services in paediatrics, gynaecology-obstetrics, neurology and psychiatry - surgical consultation services - analysis and interpretation of medical images (x-ray, electrocardiograms, endoscopies and the like) This subclass does not include: - Services of medical laboratories, cf.93199	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(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
- Dental Services (CPC 93123)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section and must only be dental department in a hospital, not dental clinic nor dental hospital. A person is allowed to operate not more than one sanatorium. (4) As indicated in the horizontal section. The person who will be responsible to operate the dental department is required to have license to operate for not more than one dental department, and has obtained a license to practice in Thailand	(1) None (2) None (3) The person who applies for the license to operate must have a domicile in Thailand. (4) As indicated 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Veterinary services Veterinary services for pet animals (CPC 93201)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section. A person is allowed to operate not more than one veterinary hospital (4) Unbound	(1) None (2) None (3) The person who applies for the license to operate must have a domicile in Thailand. (4) Unbound	
Veterinary services Veterinary services for livestock (CPC Version 1.1: 93220)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services provided by nurses (part of CPC 93191)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section and must only be nursing department in a hospital. A person is allowed to operate not more than one sanatorium. (4) As indicated in the horizontal section. The person who will be responsible to operate the nursing department is required to have the license to operate for not more than one nursing department, and has obtained a license to practice in Thailand.	(1) None (2) None (3) The person who applies for the license to operate must have a domicile in Thailand. (4) As indicated 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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
j) Nursing department of physiotherapeutic and paramedical services provided in a hospital. (CPC Version 1.1: 93191)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(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
A. Hospital services (CPC 9311)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section Thailand may prescribe, in any area, numbers of hospital, or types of medical services to be provided in the hospital. A person is allowed to operate not more than one hospital. (4) As indicated in the horizontal section The person who will be responsible to operate the hospital is required to have the license to operate for not more than one hospital, and has obtained a license to practice in Thailand.	(1) None (2) None (3) The person who applies for the license to operate must have a domicile in Thailand. (4) As indicated in the horizontal section The person who applies for the license to operate must have a domicile in Thailand	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. Private Hospital services (CPC Version 1.1: 93110) This subclass does not include: - services delivered by hospital out-patient clinics, cf. 9312 - dental services, cf. 93123 - ambulance services, cf. 93192 - military hospital services - prison hospital services - nursing services - chronic case services	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	The person who applies for the license to operate must have a domicile in Thailand. One license can operate one overnight sanatorium only. These measures apply to both foreigners and Thais
B. Other human health services CPC Version 1.1: part of 93199) - Residential health facilities services other than hospital services, excluding non-overnight stay (CPC 93193)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Social services Day-care services for children with disabilities (CPC Version 1.1: part of 93321)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
D. Other Diagnostic imaging services without analysis or interpretation, e.g. x-ray, ultrasound, and magnetic resonance imaging (MRI)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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			
A. Hotel and Restaurants - Hotel Lodging Services (CPC 64110) - Motel lodging services (CPC 64120) - Holiday center and holiday home services (CPC 64192) - Camping and Caravan site Services (CPC 64195) - Meal serving services with full restaurant services (CPC 64210) - Catering services (CPC 64230) - Beverage Serving Services without Entertainment (CPC 64310)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Superior Deluxe or Six-star plus rated hotel (CPC Version 1.1: part of 63110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 services (CPC 74710)	(1) Unbound (2) None (3) As indicated in 3.3 of 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) As indicated in the horizontal section	
Outbound travel information services (excluding accommodation and travel reservation services) (CPC Version 1.1 : part of 67813)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate in the form of limited partnership (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 (CPC Version 1.1: part of 63110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services: Theme parks and amusement parks (CPC 96194)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
Amusement park (CPC Version 1.1: part of 96910)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. News agency services: Picture supply services (CPC 96212)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Picture supply services provided to National News agency (Part of CPC 96212)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Libraries, archives, museums and other cultural services: Library services (CPC 9631)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
C. Libraries, archives, museums and other cultural services: Private library services (CPC 96311)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Sporting and other recreational services: (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413) - Sports event promotion services (CPC 96411) - Sports event organisation services (CPC 96412) - Sports facility operation services (CPC 96413) - Recreation Park and Beach Services (CPC 96491)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
- Sports event promotion and organisation services (CPC Version 1.1: 96510) This subclass does not include: - Sports and recreational sports facility operation services	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Other: Marina Facilities (A small sea, lake, or river harbour with docking facilities for motor and sailing boats, with maintenance and supply services Marina provide berths for long and short term use and some also offer boat charter)	(1) Unbound* (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
E. Other: Marina Facilities (A small sea harbour with docking facilities for motor and sailing boats, Marina provide berths for long and short term use and some also offer boat charter)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES **A. Maritime Transport Services**			
(a) Passenger transportation (CPC 7211 excluding cabotage transport: as defined below - 3.1)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section a) Unbound for establishment of Juridical 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 except branch offices: 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) as indicated in the horizontal section	The following services at the port provided by the government enterprises are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage[1] 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port captain's service 6. Navigation aids 7. Shore-based operational services essential to ship operations, water and electrical supplies 8. Emergency repair facilities

