

ANNEX IV
SCHEDULE OF SPECIFIC COMMITMENTS ON
TEMPORARY MOVEMENT OF NATURAL PERSONS

LAO PDR

1. This Schedule sets out Lao PDR's commitments in accordance with Chapter 9 (Temporary Movement of Natural Persons) with respect to its commitments for the temporary entry and temporary stay of natural persons of another Party covered under Article 9.2 (Scope).
2. For the purposes of this Schedule, natural persons of another Party do not include permanent residents of that other Party. Lao PDR reserves full rights to adopt or maintain any measures with respect to permanent residents of another Party.
3. Lao PDR reserves full rights to adopt or maintain any measure with respect to requirement of requisite visa and the conditions attached to temporary entry and temporary stay under such a visa for each of the categories specified in this Schedule.
4. For greater certainty, in accordance with paragraph 4 of Article 8.3 (Scheduling of Commitments), Lao PDR is not making commitments under Article 8.6 (Most-Favoured-Nation Treatment) and 8.10 (Transparency List). In accordance with paragraph 5 of Article 8.7 (Schedules of Specific Commitments), Lao PDR is not making commitment under paragraph 3 of Article 8.7 (Schedules of Specific Commitments).
5. Lao PDR remains unbound in respect of the supply of a service by a service supplier of another Party through the presence of natural persons of that other Party in the territory of Lao PDR, except as set out in these commitments.
6. For greater certainty, notwithstanding the commitments set out in this Schedule, Lao PDR remains unbound with respect to the commitments under Article 8.4 (National Treatment).
7. Lao PDR remains unbound in respect of the movement of natural persons providing services except for the temporary entry and temporary stay of natural persons under one of the following categories:

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitors	
<u>Definition:</u> Natural persons who: • Enter Lao PDR to be engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier; • Stay in Lao PDR without receiving remuneration from sources within Lao PDR; and • Do not engage in making direct sales to the general public or supplying services.	The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.
B. Intra-Corporate Transferees	
<u>Definition:</u> Natural persons who have been employed by a juridical person of another Party outside Lao PDR for a period of not less than one year immediately preceding the request for transfer to Lao PDR, who seek temporary entry to supply services through commercial presence of that juridical	In all cases, the total number of foreign natural persons in the categories defined under intra-corporate transferees shall not exceed 20 per cent of the total staff.

person in Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories.	For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for one year which may be renewed every six months for up to three years as long as conditions indicated for each category are satisfied.
Executives: <u>Definition</u> :Natural 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 business. Executives would not directly perform tasks related to the actual supply of a service or services of the organisation. Managers: <u>Definition</u> :Natural persons who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical person's products, services, 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 supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service. Specialists <u>Definition</u> :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 and where there are shortages of Lao PDR nationals with requisite skills.	

Appendix A

SECTORAL SPECIFIC COMMITMENTS

1. For the purposes of this Appendix, the term “CPC” means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). Letters indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification list (MTN.GNS/W/120 dated 10 July 1991).
2. Lao PDR extends its commitments under Article 9.5 (Schedules of Specific Commitments on Temporary Movement of Natural Persons) for the temporary entry and temporary stay of natural persons only for business visitors and intra-corporate transferees engaging in the following subsectors:

1. BUSINESS SERVICES

A. Professional Services

- (a) Legal services, excluding:
 - Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR;
 - Legal documentation and certification services of the laws of Lao PDR (part of CPC 861)
- (b) Accounting, auditing and bookkeeping services (CPC 862)
- (c) Taxation consulting services (part of CPC 863)
- (d) Architectural services (CPC 8671)
- (e) Engineering services (CPC 8672)
- (f) Integrated engineering services (CPC 8673)
- (g) Urban planning and landscape architectural services (CPC 8674)

B. Computer and Related Services

Computer and Related Services (CPC 84)

C. Research and Development Services

- (a) R&D services on natural sciences (CPC 851)
- (b) R&D services on social sciences and humanities (CPC 852)
- (c) Interdisciplinary R&D services (CPC 853)

