# FIRST PROTOCOL TO AMEND THE AGREEMENT ON COMPREHENSIVE ECONOMIC PARTNERSHIP AMONG JAPAN AND MEMBER STATES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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

Recalling the Agreement on Comprehensive Economic Partnership among Japan and Member States of the Association of Southeast Asian Nations (hereinafter referred to as the "AJCEP Agreement"), which entered into force on 1 December 2008;

Encouraged by the achievements of the relationship between Japan and ASEAN for more than 40 years, particularly in the economic field;

Desiring to further enhance the competitiveness of Japan and the Member States of ASEAN (hereinafter referred to collectively as "ASEAN Member States" or individually as "ASEAN Member State") by using the AJCEP Agreement as the main vehicle;

Recalling further the Vision Statement on ASEAN-Japan Friendship and Cooperation (Shared Vision, Shared Identity, Shared Future) adopted by the Heads of State or Government of Japan and ASEAN Member States to commemorate the 40th Year of ASEAN-Japan Friendship and Cooperation where they expressed their commitment to further enhancing comprehensive economic partnership through, among others, strengthening cooperation in areas of mutual interest related to trade in goods, trade in services and investment, including enhancing the utilisation of the AJCEP Agreement and the implementation of the ASEAN-Japan 10-Year Strategic Economic Cooperation Roadmap;

Noting Articles 50 and 51 of the AJCEP Agreement, which reflect the intention of Japan and ASEAN Member States to discuss and negotiate provisions for trade in services and investment, and incorporate the results of the negotiations into the AJCEP Agreement;

Seeking to incorporate into the AJCEP Agreement robust Chapters on trade in services, movement of natural persons and investment and confident that the incorporation of these Chapters will strengthen the partnership between Japan and ASEAN, and support economic integration in the East Asian region; and

Noting further that Article 77 of the AJCEP Agreement provides for amendments thereto to be agreed upon by the Parties;

HAVE AGREED as follows:

Article 1
References to the Union of Myanmar

The references to "the Union of Myanmar" in the AJCEP Agreement shall be deemed to read "the Republic of the Union of Myanmar".

Article 2
Incorporation of New Annexes and Amendment to the Table of Contents of the AJCEP Agreement

1. Appendices 1 through 5 of this Protocol shall constitute an integral part of this Protocol.

2. The table of contents of the AJCEP Agreement shall be replaced by the new table of contents as set out in Appendix 1 of this Protocol.

3. Appendices 2 through 5 of this Protocol shall be incorporated into the AJCEP Agreement as Annexes 6 through 9 of the AJCEP Agreement, respectively.

Article 3
Amendment to Chapter 1 (General Provisions) of the AJCEP Agreement

1. Article 8 of the AJCEP Agreement shall be replaced by the following:

"Article 8
Security Exceptions

1. For the purposes of this Agreement, nothing in this Agreement shall be construed:

(a) to require a Party to furnish any information, the disclosure of which it considers contrary to its essential security interests;

(b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interests:

(i) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials or relating to the supply of services as carried on, directly or indirectly, for the purpose of supplying or provisioning a military establishment;

(ii) taken in time of war, domestic emergency, or other emergency in international relations;

(iii) relating to fissionable and fusionable materials or the materials from which they are derived; or

(iv) taken to protect critical public infrastructures, including communication, power and water infrastructures, from deliberate attempts intended to disable or degrade such infrastructures; or

(c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

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

2. Subparagraph 2(e) of Article 11 of the AJCEP Agreement shall be replaced by the following:

"(e) adopt:

(i) the Implementing Regulations referred to in Rule 11 of Annex 4;

(ii) procedures on the implementation of Annex 2 by the Parties after its amendment, upon recommendation of the Sub-Committee on Rules of Origin referred to in Article 37. These procedures shall address, *inter alia*, the date(s) on which the amended Annex 2 shall be applicable to applications for, and the issuance of, Certificates of Origin in accordance with Annex 4;

(iii) amendments to this Agreement pursuant to paragraph 5 of Article 77; and

(iv) any necessary decisions; and"

Article 4
Amendment to Chapter 6 (Trade in Services) of the AJCEP Agreement

Chapter 6 of the AJCEP Agreement shall be replaced by the following:

"Chapter 6
Trade in Services

Article 50.1
Definitions

For the purposes of this Chapter, the term:

(a) "a service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;

(b) "aircraft repair and maintenance services" means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from services and does not include so-called line maintenance;

(c) "commercial presence" means any type of business or professional establishment, including through:

(i) the constitution, acquisition or maintenance of a juridical person; or

(ii) the creation or maintenance of a branch or a representative office,

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

(d) "computer reservation system services" means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations may be made or tickets may be issued;

(e) "direct taxes" comprises all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation;

(f) "juridical person" means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

(g) "juridical person of another Party" means a juridical person which is either:

(i) constituted or otherwise organised under the law of that other Party, and is engaged in substantive business operations in the territory of that other Party or any other Party; or

(ii) in the case of the supply of a service through commercial presence, owned or controlled by:

(A) natural persons of that other Party; or

(B) juridical persons of that other Party identified under subparagraph (i);

(h) A juridical person is:

(i) "owned" by persons of a Party if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Party;

(ii) "controlled" by persons of a Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions; and

(iii) "affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;

(i) "measure" means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;

Note: "measure" shall include taxation measures to the extent covered by the GATS.

(j) "measures by a Party" means measures taken by:

(i) central, regional or local governments and authorities of a Party; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities of a Party;

(k) "measures by a Party affecting trade in services" includes measures in respect of:

(i) the purchase, payment or use of a service;

(ii) the access to and use of, in connection with the supply of a service, services which are required by the Party to be offered to the public generally; and

(iii) the presence, including commercial presence, of persons of a Party for the supply of a service in the territory of another Party;

(l) "monopoly supplier of a service" means any person, public or private, which in the relevant market of the territory of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;

(m) "natural person of another Party" means a natural person who resides in the territory of that other Party or elsewhere, and who under the law of that other Party:

(i) is a national of that other Party; or

(ii) has the right of permanent residence in that other Party, in the case of a Party which accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified to all other Parties after the entry into force of the First Protocol to Amend the Agreement on Comprehensive Economic Partnership Among Japan and Member States of the Association of Southeast Asian Nations (hereinafter referred to as "the First Protocol"), provided that no Party is obliged to accord to such permanent residents treatment more favourable than would be accorded by that other Party to such permanent residents. Such notification shall include the assurance to assume, with respect to the permanent residents, in accordance with its laws and regulations, the same responsibilities that other Party bears with respect to its nationals;

Note: In the case of the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand, the Socialist Republic of Viet Nam and Japan, natural person of another Party shall be limited to a natural person who resides in the territory of that other Party or elsewhere and who under the law of that other Party is a national of that other Party. Therefore, in line with the principle of reciprocity, this Chapter shall not apply to the permanent residents of the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand, the Socialist Republic of Viet Nam and Japan. Once any of these Parties enacts its laws on the treatment of permanent residents of another Party or non-Party, there shall be negotiations among the Parties on the issue of whether to include permanent residents in the coverage of natural person under this Chapter in respect of that Party.