[1] A Thai captain of a Thai ship which sails regularly in certain compulsory pilotage area may be permitted to pilot the ship in the area.

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			9. Anchorage, berth and berthing services 10. Inland transports services (internal waterways transport services, rail transport services and road transport services)
(a) Passenger transportation (excluding cabotage transport: as defined below - 3.1) International sea cruises (cruise carrier with more than 200,000 DWT capacity) (CPC Version 1.1: part of 65119) This subclass does not include transportation of passengers on coastal route between domestic port	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 7212 excluding cabotage transport: as defined below - 3.1)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section a) Unbound for establishment of Juridical 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 offices: as indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None other than: - Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies - Exporters or importers of goods shipped from or to Thailand by Thai flag vessel may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary courses of carriage of such goods from their net income for the purposes of calculation of income tax	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) a) Ships' crews: Unbound b) Other personnel: As indicated in the horizontal section	(4) a) Unbound b) As indicated in the horizontal section	
(b) Freight transportation (excluding cabotage transport: as defined below - 3.1) Transoceanic water transport services of refrigerated freight by refrigerator vessels (CPC Version 1.1: part of 65121) This subclass does not include coastal and transoceanic water transportation of chemical, liquid gas, any form of gages or any form of liquids cf. 65122	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 vessels exceeding 100,000 DWT (Part of CPC 8868)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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) As indicated in 3.3 of the horizontal section a) Unbound for establishment of juridical 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) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Supporting Services for maritime transport (CPC 745) - Shore reception facilities (collection of waste/oily water from ships) - Port captain's services attached to specific foreign vessels - Classification Societies - Vessels salvage and refloating services – not applicable in harbour	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

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

- Vessels salvage and refloating services (CPC 1.1 67630)
 	
This subclass does not include:
- towing services supplied to distressed vessels:
  - on coastal waters or on open sea, cf. 65140
  - on inland waters, cf. 65240
- lifeboat services, marine fireboat services and other marine search and rescue services:
  - police services, cf. 91260
  - marine fireboat services, cf. 91260
  - other public order and safety affairs related services, cf. 91290
	(1) None
	(2) None
	(3) As indicated in 3.2 of the horizontal section
	(4) Unbound
		(1) None
		(2) None
		(3) None
		(4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Custom clearance services (as indicated below-3.5)	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section A customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department (4) As indicated in the horizontal section	(1) Unbound (2) None (3) A customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Space Transport Services			
Transport services via space (CPC 1.1 :66300) This subclass includes space passenger transportation services This subclass does not include: - launching and placing of satellites in space - services provided by space laboratories This subclass includes -space passenger transportation services	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
(d) Maintenance and repair of rail transport equipment on a fee or contract basis (CPC 8868)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 rail transport services - Security services at railway station	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
- Railway car cleaning services under the service contract of railway authority	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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**			
(a) Passenger transportation - Rental services of passenger cars with operator (CPC 71222) - Rental services of buses and coaches with operator (CPC 71223)	(1) Unbound (2) None (3) As indicated in 3.3 of 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) As indicated in the horizontal section	
(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerised freight (CPC 71231 to 71233)	(1) Unbound (2) None (3) As indicated in 3.3 of 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) As indicated in the horizontal section	



THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 road transport equipment Automobile emergency road services	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(e) Supporting services for road transport services Parking services (CPC 7443)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport			
(a) Maritime cargo handling services (as defined below 3.6)	(1) None (2) None (3) As indicated in 3.3 of the horizontal section 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) None (2) None (3) None (4) As indicated in the horizontal section	
(b) Storage and warehouse services for maritime transport	(1) None (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Maritime Freight forwarding services	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
(c) Maritime Agency Services (as defined below 3.7)	(1) Unbound (2) None (3) As indicated in 3.3 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES NOT INCLUDED ELSEWHERE Skill training services (not classified under education services, incl. educational institution) related to alternative energy production, on a fee or contract basis (CPC 97090)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

NOTE TO THE MARITIME TRANSPORT 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 "Customs clearance services" means activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activities of the service supplier or a usual



3.6 "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 organised independently of the stevedoring or terminal operator companies. The activities include the organisation 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.

3.7 "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.

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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.	(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 subsidisation 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.

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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 authorising the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist. 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 authorised by Viet Nam's competent authority.		

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	After 2007, the 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable. (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 have been previously employed by the foreign enterprise for at least	(4) Unbound, except as indicated in market access column.	

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment. Specialists are natural persons working within an organisation who possess knowledge at an advanced level of expertise and with knowledge of the organisation'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		

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence. (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		

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Managers and executives (as defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Member 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 WTO Member 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) Contractual service suppliers (CSS) 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		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract. - These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 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		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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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VIET NAM – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services				
Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.

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VIET NAM – LIST OF MFN EXEMPTIONS

For the 8th Package of Commitments under ASEAN Framework Agreement on 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.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.
Sea transport services: - Internal road freight transportation by lorry; - Cargo storage and warehousing; and - Container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES **A. Professional Services**			
Legal service, 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) (CPC 861)	(1) None (2) None (3) Foreign lawyers organisation[1] are permitted to establish commercial presence in Viet Nam in the following forms: a) Branches of foreign lawyers organisations; b) Subsidiaries of foreign lawyers organisations; c) Foreign law firms[2]; d) Partnership between foreign lawyer organisations and Vietnam's law partnerships. Commercial presences of foreign lawyer's organisations 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 indicate in the horizontal section	

[1] A "foreign lawyers organisation" is an organisation of practicing lawyers established in any commercial corporate form in foreign countries (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms. Foreign lawyers organisations are themselves responsible for their activities before the law of Vietnam

[2] A foreign law firm is an organisation of practicing lawyers established in Viet Nam by one or more foreign lawyers organisations under regulations of Vietnam. Foreign law firms are themselves responsible for their activities before the law of Vietnam

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Foreign auditors are allowed to provide auditing services in Viet Nam under the following conditions: - Legally resident in Viet Nam for at least 1 year. - Possess auditor certificate granted by Viet Nam Ministry of Finance or accountant/auditor certificate issued by foreign institution recognised by Viet Nam Ministry of Finance and pass an examination on Viet Nam laws and regulations; - Be registered in the list of practicing auditors managed by Viet Nam Ministry of Finance or Viet Nam Association of Certified Public Accountants (VACPA). - Have the employment contract with an auditing firm being established and operating under the laws of Vietnam.	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Taxation Services (CPC 863)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	
Architectural Services. (CPC 8671)	(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	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services. (CPC 8672) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None (4) Foreign engineering services suppliers can bring into Viet Nam only management, technical personnel that Viet Nam can not provide. Other as indicated in the Horizontal Measures	(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 authorisation of the Government of Viet Nam[3]. (4) Unbound except as indicated in the Horizontal Measures	