E. Rental or Leasing Services without Operators

- (a) Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)

F. Other Business Services

- (a) Advertising services:
 - Planning, creating and placement services of advertising (CPC 87120)
- (b) Market research services (CPC 86401)
- (c) Management consulting services (CPC 865)
- (d) Services related to management Consulting (CPC 866)
- (e) Technical testing and analysis services (CPC 8676)
- (h) Services incidental to mining (CPC 5115)
- (m) Related scientific and technical consulting services (CPC 86751 and 86752 only)
- (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment):
 - Repair of energy equipment (part of CPC 88620)

- (q) Packaging services (CPC 876)
- (t) Other
 - Specialty design services (CPC 87907)

2. COMMUNICATION SERVICES

B. Courier services

Courier services (CPC 7512) consisting of express delivery services¹, except for the following services:

- (a) The collection, transport, and delivery of domestic and cross-border addressed mail to Post Office (PO) boxes in the following categories:
 - (i) addressed letters weighing not more than 200 grams;
 - (ii) small items or packages weighing up to 2 kilograms;
- (b) The collection, transport, and delivery to PO boxes of domestic and international postal parcels weighing up to 20 kilograms;
- (c) The provision of PO boxes; and
- (d) Issuing of postage stamps.

C. Telecommunication services

The following services (a-o) can be supplied only on a facilities basis, and for public use services:

Basic telecommunication services

- (a) Voice telephone services (CPC 7521)
- (b) Packet-switched data transmission services (CPC 7523**)
- (c) Circuit-switched data transmission services (CPC 7523**)
- (d) Telex services (CPC 7523**)
- (e) Telegraph services (CPC 7522)
- (f) Facsimile services (CPC 7521**+ 7529**)
- (g) Private leased circuit services (CPC 7522**+7523**)
- (o) Other:
 - Terrestrial-based mobile phone services

Value-added telecommunication services

- (h) Electronic-mail (CPC 7523**)
- (i) Voice mail (CPC 7523**)
- (j) Online information and data base retrieval (CPC 7523**)
- (k) Electronic data interchange (EDI) (CPC 7523**)
- (l) Enhanced or value-added facsimile services, including store and forward, store, and retrieve (CPC 7523**)
- (m) Code and protocol conversion
- (n) On-line information or data processing (including transaction processing) (CPC 843**)

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

- A. General construction work for buildings (CPC 512)
- B. General construction work for civil engineering (CPC 513)

¹ Express delivery services include the collection, transport and delivery of documents, printed matter, parcels or other goods on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service.

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

- C. Installation and assembly work (CPC 514+516)
- D. Building completion and finishing work (CPC 517)
- E. Other: (CPC 511+515+518)

4. DISTRIBUTION SERVICES

The distribution of goods under the Controlled List of the Ministry of Industry and Commerce - arms, ammunition, explosives and explosive substances, highly toxic chemicals, narcotics, cultural items, books, newspapers and magazines, precious metals and stones, medicines and medical equipment, endangered species, gambling machines, money printing machines, processed oil and crude oil, alcohols, tobacco products, rice - is excluded from Lao PDR's commitments in this Appendix.

- A. Wholesale trade services (part of CPC 61111, 6113, 6121)
- B. Retailing services (part of CPC 61112, 6113, 6121)
- C. Franchising (part of CPC 8929)²

5. PRIVATE EDUCATIONAL SERVICES

With respect to C and D below, the commitments cover only technical, natural sciences and technology, business administration and business studies, economics, accounting, international law, and language training fields.

The scope of private education services concerns only fully-privately funded services.

- A. Primary education services (part of CPC 921)
- B. Secondary education services (part of CPC 922)
- C. Higher education services (part of CPC 923)
- D. Adult education (part of CPC 924)
- E. Other education services:
 - Short term foreign language training only (part of CPC 929)

6. ENVIRONMENTAL SERVICES³

Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

- A. Wastewater management (part of CPC 9401)
- B. Waste management (part of CPC 9402 and 9403)
- C. Protection of ambient air and climate (part of CPC 9404)
- D. Remediation and clean-up of soil and water (part of CPC 9406)
- E. Noise and vibration abatement (part of CPC 9405)

7. FINANCIAL SERVICES

Access by foreign service suppliers and the provision of new financial services within the scope of the commitments below and that have not yet been provided by the private sector in Lao PDR at the date of accession, may be subject to measures adopted for prudential reasons. Direct branching is not allowed. Financial institutions in Lao PDR must adopt a specific legal form.