(n) "person" means either a natural person or a juridical person;

(o) "sector" of a service means:

(i) with reference to a specific commitment, one or more, or all, subsectors of that service, as specified in a Party's Schedule of Specific Commitments; or

(ii) otherwise, the whole of that service sector, including all of its subsectors;

(p) "selling and marketing of air transport services" means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

(q) "services" includes any service in any sector except services supplied in the exercise of governmental authority;

(r) "service consumer" means any person that receives or uses a service;

(s) "service of another Party" means a service which is supplied:

(i) from or in the territory of that other Party, or in the case of maritime transport, by a vessel registered under the laws of that other Party, or by a person of that other Party which supplies the service through the operation of a vessel and/or its use in whole or in part; or

(ii) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other Party;

(t) "service supplier" means any person that supplies a service;

Note: Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (i.e. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

(u) "supply of a service" includes the production, distribution, marketing, sale and delivery of a service;

(v) "trade in services" means the supply of a service:

(i) from the territory of a Party into the territory of any other Party ("cross-border supply");

(ii) in the territory of a Party to the service consumer of any other Party ("consumption abroad");

(iii) by a service supplier of a Party, through commercial presence in the territory of any other Party ("commercial presence");

(iv) by a service supplier of a Party, through presence of natural persons of a Party in the territory of any other Party ("presence of natural persons"); and

(w) "traffic rights" means the rights for scheduled and non-scheduled services to operate and/or to carry passengers, cargo and mail for remuneration or hire from, to, within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership and control.

Article 50.2
Scope

1. This Chapter shall apply to measures by a Party affecting trade in services.

2. This Chapter shall not apply to:

(a) government procurement;

(b) cabotage in maritime transport services;

(c) in respect of air transport services, measures affecting traffic rights, however granted, or measures affecting services directly related to the exercise of traffic rights, other than measures affecting:

(i) aircraft repair and maintenance services;

(ii) the selling and marketing of air transport services; and

(iii) computer reservation system services; and

(d) measures by a Party affecting natural persons of another Party seeking access to the employment market of the former Party, or measures regarding nationality or citizenship, or residence or employment on a permanent basis.

3. The Annex A to Chapter 6 provides for supplementary provisions to this Chapter on financial services, including scope and definitions.

4. The Annex B to Chapter 6 provides for supplementary provisions to this Chapter on telecommunications services, including scope and definitions.

Article 50.3
Most-Favoured-Nation Treatment

1. Each Party shall accord to services and service suppliers of another Party treatment no less favourable than that it accords to like services and service suppliers of any other Party or a non-Party.

2. Paragraph 1 shall not apply to any measure by a Party with respect to sectors, subsectors or activities, as set out in Annex 7.

3. Notwithstanding paragraphs 1 and 2, the Parties listed in Annex 8 shall be exempted from paragraphs 1 and 2 and shall endeavour to consider according to services and service suppliers of another Party treatment no less favourable than that they accord to like services and service suppliers of any other Party or a non-Party. Any decision of a Party with regard to this paragraph shall not be subject to dispute settlement procedures provided for in Chapter 9.

Article 50.4
Transparency

1. The Parties recognise that transparent measures governing trade in services are important in facilitating the ability of service suppliers to gain access to, and operate in, each other's markets. Each Party shall promote regulatory transparency in trade in services.

*Publication*

2. Each Party shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force:

(a) all relevant measures of general application affecting trade in services; and

(b) all international agreements pertaining to, or affecting, trade in services to which that Party is a party.

3. To the extent possible, each Party shall make the measures and international agreements of the kind referred to in paragraph 2 available on the internet.

4. Where publication referred to in paragraphs 2 and 3 is not practicable, such information shall be made otherwise publicly available.

5. To the extent possible and required under its laws and regulations, each Party shall provide a reasonable opportunity for comments by interested persons of the Parties on any regulation of general application affecting trade in services that it proposes to adopt, amend or repeal, before adoption, amendment or repeal, and publish the comments received from the public and results of its consideration to the comments.

Note: For greater certainty, a Party may consolidate the comments and the results, and may publish them in a separate document from the one that sets forth the final text of the proposed regulation.

*Contact Points*

6. Each Party shall designate a contact point to facilitate communications among the Parties on any matter covered by this Chapter. Upon the request of another Party, the contact point shall:

(a) identify the office or official responsible for the relevant matter; and

(b) assist as necessary in facilitating communications with the requesting Party with respect to that matter.

7. Each Party shall respond promptly to all requests by any other Party for specific information on:

(a) any measures referred to in subparagraph 2(a) or international agreements referred to in subparagraph 2(b); and

(b) any new, or any changes to existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by the Party's specific commitments under this Chapter, whether or not that other Party has been previously notified of the new or changed law, regulation or administrative guideline.

8. Each Party shall, to the extent possible and required under its laws and regulations, respond to enquiries from interested persons of the Parties regarding any relevant measure of general application of the Party relating to the subject matter of this Chapter.

9. Each Party shall prepare a non-legally binding list (transparency list) on laws and, to the extent possible, other measures at the central government level, which are inconsistent with the obligations under Articles 50.3, 50.17 and 50.18. Such a list shall cover (i) the sectors where specific commitments are undertaken in this Agreement and/or in any other agreements in force on the date of entry into force of the First Protocol pertaining to or affecting trade in services to which the Party preparing the list is a party and (ii) to the extent possible, other sectors that are not included in the sectors referred to in (i), shall be exchanged among the Parties and made public within six (6) years for newer ASEAN Member States and four (4) years for the remaining Parties, from the date of entry into force of the First Protocol, and may be subject to future review and revision as necessary. This list shall not form an integral part of this Agreement and shall not be subject to dispute settlement procedures provided for in Chapter 9. The list shall include the following elements:

(a) sector and sub-sector or matter;

(b) type of inconsistency (i.e. Most-Favoured-Nation Treatment, Market Access and/or National Treatment);

(c) legal source or authority of the measure; and

(d) succinct description of the measure.