[3] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognised 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[4]. (4) Unbound except as indicated in the Horizontal Measures	

[4] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Computer and Related Services (CPC 841 – 845 + 849)	(1) None (2) None (3) None, except: The chief of the branch has to be a resident in Vietnam. Since 11 January 2010, branching is allowed. (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research &Development Services R&D services on natural sciences (CPC 851)	(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	
D. Rental/Leasing Services without Operator Leasing and rental services relating to other machinery and equipment (CPC 83109)	(1) None (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 51% shall be permitted (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound except as indicated in the Horizontal Measures	The equipment to be brought into Vietnam must comply with relevant regulations of Vietnam on management of import and export, standards, technical requirement, national security, national telecommunications infrastructure and comply with the provisions of relevant laws on telecommunications licensing as well as licenses on use of frequencies and radio equipments

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For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Advertising Services (except advertising services for cigarettes) (CPC 871)	(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 authorised to do advertising services. There shall be no limitation on foreign capital contribution in the joint ventures. (4) Unbound except as indicated in the Horizontal Measures	(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.

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For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Market research services (CPC 864, excluding CPC 86402)	(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	
Management Consulting Services (CPC 865)	(1) None (2) None (3) None. After 11 January 2010, branching is allowed. (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 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Production management consulting services (CPC 86505)	(1) None, except for mining, oil, and gas related fields (2) None (3) joint-venture or business co-operation contract, except for mining, gas, oil, and related fields (4) Unbound except as indicated in the Horizontal Measures	(1) None, except for mining, oil, and gas related fields (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Services related to management consulting (CPC 866, except CPC 86602 and arbitration and conciliation services for commercial disputes between business (CPC 86602**)	(1) None (2) None (3) None, except: After 2009, branching is allowed for: CPC 866, except CPC 86602: For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): before 2010: Unbound. Thereafter: None (4) Unbound except as indicated in the Horizontal Measures	(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 Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Technical testing and analysis services (CPC 8676 covering CPC 86761-9) (Including services related to composition testing, quality inspection)	(1) None , except for mining, oil, and gas related field (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. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Related scientific and technical consulting services.[5] (Covering CPC 86751-86753)	(1) None, except: companies without a commercial presence my be required to be registered with the competent authority of the government of Viet Nam under the terms outline in Viet Nam's applicable laws. (2) None (3) None, except Since 11 January 2009, joint venture with the foreign capital contribution not exceeding 51% shall be permitted. Since 11 January 2011, 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	
Leasing and rental services relating to aircraft without operator (CPC 83104)	(1) None[6] (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	

[5] The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.
[6] 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 aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except Since 11 January 2007, joint ventures with the foreign capital contribution not exceeding 49% shall be permitted. Since 11 January 2010, this limitation shall be 51%. Since 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, except as indicated in the market access column (4) Unbound except as indicated in the Horizontal Section	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Portrait Photography services (CPC 87504)	(1) None (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the Horizontal Measures	
Special Photography services except aerial photography (CPC 87504)	(1) None. (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the Horizontal Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packaging services (CPC 876)	(1) None. (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 51% shall be permitted (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	
Printing, publishing (CPC 88442) for package only	(1) None. (2) None (3) None, except joint ventures with the foreign capital contribution not exceeding 51% shall be permitted. (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Courier Services (CPC 7512**) *Express delivery services[7], i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication[8], 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 2,000 grams. (b) Parcels[9] and other goods. * Handling of non-addressed items	(1) None[10] (2) None (3) None, except that foreign ownership in joint ventures may be limited to 51% until 2011. Since 11 January 2012, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Measures	Services and services suppliers of any other Member shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.