All the commitments are subject to entry requirements, domestic laws, rules and regulations, and the terms and conditions of the Bank of Lao PDR, the Ministry of Finance or any other competent authority

² As related to the provision of a distribution service which is subject to a specific commitment under Section II.4 of Lao PDR Schedule in Annex II (Schedules of Specific Commitments for Services).

³ Environmental services exclude the provision of water for human use, including water collection, purification, and distribution through mains.

in Lao PDR, as the case may be, which are consistent with Article VI of GATS and paragraph 2 of Annex on Financial Services of GATS and do not impair the commitments undertaken herewith.

A. All insurance and insurance-related services

Insurance companies are restricted from offering both life and non-life insurance services. Excluded from the scope of these commitments are compulsory insurance, including motor vehicle insurance, collective accident insurance for workers, depositors' protection fund, and social security fund.

Direct insurance

- (a) Life insurance (CPC 8121)
- (b) Non-life insurance (CPC 8129)
- (c) Reinsurance and retrocession (CPC 81299*)
- (d) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140).

B. Banking and other financial services (excluding insurance)

Commitment is with respect to commercial banking only and limited to financial institutions licensed to provide banking services. Foreign juridical person must incorporate as either a joint stock or limited liability company, but may not incorporate as a sole ownership limited liability company.

- (a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)
- (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113)
- (c) Financial leasing (CPC 8112)
- (d) All payment and money transmission services including credit, charge and debit cards, travellers cheques, and bankers drafts (CPC 81339**)
- (e) Guarantees and commitments (CPC 81199**)
- (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
 - money market instruments (including cheques, bills, certificates of deposits) (CPC 81339**);
 - foreign exchange (CPC 81333);
 - derivative products, including futures and options (CPC 81339**);
 - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements (CPC 81339**);
 - transferable securities (CPC 81321*);
 - other negotiable instruments and financial assets, including bullion (CPC 81339**).

8. PRIVATE HEALTH RELATED AND SOCIAL SERVICES

The scope of private health related and social services concerns only fully-privately funded services.

A. Private hospital services

(Modern hospital with more than 100 beds in big cities only) (part of CPC 93110)

9. TOURISM AND TRAVEL RELATED SERVICES

- A. Hotels and restaurants (including catering) (part of CPC 641 (excluding guesthouses⁴) and CPC 6419, CPC 642, and CPC 643)
- B. Travel agencies and tour operators services (CPC 7471)
- D. Other:
 - Tourism consultancy services

⁴ Defined as "furnished accommodation with up to 14 bedrooms, mainly provided in private apartments or homes on a temporary lodging, and with a two-star rating or lower".

10. TRANSPORT SERVICES

A. Maritime transport services

- (a) Passenger transportation (CPC 7211)
- (b) Freight transportation (CPC 7212)
- (c) Rental of vessels with crew (CPC 7213)
- (d) Pushing and towing services (CPC 7214)
- (e) Maintenance and repair of vessels (CPC 8868**)
- (f) Vessels salvage and re-floating services (not applicable in harbour) (CPC 7454)

B. Internal water way transport

- (a) Maintenance and repair of vessels (CPC 8868**)

C. Air transport services

- (a) Maintenance and repair of aircraft (part of CPC 8868)
- (b) Selling and marketing of air transport services
- (c) Computer reservation system (CRS) services

E. Rail transport services

- (a) Passenger transportation (CPC 7111)
- (b) Freight transportation (CPC 7112)
- (c) Pushing and towing services (CPC 7113)
- (d) Maintenance and repair of rail transport equipment (CPC 8868**)

F. Road transport services

- (a) Freight transportation (CPC 7123)