Note: Nothing in this paragraph shall be construed to oblige any Party to enter into negotiations with any other Party in respect of any matter relating to the list. The list under this paragraph will be made solely for the purposes of transparency, and shall not be construed to affect the rights and obligations of a Party under this Chapter. For greater certainty, the information contained in this list will also not prevent Parties from introducing new measures or changes. Any review or revision under this paragraph will be solely for the purposes of updating such list.

10. In preparation of such list, a Party, upon request of another Party, may provide technical assistance to the requesting Party, subject to the available resources.

Article 50.5
Domestic Regulation

1. In sectors where specific commitments are undertaken under Articles 50.17 through 50.23, each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2. (a) Each Party shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

(b) Subparagraph 2(a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

3. Where authorisation is required for the supply of a service on which a specific commitment under this Chapter has been made, the competent authorities of each Party shall:

(a) in the case of an incomplete application, at the request of the applicant, identify, where practicable, all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;

(b) at the request of the applicant, provide, without undue delay, information concerning the status of the application; and

(c) if an application is terminated or denied, to the extent possible and required under its laws and regulations, inform the applicant, in writing and without delay, of the reasons for such action. The applicant will have the possibility of resubmitting, at its discretion, a new application.

4. The competent authorities of a Party shall endeavour, in accordance with the laws and regulations of the Party, to establish standards for taking administrative decisions in response to submitted applications. The competent authorities shall endeavour to:

(a) make such standards as specific as possible; and

(b) make such standards publicly available except when it would extraordinarily raise administrative difficulties for the Party.

5. The competent authorities of a Party shall endeavour, in accordance with the laws and regulations of the Party, to:

(a) establish standard periods of time between the receipt of applications by the competent authorities and the administrative decisions taken in response to submitted applications; and

(b) make publicly available such periods of time, if established.

6. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements of service suppliers of another Party do not constitute unnecessary barriers to trade in services, each Party shall aim to ensure that such requirements are, *inter alia*:

(a) based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) not more burdensome than necessary to ensure the quality of the service; and

(c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

7. (a) In sectors in which a Party has undertaken specific commitments subject to any terms, limitations, conditions or qualifications set out therein, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair its obligation under this Chapter in a manner which:

(i) does not comply with the criteria outlined in subparagraph 6(a), (b) or (c); and

(ii) could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.

(b) In determining whether a Party is in conformity with the obligation under subparagraph 7(a), account shall be taken of international standards of relevant international organisations applied by that Party.

Note: The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of at least all the Parties.

8. In sectors where specific commitments regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of any other Party.

9. If the results of the negotiations related to paragraph 4 of Article VI of the GATS enter into effect, this Article shall be amended, as appropriate, after consultations among the Parties, to bring those results into effect under this Agreement.

Article 50.6
Administrative Guidance

1. Where a competent authority of the central government of a Party renders administrative guidance with regard to any matter covered by this Chapter, such competent authority is encouraged to ensure that the administrative guidance does not exceed the scope of its competence. The competent authority is also encouraged to ensure that the administrative guidance does not require the person concerned to comply with the administrative guidance without voluntary cooperation of such person.

2. Such competent authority is encouraged to ensure, in accordance with the laws and regulations of its Party, that the person concerned is not treated unfavourably solely on account of non-compliance of such person with such administrative guidance.

3. Such competent authority is encouraged to provide, in accordance with the laws and regulations of its Party, to the person concerned in writing, upon the request of such person, the purposes and contents of the administrative guidance.

4. For the purposes of this Article, the term "administrative guidance" means any guidance, recommendation or advice by a competent authority of the central government of a Party which requires a person to do or refrain from doing any act but does not create, impose limitations on, or in any way affect, rights and obligations of such person in order to pursue administrative objectives.

Article 50.7
Recognition

1. For the purposes of the fulfilment, in whole or in part, of its respective standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to requirements of paragraph 4, a Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in another Party. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the Parties concerned or may be accorded autonomously.

2. Two (2) or more Parties may enter into, or encourage their relevant competent bodies to enter into, negotiations on recognition of qualification requirements, qualification procedures, licensing and/or registration procedures for the purposes of fulfilment of their respective standards or criteria for the authorisation, licensing or certification of service suppliers.

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

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

5. Where a Party recognises, by an agreement or arrangement between the Party and another Party or a non-Party or unilaterally, the education or experience obtained, requirements met, or licences or certifications granted in that other Party or the non-Party, nothing in Article 50.3 shall be construed to require the former Party to accord such recognition to the education or experience obtained, requirements met, or licences or certifications granted in the other Parties.

Article 50.8
Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 50.3 and specific commitments.

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

3. If a Party has a reason to believe that a monopoly supplier of a service of any other Party is acting in a manner inconsistent with paragraph 1 or 2, the former Party may request that other Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:

(a) authorises or establishes a small number of service suppliers; and

(b) substantially prevents competition among those suppliers in its territory.

## Article 50.9
## Business Practices

1. The Parties recognise that certain business practices of service suppliers, other than those falling under Article 50.8, may restrain competition and thereby restrict trade in services.

2. Each Party shall, at the request of any other Party, enter into consultations with a view to eliminating practices referred to in paragraph 1. The Party addressed shall accord full and sympathetic consideration to such a request and shall cooperate through the supply of publicly available non-confidential information of relevance to the matter in question. The Party addressed shall also provide other information available to the requesting Party, subject to its laws and to the conclusion of satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Party.

## Article 50.10
## Safeguards

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

2. In the event that the implementation of the commitments made in this Chapter causes substantial adverse impact to a service sector of a Party before the conclusion of the multilateral negotiations referred to in paragraph 1, the affected Party may request consultations with the Party or Parties concerned. The requested Party or Parties shall enter into consultations with the requesting Party on the commitments that the requested Party or Parties consider may have caused substantial adverse impact and on the possibility of the requesting Party adopting any measure to alleviate such impact. The requesting Party shall notify all the other Parties of its request for consultations under this paragraph.

3. Any measures taken pursuant to paragraph 2 shall be mutually agreed by the consulting Parties.

4. The consulting Parties shall notify the results of the consultations to all other Parties as soon as practicable and by no later than the next meeting of the Sub-Committee on Trade in Services referred to in Article 50.24 following the conclusion of consultations.