[7] 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.
[8] 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.
[9] Books, catalogues are included hereunder.
[10] 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 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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).			
Basic Telecommunications a. Voice telephone services including local, long distance and international (CPC 7521) b. Packet-switched data transmission services (CPC 7523**) c. Circuit-switched data transmission services (CPC 7523**) d. Telegraph services (CPC 7522) e. Telex services (CPC 7523**) f. Facsimile services (CPC 7521**+7529**) g. Private leased circuit services (CPC 7522**+7523**)	(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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' 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. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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

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

(o*) Other services
 	
- Videoconference services (CPC 75292)
- Video Transmission services, excluding broadcasting[11]
- Radio based services includes:
  - Mobile telephone (terrestrial and satellite)
  - Mobile data (terrestrial and satellite)
  - Paging
  - PCS
  - Trunking
- Internet Exchange Service (IXP)[12]
	- Since 11 January 2010: multinational companies[13], which are licensed to use satellite-earth stations.
	
	(2) None
	
	(3) None, except:
	Non facilities-based services: Since 11 January 2007 joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 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 will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. 51% gives management control of the joint venture.
		(2) None
		
		(3) None	

[11] 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.

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

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Basic telecommunication services (o*) Other services - Virtual Private Network (VPN)[14]	(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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software	(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. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to

[14] 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 organisation, 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).

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	development parks who are licensed to use satellite-earth stations; - Since 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations.		international VPN and IXP service suppliers licensed in Viet Nam.
	(2) None	(2) None	
	(3) None, except: *Non facilities-based services:* joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. *Facilities-based services*: joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.	(3) None	
	(4) Unbound, except as indicated in the Horizontal Measures	(4) Unbound, except as indicated in the Horizontal Measures	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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, including store and forward, store and retrieve (CPC7523**) m. Code and protocol conversion n. On-line information and data processing (incl. transaction processing) (CPC 843)	(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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Since 11 January 2007: multinational companies, which are licensed to use satellite-earth stations.	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) None, except: *Non facilities-based services:* Since 11 January 2007: business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 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 will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. 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.	(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 Measures	(4) Unbound, except as indicated in the Horizontal Measures	
Value added services (o) Other - Internet Access Services IAS[15]	(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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Since 11 January 2010: multinational companies19, which are licensed to use	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

[15] Services providing internet access to the end users.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	satellite-earth stations. (2) None (3) *Non facilities-based services:* Since 11 January 2007: joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 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 suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. (4) Unbound, except as indicated in the Horizontal Measures	(2) None (3) None (4) Unbound, except as indicated in the Horizontal Measures	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorised 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 Measures	(1) Unbound. (2) Unbound. (3) None (4) Unbound, except as indicated in the Horizontal Measures	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND ENGINEERING RELATED 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 Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)	(1) Unbound due to lack of technical feasibility (2) None (3) None, except: since 11 January 2010, branching is allowed. (4) Foreign construction contractor can bring into Viet Nam only management, technical personnel and foremen that Viet Nam cannot provide. Others as indicated in the Horizontal Measures.	(1) Unbound due to lack of technical feasibility (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 Measures	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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[16], 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)[17]	(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 Since 11 January 2007: foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products except for: cement and cement clinkers; tyres (excluding	(1) Unbound, except as indicated in Mode 1, market access column. (2) None (3) None	

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

[17] 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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	tyres of airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers. As of 1 January 2009, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles. Since 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)[18]. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound except as indicated in the Horizontal Measures	

[18] 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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising services (CPC 8929)	(1) None (2) None (3) None Since 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.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
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: Since 11 January 2007: only in the form of joint-ventures. Majority foreign ownership of such joint ventures is allowed. As of 1 January 2009, 100% foreign-invested education entities are permitted. Since 11 January 2010: none. (4) Unbound except as indicated in the Horizontal Measures	(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 recognised by the competent authority. (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES Access to certain geographic areas may be restricted for national security reasons[19]			
Sewage services (CPC 9401)	(1) Unbound due to technical feasibility (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. joint ventures with foreign capital contribution not exceeding 51 % are allowed until 11 January 2011. After that, 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	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

