

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

MYANMAR

1. Unless otherwise specified, the classification of services in this Schedule is based on the Services Sectoral Classification list of World Trade Organization Notification No. MTN.GNS/W/120 dated 10 July 1991 and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC).
2. For greater certainty, this Schedule shall not be subject to obligations under Article 8.6 (Most-Favoured-Nation Treatment), paragraphs 3 and 4 of Article 8.7 (Schedules of Specific Commitments), and Article 8.10 (Transparency List).
3. For greater certainty, Myanmar's commitments under Chapter 9 (Temporary Movement of Natural Persons), Article 8.4 (National Treatment), and Article 8.5 (Market Access) in relation to the supply by a service supplier of another Party through presence of natural persons of that other Party in the territory of Myanmar apply only in relation to the categories of natural persons set out below.
4. For the purposes of this Schedule, "natural persons of another Party" does not include permanent residents of such Party. Myanmar reserves the right to maintain or adopt any measure with respect to permanent residents of another Party.
5. A natural person of another Party seeking temporary entry and temporary stay in Myanmar under the terms and conditions set out in this Schedule shall obtain an appropriate visa or its equivalent prior to entry subject to the existing laws, rules, and regulations.
6. In accordance with Article 9.5 (Schedules of Specific Commitments on Temporary Movement of Natural Persons), for the categories of natural persons set out in this Schedule, Myanmar specifies below any terms, conditions, limitations, or qualifications in relation to the temporary entry or temporary stay of natural persons of a Party in the territory of Myanmar.
7. Myanmar reserves the full right to maintain or adopt any measure with respect to the condition or limitation of temporary entry of natural person including Economic Needs Test Requirements (ENT). ENT will be applied to all categories of natural persons set out below.

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitor	
<u>Definition:</u> A natural person seeking temporary entry or temporary stay in the territory of Myanmar, whose remuneration and financial support for the duration of the visit is derived from outside of Myanmar (i) as a representative of a goods seller or service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller or service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public; (ii) as an employee of a juridical person as defined in Intra-Corporate Transferee (ICT) Category only for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of another Party; (iii) for the purpose of participating in business negotiations or meetings; (iv) for the purpose of establishing an investment or setting up a commercial presence in the territory of another Party.	For the natural persons liberalised under Mode 4 commitments of the sectors and subsectors, for the purpose of temporary entry and temporary stay, only Business Visitor and Intra-Corporate Transferee (ICT) Categories shall be granted a Visa, Stay Permit, or Working Permit from competent authorities subject to the relevant laws, rules, regulations, and procedures and other existing laws, rules, and regulations of Myanmar. Such natural persons will be granted temporary entry for a maximum stay of 70 days, and renewable for a period of three months to one year with recommendation of the ministry concerned. Such natural persons have to register at the Department of Labour of the Ministry of Labour, Immigration, and Population. ENT will be applied to all categories of natural persons.
B. Intra-Corporate Transferee	
<u>Definition:</u> A natural person who is an employee of a juridical person established in the territory of a Party, who is transferred temporarily for the supply of a service through commercial presence (either through a representative office, branch, subsidiary, or affiliate) in the territory of another Party, and who has been in the prior employment of their firms outside Myanmar for a period regulated by the relevant ministries or departments of Myanmar immediately preceding the date of their application for admission, and who are of the following: (i) an Executive: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business; an executive would not directly perform tasks related to the actual provision of	

Description of Category	Conditions and Limitations (including length of stay)
the service or services of the organisation; (ii) a Manager: a natural person within the organisation who primarily directs the organisation, department, or subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employee who primarily perform tasks necessary for the provision of the services; or (iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment or provision of the service or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include members of a licensed profession.	

Attachment
SECTORAL SPECIFIC COMMITMENTS

The following sets out the list of sectors and subsectors where the conditions and limitations for the categories of natural persons as set above shall apply:

1. BUSINESS SERVICES

A. Professional Services

Accounting, auditing and bookkeeping services (CPC 862)

B. Computer and Related Services

Consultancy services related to the installation of computer hardware (CPC 841)

Software implementation Services (CPC 842)

- (i) System and software consulting Services (CPC 8421)
- (ii) System analysis services (CPC 8422)
- (iii) System design services (CPC 8423)
- (iv) Programming services (CPC 8424)
- (v) System maintenance services (CPC 8425)

Data processing services (CPC 843)

- (i) Input preparation services (CPC 8431)
- (ii) Data-processing and tabulation services (CPC 8432)
- (iii) Time-sharing services (CPC 8433)
- (iv) Other data processing services (CPC 8439)

Database services (CPC 844)

Other (CPC 845+849)

- (i) Maintenance and repair services of office machinery and equipment including computers (CPC 845)
- (ii) Other computer services (CPC 849)
 - Data preparation services (CPC 8491)
 - Other computer services (CPC 8499)
 - System integration services
 - Software development services

2. COMMUNICATION SERVICES

Telecommunication services

Voice telephone services (CPC 7521)

- Public telephone services (CPC 7521)
- Mobile telephone services (CPC 75213)

Packet-switched data transmission services (CPC 7523**)

- Data and message transmission services (CPC 7523)

Circuit-switched data transmission services (CPC 7523**)

- Data and message transmission Services (CPC 7523)

Telex Services (CPC 7523**)

Telegraph Services (CPC 7522)

Facsimile Services (CPC 7521**, 7529**)

Private Leased Circuit Services (CPC 7522**, 7523**)

- Business network services (CPC 7522)

Electronic Mail services (CPC 7523**)

Voice Mail Services (CPC 7523**)

Online information and data base retrieval (CPC 7523**)

Electronic Data Interchange (EDI) Services (CPC 7523**)

Enhanced or value-added facsimile services including, store and forward, or store and retrieve (CPC 7523**)

Code and protocol conversion (CPC 7523**)

Online information and /or data processing (CPC 843**)

Other

- Paging Services (CPC 75291)
- Telecommunication equipment maintenance Services (CPC 75450)

3. ENVIRONMENTAL SERVICES

Sewage Services (CPC 9401)

Refuse Disposal Services (CPC 9402)

Sanitation and similar services (CPC 9403)

Other

- Cleaning of exhaust gases (CPC 9404)
- Noise abatement services (CPC 9405)
- Environmental consultancy (CPC 9409)

4. FINANCIAL SERVICES

Average and loss adjustment services (CPC 81403)

Actuarial Services

Foreign Bank's Representative Offices and Branches Services (CPC 811)

5. TRANSPORT SERVICES

Air Transport Services

Aircraft Repair and Maintenance Services

Selling and Marketing of Air Transport Services

Computer Reservation System Services

Aircraft Leasing with Crew

Aircraft Leasing without Crew

Aircraft Catering Services