Article 50.11
Payments and Transfers

1. Except under the circumstances envisaged in Article 50.12, a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.

2. Nothing in this Chapter shall affect the rights and obligations of the Parties as members of the International Monetary Fund (hereinafter referred to as "IMF") under the Articles of Agreement of the International Monetary Fund (hereinafter referred to as the "Articles of Agreement of the IMF"), including the use of exchange actions which are in conformity with the Articles of Agreement of the IMF, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except under Article 50.12 or at the request of the IMF.

Article 50.12
Restrictions to Safeguard the Balance of Payments

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on trade in services on which it has undertaken specific commitments including on payments or transfers for transactions related to such commitments.

2. The restrictions referred to in paragraph 1:

(a) shall not discriminate among Parties;

(b) shall be consistent with the Articles of Agreement of the IMF;

(c) shall avoid unnecessary damage to the commercial, economic and financial interests of the other Parties;

(d) shall not exceed those necessary to deal with the circumstances described in paragraph 1; and

(e) shall be temporary and be phased out progressively as the situation specified in paragraph 1 improves.

3. In determining the incidence of such restrictions, a Party may give priority to the supply of services which are more essential to its economic or development programmes. However, such restrictions shall not be adopted or maintained for the purposes of protecting a particular service sector.

4. Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Parties.

5. Where a Party has adopted restrictions pursuant to paragraph 1 and if consultations in relation to the restrictions adopted by it are not taking place at the World Trade Organization, the Party, upon request, shall promptly commence consultations with any requesting Party in order to review those restrictions adopted by the former Party.

## Article 50.13
## General Exceptions

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

(a) necessary to protect public morals or to maintain public order;

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

(b) necessary to protect human, animal or plant life or health;

(c) necessary to secure compliance with laws or regulations which are not inconsistent with this Chapter including those relating to:

(i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts;

(ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; or

(iii) safety;

(d) inconsistent with Article 50.18, provided that the difference in treatment is aimed at ensuring the equitable or effective imposition or collection of direct taxes in respect of services or service suppliers of other Parties; or

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

(i) apply to non-resident service suppliers in recognition of the fact that the tax obligation of non-residents is determined with respect to taxable items sourced or located in the territory of the Party;

(ii) apply to non-residents in order to ensure the imposition or collection of taxes in the territory of the Party;

(iii) apply to non-residents or residents in order to prevent the avoidance or evasion of taxes, including compliance measures;

(iv) apply to consumers of services supplied in or from the territory of another Party in order to ensure the imposition or collection of taxes on such consumers derived from sources in the territory of the Party;

(v) distinguish service suppliers subject to tax on worldwide taxable items from other service suppliers, in recognition of the difference in the nature of the tax base between them; or

(vi) determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the Party's tax base.

Tax terms or concepts in this subparagraph and this Note are determined according to tax definitions and concepts, or equivalent or similar definitions and concepts, under the law of the Party taking the measure.

(e) inconsistent with Article 50.3, provided that the difference in treatment is the result of an agreement on the avoidance of double taxation or provisions on the avoidance of double taxation in any other international agreement or arrangement by which the Party is bound.

Article 50.14
Subsidies

1. Except where provided in this Article, this Chapter shall not apply to subsidies or grants provided by a Party, or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services, service consumers or service suppliers. If such subsidies or grants significantly affect trade in services committed under this Chapter, any Party may request consultations with a view to an amicable resolution of this matter. The requested Party shall accord sympathetic consideration to such request.

2. Pursuant to this Chapter, the Parties shall:

(a) on request, provide information on subsidies related to trade in services committed under this Chapter to any requesting Party; and

(b) review the treatment of subsidies when relevant disciplines are developed by the World Trade Organization.

Article 50.15
Cooperation

The Parties shall strengthen cooperation efforts in services sectors, including sectors which are not covered by existing cooperation arrangements in accordance with Chapter 8. The Parties are encouraged to discuss and mutually agree on the sectors for cooperation and develop cooperation programmes in these sectors in order to improve their domestic capacities, efficiencies and competitiveness.

Article 50.16
Increasing Participation
of Newer ASEAN Member States

In order to increase the benefits of this Chapter for the newer ASEAN Member States, and in accordance with Articles 2, 3 and 52, the Parties recognise the importance of according special and differential treatment to the newer ASEAN Member States and facilitating their participation in this Chapter through negotiated specific commitments relating to:

(a) strengthened domestic services capacity and its efficiency and competitiveness, *inter alia*, through access to technology on a commercial basis;

(b) improved access to distribution channels and information networks;

(c) commitments in sectors of export interest to newer ASEAN Member States; and

(d) recognising that commitments by each newer ASEAN Member State may be made in accordance with its individual stage of development.

Article 50.17
Market Access

1. With respect to market access through the modes of supply identified in subparagraph (v) of Article 50.1, a Party shall accord services and service suppliers of any other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule of Specific Commitments in Annex 6.

Note: If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph (v)(i) of Article 50.1 and if the cross-border movement of capital is an essential part of the service itself, that Party is thereby committed to allow such movement of capital. If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph (v)(iii) of Article 50.1, it is thereby committed to allow related transfers of capital into its territory.

2. In sectors where market-access commitments are undertaken, the measures, which a Party shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule of Specific Commitments in Annex 6, are defined as:

(a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;

(b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;

Note: This subparagraph does not cover measures of a Party which limit inputs for the supply of services.

(d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test;

(e) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and

(f) limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Article 50.18
National Treatment

1. In the sectors inscribed in its Schedule of Specific Commitments in Annex 6, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of any other Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.

Note: For greater certainty, no specific commitments in this Article shall be construed to require any Party to compensate for any inherent competitive disadvantages, which result from the foreign character of the relevant services or service suppliers.

2. A Party may meet the requirement of paragraph 1 by according to services and service suppliers of any other Party, either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.

3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to like services or service suppliers of any other Party.

4. A Party shall not invoke the preceding paragraphs under Chapter 9 with respect to a measure of any other Party that falls within the scope of an international agreement between them relating to the avoidance of double taxation.

Article 50.19
Additional Commitments

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Articles 50.17 and 50.18, including those regarding qualifications, standards or licensing matters. Such commitments shall be inscribed in a Party's Schedule of Specific Commitments in Annex 6.

Article 50.20
Schedules of Specific Commitments

1. Each Party shall set out in a schedule the specific commitments it undertakes under Articles 50.17, 50.18 and 50.19. With respect to sectors or subsectors where such commitments are undertaken, each Schedule of Specific Commitments in Annex 6 shall specify:

(a) terms, limitations and conditions on market access;

(b) conditions and qualifications on national treatment;

(c) undertakings relating to additional commitments; and

(d) where appropriate the timeframe for implementation of such commitments.