[19] 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.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Refuse disposal services (CPC 9402) [20]	(1) Unbound due to technical feasibility (except related consulting services) (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51 % until 11 January 2011. After that, none. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

[20] Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sanitation and similar services (CPC 9403)	(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.	
Nature and landscape protection services (CPC 9406)	(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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other services - Cleaning services of exhaust gases (CPC 94040) and - noise abatement services (CPC 94050)	(1) Unbound due to technical feasibility (except related consulting services) (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51 % until 11 January 2011. After that, 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.	
Environmental impact assessment services (CPC 9409)	(1) None (2) None (3) None, except that foreign ownership is limited to 51% until 11 January 2011. After that: 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Medical and Dental Services (CPC 9312) covering: - General medical services (CPC 93121) - Specialised medical services (CPC 93122) - Dental services (CPC 93123) Nursing services, physiotherapists and para-medical personel (CPC 93191) Hospital services (CPC 9311)	(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	
Veterinary Services (CPC 932/9320) [21]	(1) None (2) None (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorisation 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	

[21] Excluding keeping micro-organism strain for veterinary.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other human health services	(1) None (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 70% 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	
Health related and social services Social services (CPC 933) - Social services with accommodation (CPC 9331) - Social services without accommodation (CPC 9332)	(1) None (2) None (3) Unbound, except for foreign equity ownership permitted up to 70 % (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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110) Food serving services (CPC 642) Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) None (4) Unbound except as indicated the Horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated the Horizontal section	
Travel agencies and tour operator services (CPC 7471) s	(1) None (2) None (3) None, except that: Foreign service supplying companies are permitted to provide services in the form of joint venture with Vietnamese partners. with no limitation on foreign capital contribution. (4) Unbound except as indicated in the Horizontal Measures	(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 Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Others Tourist theme park	(1) None (2) None (3) Foreign service supplying companies are permitted to provide services in the form of joint venture with Vietnamese partners The capital contributions of the foreign side shall not exceed 51% of the legal capital of the joint venture. (4) Unbound except as indicated the Horizontal Section	(1) None (2) None (3) Unbound (4) Unbound except as indicated the Horizontal section	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound (2) None (3) Unbound except that since 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
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 authorised 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 Measures	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services Passenger Transportation less Cabotage (CPC 7211) Freight transportation less cabotage (CPC 7212)	(1) 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.	(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 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;



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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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[22]: Since 11 January 2007, foreign shipping companies can establish joint ventures with 51% foreign ownership., Since 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises. Since 11 January 2007, 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;		9. Anchorage, berth and berthing services; 10. Access to maritime agency services.[23]

[22] "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.

[23] 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.

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For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and 5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services. Since 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.		



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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The number of joint ventures by foreign shipping companies will be limited to 5 companies since 11 January 2007. Three additional companies will be allowed every two years thereafter. Since 11 January 2012, no limitation on the number of joint ventures. (4) Unbound except as indicated in the Horizontal Measures	(4) Unbound except as indicated in the Horizontal Measures	

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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of vessels with crew (CPC 7213)	(1) None. (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 51% shall be permitted (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	
Maintenance and repair of vessels (CPC 8868*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 51% (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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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting Services for Maritime Transport Customs Clearance Services[24]	(1) Unbound.* (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. After 5 years, joint ventures can be established with no foreign ownership limitation. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound.* (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



[24] "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

* A commitment on this mode of delivery is not feasible.

* A commitment on this mode of delivery is not feasible.