2. With respect to sectors or subsectors where the specific commitments are undertaken and which are indicated with "SS", any terms, limitations, conditions and qualifications referred to in subparagraphs 1(a) and (b), other than those based on measures pursuant to immigration laws and regulations, shall be limited to existing non-conforming measures.

Note: For the purposes of this paragraph, "existing" means in effect on the date of entry into force of the First Protocol.

3. Measures inconsistent with both Articles 50.17 and 50.18 shall be inscribed in both the columns relating to Articles 50.17 and 50.18.

Article 50.21
Application and Extension of Commitments

Each Party shall make its individual Schedule of Specific Commitments under Article 50.20 and shall apply such Schedule to other Parties.

Article 50.22
Progressive Liberalisation

The Parties may enter into successive rounds of negotiations so as to progressively liberalise trade in services among the Parties.

Article 50.23
Modification of Schedules

1. A Party may modify or withdraw any commitment in its Schedule of Specific Commitments, at any time after three (3) years from the date on which that commitment has entered into force provided that:

(a) it notifies the other Parties as well as the ASEAN Secretariat of its intention to modify or withdraw a commitment no later than three (3) months before the intended date of implementation of the modification or withdrawal; and

(b) it enters into negotiations with any affected Party to agree to the necessary compensatory adjustment.

2. In achieving a compensatory adjustment, the Parties shall ensure that the general level of mutually advantageous commitment is not less favourable to trade than provided for in the Schedules of Specific Commitments prior to such negotiations.

3. Any compensatory adjustment pursuant to this Article shall be accorded on a non-discriminatory basis to all the Parties.

4. If the Parties concerned are unable to reach an agreement on the compensatory adjustment, the matter shall be settled by arbitration under Chapter 9. The modifying Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the arbitration.

5. If the modifying Party implements its proposed modification or withdrawal and does not comply with the findings of the arbitration, any Party that participated in the arbitration may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding Articles 50.3 and 50.21, such a modification or withdrawal may be implemented solely with respect to the modifying Party.

Article 50.24
Sub-Committee on Trade in Services

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Trade in Services (hereinafter referred to in this Article as "the Sub-Committee") shall be established pursuant to Article 11.

2. The functions of the Sub-Committee shall be to:

(a) review the implementation and operation of this Chapter;

(b) review commitments, with respect to measures affecting trade in services, with a view to achieving further liberalisation on a mutually advantageous basis and securing an overall balance of rights and obligations;

(c) discuss any issues related to this Chapter;

(d) report the outcome of discussions of the Sub-Committee to the Joint Committee; and

(e) carry out other functions as may be delegated by the Joint Committee in accordance with Article 11 of this Agreement.

3. The Sub-Committee shall be:

(a) composed of representatives of the Governments of Japan and all ASEAN Member States; and

(b) co-chaired by an official of the Government of Japan and an official of one of the Governments of the ASEAN Member States.

4. The Sub-Committee, based on the consensus of the Parties, may invite representatives of relevant entities other than the Governments with the necessary expertise relevant to the issues to be discussed to participate in the Sub-Committee's discussions.

5. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

Article 50.25
Review

1. With the objective of further liberalising trade in services among the Parties, including the possibility of the re-negotiation of the format of schedules, the Parties shall undertake a review of this Chapter with Annexes A and B to this Chapter and Annexes 6 through 8 at the occasion of a general review pursuant to Article 75 or other occasions as may be otherwise agreed by the Parties.

2. If, after the entry into force of the First Protocol, a Party has undertaken further liberalisation autonomously in any of services sectors, subsectors or activities, pursuant to Article 50.22, it may consider any requests by the other Parties for the possible incorporation into this Agreement of such autonomous liberalisation.

## Article 50.26
## Denial of Benefits

A Party may deny the benefits of this Chapter:

(a) to the supply of a service, if it establishes that the service is supplied from or in the territory of a non-Party;

(b) in the case of the supply of a maritime transport service, if it establishes that the service is supplied:

  (i) by a vessel registered under the laws of a non-Party; and

  (ii) by a person of a non-Party which operates and/or uses the vessel in whole or in part;

(c) to a service supplier that is a juridical person, if it establishes that it is not a service supplier of another Party.

Annex A to Chapter 6
Financial Services

Article A.1
Scope and Definitions

1. This Annex shall apply to measures affecting the supply of financial services. Reference to the supply of a financial service in this Annex shall mean the supply of a service as defined in subparagraph (u) of Article 50.1.

2. (a) For the purposes of this Annex, the term:

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

*Insurance and insurance-related services*

(A) direct insurance (including co-insurance):

(1) life; and

(2) non-life;

(B) reinsurance and retrocession;

(C) insurance intermediation, such as brokerage and agency;

(D) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services;

*Banking and other financial services (excluding insurance)*

(E) acceptance of deposits and other repayable funds from the public;

(F) lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;

(G) financial leasing;

(H) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;

(I) guarantees and commitments;

(J) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

(1) money market instruments (including cheques, bills, certificates of deposits);

(2) foreign exchange;

(3) derivative products including, but not limited to, futures and options;

(4) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;

(5) transferable securities; and

(6) other negotiable instruments and financial assets, including bullion;

(K) participation in issues of all kinds of securities, including underwriting and placement as agent, whether publicly or privately, and provision of services related to such issues;

(L) money broking;

(M) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;

(N) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

(O) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(P) advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (E) through (O), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy;

(ii) "financial service supplier" means any natural or juridical person of a Party wishing to supply or supplying financial services but "financial service supplier" does not include a public entity;

(iii) "public entity" means:

(A) a government, a central bank or monetary authority, of a Party, or an entity owned or controlled by a Party, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or

(B) a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions; and

(iv) "self-regulatory organisation" means:

(A) in the case of Japan, any non-governmental body, including any securities or futures exchange or market, clearing agency, or other organisation or association that exercises delegated regulatory or supervisory authority over financial service suppliers; and

(B) in the case of an ASEAN Member State, any non-governmental body, including any securities or futures exchange or market, clearing or payment settlement agency, or any other organisation or association that is recognised by legislation as a self-regulatory organisation and exercises regulatory or supervisory authority over financial service suppliers pursuant to legislation or delegation from central, regional or local governments or authorities;

(b) For the purposes of subparagraph (q) of Article 50.1, "services supplied in the exercise of governmental authority" means the following:

(i) activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;

(ii) activities forming part of a statutory system of social security or public retirement plans; and

(iii) other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the Government;

(c) For the purposes of subparagraph (q) of Article 50.1, if a Party allows any of the activities referred to in subparagraph (b)(ii) or (iii) to be conducted by its financial service suppliers in competition with a public entity or a financial service supplier, "services" shall include such activities; and

(d) The term "a service supplied in the exercise of governmental authority" as defined in subparagraph (a) of Article 50.1 shall not apply to services covered by this Annex.

Article A.2
Transparency

1. The Parties recognise that regulatory transparency in financial services is important in facilitating the ability of financial service suppliers to gain access to and operate in each other's market.

2. Each Party shall endeavour to take such reasonable measures as may be available to it to ensure that the rules of general application adopted or maintained by self-regulatory organisations in the Party are promptly published or otherwise made publicly available.

3. Each Party shall, to the extent possible, maintain or establish appropriate mechanisms for responding to enquiries from interested persons of another Party regarding measures of general application to which this Annex applies.

Note: The Parties confirm their shared understanding that interested persons in this Article should only be persons whose direct financial interest could be potentially affected by the adoption of the regulations of general application.

4. Competent authorities of each Party shall use their best endeavours to make available to interested persons of another Party their requirements, including any documentation required, for completing applications relating to the supply of financial services.

5. On the request of an applicant in writing, competent authorities of a Party shall inform the applicant of the status of its application. If an authority requires additional information from the applicant, it shall notify the applicant within a reasonable period of time.

6. (a) A competent authority of each Party shall make administrative decisions on a completed application of a financial service supplier of another Party seeking to supply a financial service in that Party's territory within one hundred eighty (180) days and shall notify the applicant of the decision within a reasonable period of time. An application shall not be considered complete until all relevant proceedings are conducted and the competent authority considers all necessary information is received.

(b) Where it is not practicable for a decision to be made within one hundred eighty (180) days, the competent authority shall notify the applicant without delay and shall endeavour to make the decision within a reasonable period of time thereafter.

7. On the request of an unsuccessful applicant in writing, a competent authority of a Party that has denied an application shall endeavour to inform the applicant of the reasons for denial of the application.

Article A.3
Transfers of Information and
Processing of Information

1. A Party shall not take measures that prevent:

(a) transfers of information including transfers of data by electronic means necessary for the conduct of the ordinary business of a financial service supplier;

(b) the processing of financial information including transfers of data by electronic means necessary for the conduct of the ordinary business of a financial service supplier; or

(c) transfers of equipment necessary for the conduct of the ordinary business of a financial service supplier, subject to importation rules consistent with international agreements.

2. Nothing in paragraph 1:

(a) restricts the right of a Party to protect personal data, personal privacy and the confidentiality of individual records and accounts including in accordance with its domestic laws and regulations so long as such right shall not be used as a means of avoiding the commitments or obligations of the Party under this Agreement;

(b) prevents a competent authority of a Party for regulatory or prudential reasons from requiring a financial service supplier in its territory to comply with domestic regulations in relation to data management and storage and system maintenance, as well as to retain within its territory copies of records; or

(c) shall be construed to require a Party to allow the cross-border supply or the consumption abroad of services in relation to which it has not made specific commitments, including to allow non-resident suppliers of financial services to supply, as a principal, through an intermediary or as an intermediary, the provision and transfer of financial information and financial data processing as referred to in subparagraph 2(a)(i)(O) of Article A.1.

Article A.4
Domestic Regulation

1. Notwithstanding any other provisions of Chapter 6, including Annexes A and B to Chapter 6 and Annexes 6 through 8, a Party shall not be prevented from taking measures for prudential reasons, including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the Party's financial system. Where such measures do not conform with the provisions of Chapter 6, they shall not be used as a means of avoiding the commitments or obligations of the Party under that Chapter.

2. Nothing in Chapter 6, including Annexes A and B to Chapter 6 and Annexes 6 through 8, shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

Article A.5
Recognition of Prudential Measures

Where a Party recognises, by an agreement or arrangement, prudential measures of a non-Party or of any international regulatory body in determining how the Party's measures relating to financial services shall be applied, that Party shall afford adequate opportunity for the other Parties to negotiate their accession to such an agreement or arrangement, or to negotiate a comparable agreement or arrangement with it, under circumstances in which there would be equivalent regulation, oversight, implementation of such regulation and, if appropriate, procedures concerning the sharing of information between the parties to the agreement or arrangement. Where a Party accords such recognition autonomously, it shall afford adequate opportunity for the other Parties to demonstrate that such circumstances exist.

Article A.6
Settlement of Disputes

Arbitral tribunals established under Article 64 for disputes on prudential issues and other financial matters shall have the necessary expertise relevant to the specific financial service under dispute.

## Annex B to Chapter 6
## Telecommunications Services

### Article B.1
### Scope

1. This Annex shall apply to measures by a Party affecting trade in public telecommunications transport networks and services.

2. This Annex shall not apply to measures affecting broadcasting services as defined in the laws and regulations of each Party.

3. Nothing in this Annex shall be construed to:

(a) require a Party to authorise a service supplier of another Party to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services other than as provided for in its Schedule of Specific Commitments in Annex 6; or

(b) require a Party (or require a Party to oblige service suppliers under its jurisdiction) to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services not offered to the public generally.

### Article B.2
### Definitions

For the purposes of this Annex, the term:

(a) "cost-oriented" means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;

(b) "end user" means a subscriber to or a final consumer of public telecommunications transport networks or services, including a service supplier other than a supplier of public telecommunications transport networks or services;

(c) "essential facilities" means facilities of a public telecommunications transport network or service that:

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

(ii) cannot feasibly be economically or technically substituted in order to provide a service;

(d) "leased circuits" means telecommunications facilities between two or more designated points that are set aside for the dedicated use of, or availability to, particular users;

(e) "major supplier" means a supplier which has the ability to materially affect the terms of participation, having regard to price and supply, in the relevant market for public telecommunications transport networks or services as a result of:

(i) control over essential facilities; or

(ii) use of its position in the market;

(f) "non-discriminatory" means treatment no less favourable than that accorded to any other user of like public telecommunications transport networks or services in like circumstances;

(g) "personal data" means any information about an identified or identifiable natural person;

(h) "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;

(i) "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by a Party to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex and data transmission typically involving transmission of customer-supplied information between two or more defined points without any end-to-end change in the form or content of the customer's information;

(j) "telecommunications" means the transmission and reception of signals by any electromagnetic means;

(k) "telecommunications regulatory body" means any body or bodies in the territory of a Party which is or are responsible, under the laws and regulations of the Party, for the regulation of telecommunications; and

(l) "users" means end users or suppliers of public telecommunications transport networks or services.