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For the 8h Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Agency Services (CPC 7454*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Container Station and Depot Services[25]	(1) None (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014, 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	

[25] "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 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 Passenger transport (CPC 7221) Freight transport (CPC 7222)	(1) None (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 51% of total legal capital. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Maintenance and repair of vessels (CPC 8868*)	(1) None (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 51% of total legal capital. (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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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services Passenger transportation (CPC 7111) Freight transportation (CPC 7112)	(1) None (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 51% of the total legal capital. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (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 51% of total legal capital. (4) Unbound	(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
F. Road Transport Services Passenger transportation (CPC 7121+7122) Freight transportation (CPC 7123)	(1) Unbound. (2) None (3) None, except: Since 11 January 2007, 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%. Since 11 January 2010, subject to the needs of the market[26], joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. 100% of joint-venture's drivers shall be Vietnamese citizen. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound. (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

[26] 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.

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For the 8th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport Maritime cargo handling services (CPC 741)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Container handling services, except services provided at airports (part of CPC 7411)	(1) None (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%. (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 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Container handling services (CPC 7411)[27]	(1) Unbound (due to lack of technical feasibility) (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 Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Storage and warehouse services (CPC 742)	(1) None (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014: 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.	

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Freight transport agency services (CPC 748)[28]	(1) Unbound (due to lack of technical feasibility)*	(1) Unbound	
	(2) None	(2) None	
	(3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014: none.	(3) None	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

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[28] Including freight forwarding services. These services mean the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

* A commitment on this mode of delivery is not feasible.

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For the 8[h] Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Ship broking services	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Other (part of CPC 749)[29]	(1) Unbound, except freight brokerage services: None since 11 January 2012. (2) None (3) Since 11 January 2007, foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 49%. Since 11 January 2010, this limitation shall be 51%. Four years thereon, this capital limitation shall be abolished. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except freight brokerage services: None since 11 January 2012. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

Note: * indicates that the services specify is constitutes only a part of the total range of activities covered by CPC concordance

[29] 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.

Definition

"Business Cooperation Contract" A Business Cooperation Contract is one of Foreign Investment Form in Vietnam, that is regulated by Investment Law in Vietnam and come into effect on 29 Nov. 2005

According to the Investment Law in Vietnam, "Business cooperation contract (hereinafter called BCC for short) means a form of investment signed between investors for business cooperation with profit-sharing or product-sharing, without creating a legal entity".

Article 9 of Decree No. 1082006/ND-CP dated 22/9/2006 providing guidelines of a number articles of Law on Investment says that :

1. In the case of investment in the form of a business co-operation contract signed between one or more foreign investors with one or more domestic investors (hereinafter referred to as *the co-operating parties*), the business co-operation contract must stipulate the interests and responsibilities of, and the sharing of business results as between each investor.

2. A business co-operation contract in the sector of prospecting, exploration for and mining petroleum and a number of other natural resources in the form of a product sharing contract shall be performed in accordance with relevant laws and the *Law on Investment*.

3. A business co-operation contract signed between domestic investors to conduct investment and business shall be in accordance with the law on economic contracts and relevant laws.

4. During the process of business, the co-operating parties may agree to establish a coordination board to perform the business co-operation contract. The functions, duties and powers of the co-ordination board shall be as agreed by the co-operating parties. The coordination board shall not be the leadership body of the co-operating parties.

5. The foreign co-operating party shall be permitted to establish an operating office in Vietnam to act as its representative during the performance of the business co-operation contract. The operating office of a foreign co-operating party shall have a seal, may open bank accounts, recruit employees, sign contracts and conduct all business activities within the scope of the rights and obligations stipulated in the Investment Certificate and business co-operation contract.

"Ship Broking Services" is the work of a shipbroker who undertakes for remuneration to act, on the individual authority of his principal, as an intermediary in concluding contracts of carriage, of marine insurance, of charter, of sale and purchase of vessel, towage contracts, recruitment agreement and contracts of other activities pertaining to maritime shipping activities"



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:
  (i) control over essential facilities; or
  (ii) use of its position in the market.

1. Competitive safeguards

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

1.2 Safeguards
The anti-competitive practices referred to above shall include in particular:
(a) engaging in anti-competitive cross-subsidisation;
(b) using information obtained from competitors with anti-competitive results; and
(c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

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

2.2 Interconnection to be ensured
Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.
(a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

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(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 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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