Article B.3
Access and Use

1. Each Party shall ensure that any service supplier of another Party is accorded access to and use of public telecommunications transport networks and services in a timely fashion and on transparent, reasonable and non-discriminatory terms and conditions, for the supply of a service included in its Schedule of Specific Commitments in Annex 6. This obligation shall be applied, *inter alia*, through paragraphs 2 through 6.

2. Each Party shall ensure that service suppliers of another Party have access to and use of any public telecommunications transport network or service offered within or across the border of that Party, including private leased circuits, and to this end shall ensure, subject to paragraphs 5 and 6, that such suppliers are permitted:

(a) to purchase or lease and attach terminal or other equipment which interfaces with the network and which is necessary to supply their services;

(b) to interconnect private leased or owned circuits with public telecommunications transport networks and services or with circuits leased or owned by other service suppliers; and

(c) to use operating protocols of their choice in the supply of any service, other than as necessary to ensure the availability of telecommunications transport networks and services to the public generally.

3. Each Party shall ensure that service suppliers of another Party may use public telecommunications transport networks and services for the movement of information within and across borders, including for intra-corporate communications of such service suppliers, and for access to information contained in data bases or otherwise stored in machine-readable form in the territory of any Party.

4. Notwithstanding paragraph 3, a Party may take such measures as are necessary:

(a) to ensure the security and confidentiality of messages; or

(b) to protect the personal data of end users of public telecommunications transport networks or services subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications transport networks and services other than as necessary:

(a) to safeguard the public service responsibilities of suppliers of public telecommunications transport networks and services, in particular their ability to make their networks or services available to the public generally; or

(b) to protect the technical integrity of public telecommunications transport networks or services.

6. Provided that they satisfy the criteria set out in paragraph 5, conditions for access to and use of public telecommunications transport networks and services may include:

(a) a requirement to use specified technical interfaces, including interface protocols, for interconnection with public telecommunications transport networks and services;

(b) requirements, where necessary, for the inter-operability of public telecommunications transport services and to encourage the achievement of the goals set out in Article B.17;

(c) type approval of terminal or other equipment which interfaces with public telecommunications transport networks and technical requirements relating to the attachment of such equipment to such networks;

(d) restrictions on interconnection of private leased or owned circuits with public telecommunications transport networks or services or with circuits leased or owned by other service suppliers; or

(e) notification, permit, registration and licensing.

## Article B.4
## Number Portability

Each Party shall endeavour to ensure that suppliers of public telecommunications transport networks or services in its territory provide number portability for mobile services in accordance with its laws and regulations, to the extent technically and economically feasible, on a timely basis and on reasonable terms and conditions.

## Article B.5
## Competitive Safeguard

1. Each Party shall adopt or maintain appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

2. The anti-competitive practices referred to in paragraph 1 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 suppliers of public telecommunications transport networks or services, on a timely basis, technical information about essential facilities and commercially relevant information which are necessary for them to supply services.

Article B.6
Treatment by Major Suppliers

Each Party shall ensure that a major supplier in its territory accords to suppliers of public telecommunications transport networks and services of another Party treatment no less favourable than that such major supplier accords in like circumstances to its subsidiaries and affiliates, or any non-affiliated service suppliers regarding:

(a) the availability, provisioning, rates or quality of like telecommunications services; and

(b) the availability of technical interfaces necessary for interconnection.

Article B.7
Resale

Each Party shall ensure that any major supplier in its territory does not impose unreasonable or discriminatory conditions or limitations on the resale of the public telecommunications transport services by suppliers of public telecommunications transport networks or services of another Party.

Article B.8
Interconnection

1. Each Party shall ensure that suppliers of public telecommunications transport networks in its territory provide interconnection with the suppliers of public telecommunications transport networks or services of another Party to the extent provided for in its laws and regulations.

2. Each Party shall ensure that a major supplier which has control over essential facilities in its territory provides interconnection for the facilities and equipment of suppliers of public telecommunications transport networks and services of another Party at any technically feasible point in the network. Such interconnection shall be 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 and 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 of public telecommunications transport networks or services of another Party need not pay for network components or facilities that it does not require for the services to be provided; and

(c) upon request, at points in addition to the network termination points offered to the majority of suppliers of public telecommunications transport networks and services, subject to charges that reflect the cost of construction of necessary additional facilities.

3. Each Party shall ensure that suppliers of public telecommunications transport networks or services of another Party may interconnect their facilities and equipment with those of major suppliers which have control over essential facilities in its territory pursuant to at least one of the following options:

(a) a reference interconnection offer, approved by the Party's telecommunications regulatory body, containing the rates, terms and conditions that the major supplier which has control over essential facilities offers generally to suppliers of public telecommunications transport services;

(b) the terms and conditions of an existing interconnection agreement; or

(c) a new interconnection agreement through commercial negotiation.

4. Each Party shall ensure that the procedures applicable for interconnection to a major supplier are made publicly available.

5. Each Party shall ensure that a major supplier in its territory makes publicly available either its interconnection agreements or reference interconnection offer.

6. Each Party shall ensure that a major supplier which has control over essential facilities does not use or provide commercially sensitive or confidential information on suppliers of public telecommunications transport networks or services or end users thereof, which was acquired through its interconnection business with telecommunications facilities of the suppliers of the public telecommunications transport networks or services, for purposes other than such interconnection business.

Article B.9
Provisioning and Pricing of Leased Circuit Services

Each Party shall ensure that a major supplier which has control over essential facilities in its territory provides suppliers of public telecommunications transport networks and services of another Party with leased circuit services that are public telecommunications transport networks or services on terms and conditions, and at rates, that are reasonable, non-discriminatory and transparent.

Article B.10
Co-location

Each Party shall ensure, in accordance with its laws and regulations, that a major supplier which has control over essential facilities in its territory allows suppliers of public telecommunications transport networks or services of another Party to locate their equipment within the major supplier's buildings on terms and conditions, including technical feasibility and space availability where applicable, and at cost-oriented rates, that are reasonable, non-discriminatory (including with respect to timeliness) and transparent.

Article B.11
Independent Telecommunications Regulatory Body

1. Each Party shall ensure that its telecommunications regulatory body is separate from, and not accountable to, any supplier of telecommunications services.

Note: For greater certainty, "supplier of telecommunications services" is not limited to a supplier of public telecommunications transport networks or services.

2. Each Party shall ensure that the decisions of, and the procedures used by, its telecommunications regulatory body are impartial with respect to all market participants.

Article B.12
Universal Service

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

## Article B.13
## Licensing

1. Where a licence, concession, permit, registration or other type of authorisation is required for the supply of public telecommunications transport networks or services, each Party shall make publicly available:

(a) all the licensing or other authorisation criteria and procedures, and the period of time normally required to reach a decision concerning an application for a licence, concession, permit, registration or other type of authorisation; and

(b) the terms and conditions of individual licences, concessions, permits, registrations or other type of authorisations it has issued.

2. The competent authority of a Party shall notify an applicant of the outcome of its application without undue delay after a decision has been taken. In case a decision is taken to deny an application for a licence, concession, permit, registration or other type of authorisation, the competent authority of the Party shall make known to the applicant, upon request, the reason for the denial.

## Article B.14
## Allocation and Use of Scarce Resources

1. Each Party shall carry out its procedures for the allocation and use of scarce resources related to telecommunications, including frequencies, and numbers in an objective, timely, transparent and non-discriminatory manner.

2. Each Party shall make publicly available the current state of allocated frequency bands, but shall not be required to provide detailed identification of frequencies allocated for specific government uses.

3. A Party's measures allocating and assigning spectrum and managing frequency are not measures that are *per se* inconsistent with Article 50.17. Accordingly, each Party retains the right to establish and apply spectrum and frequency management policies that have the effect of limiting the number of suppliers of public telecommunications transport networks or services, provided that it does so in a manner consistent with other provisions of Chapter 6. Such right includes the ability to allocate frequency bands, taking into account current and future needs and spectrum availability.

Article B.15
Transparency

Each Party shall ensure that relevant information on conditions affecting access to and use of public telecommunications transport networks and services is publicly available, including: tariffs and other terms and conditions of service; specifications of technical interfaces with such networks and services; information on bodies responsible for the preparation and adoption of standards affecting such access and use; conditions applying to attachment of terminal or other equipment; and notifications, permit, registration or licensing requirements, if any.

Article B.16
Settlement of Disputes

1. Each Party shall ensure that suppliers of public telecommunications transport networks or services of another Party may have timely recourse to its telecommunications regulatory body or dispute settlement body to settle disputes arising under this Annex in accordance with its laws and regulations.

2. Each Party shall ensure, in accordance with its laws and regulations, that any supplier of public telecommunications transport networks or services aggrieved by a determination or decision of its relevant telecommunications regulatory body may petition that body for reconsideration of that determination or decision. No Party shall permit such a petition to constitute grounds for non-compliance with such determination or decision of the said body unless an appropriate authority suspends or withdraws such determination or decision.

3. Each Party shall ensure that any supplier of public telecommunications transport networks or services aggrieved by a final determination or decision of its relevant telecommunications regulatory body may obtain review of such determination or decision in accordance with its laws and regulations.

Article B.17
Relation to International Organisations

The Parties recognise the importance of international standards for global compatibility and inter-operability of telecommunications networks and services and undertake to promote such standards through the work of relevant international bodies, including the International Telecommunication Union and the International Organization for Standardization.

Article B.18
Transitional Arrangements

Noting each Party's different stage of development, and noting each Party's commitments under the GATS, a Party may delay the application of the following Articles as indicated in the Attachment to this Annex on Transitional Arrangements:

(a) Article B.5 Competitive Safeguard;

(b) Article B.7 Resale;

(c) Article B.8 Interconnection;

(d) Article B.9 Provisioning and Pricing of Leased Circuit Services;

(e) Article B.10 Co-location;

(f) Article B.11 Independent Telecommunications Regulatory Body;

(g) Article B.13 Licensing; and

(h) Article B.14 Allocation and Use of Scarce Resources.

# Attachment to Annex B to Chapter 6 on Transitional Arrangements

| Party | Article B.5 Competitive Safeguard | Article B.7 Resale | Article B.8 Interconnection | Article B.9 Provisioning and Pricing of Leased Circuit Services | Article B.10 Co-location | Article B.11 Independent Telecommunications Regulatory Body | Article B.13 Licensing | Article B.14 Allocation and Use of Scarce Resources |
|---|---|---|---|---|---|---|---|---|
| Kingdom of Cambodia | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications. | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications. | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications. | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications. | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications. | Commits to apply this Article as soon as the Law and regulations on Telecommunications enters into force. | Commits to apply this Article as soon as the Law and regulations on Telecommunications enters into force. | Commits to apply this Article no later than three (3) years from the date of entry into force of the Law and regulations on Telecommunications and the Law on Radio Communication. |
| Republic of Indonesia | None | Commits to apply five (5) years after this obligation is reflected in the new Telecommunications Law. | None | Commits to apply five (5) years after this obligation is reflected in the new Telecommunications Law. | Commits to apply five (5) years after this obligation is reflected in the new Telecommunications Law. | None | None | None |
| Lao People's Democratic Republic | None | Commits to apply this Article in 2020. | None | Commits to apply this Article in 2020. | Commits to apply this Article in 2020. | None | Commits to apply this Article in 2018. | Commits to apply this Article in 2018. |
| Republic of the Union of Myanmar | None | None | None | Commits to apply this Article after this obligation is reflected in domestic laws and regulations by 2018. | None. For greater certainty, the application of this Article is based on effective commercial arrangement between parties. | None | None | None |

| Party | Article B.5 Competitive Safeguard | Article B.7 Resale | Article B.8 Interconnection | Article B.9 Provisioning and Pricing of Leased Circuit Services | Article B.10 Co-location | Article B.11 Independent Telecommunications Regulatory Body | Article B.13 Licensing | Article B.14 Allocation and Use of Scarce Resources |
|---|---|---|---|---|---|---|---|---|
| Republic of the Philippines | None<br>(Competition Safeguard is provided under the existing rules of the National Telecommunications Commission). | Resale of private leased lines is not allowed.<br><br>Private leased circuit services shall not be connected to a public switched telephone network. | Commits to apply this Article on a reciprocal basis. | Commits to apply this Article on a reciprocal basis. | Commits to apply this Article on a reciprocal basis. | None | None | None |
| Kingdom of Thailand | Commits to apply after the expiration of the last concession contract in 2018. | None | None | None | Commits to apply after the expiration of the last concession contract in 2018. | None | None | None |
| Socialist Republic of Viet Nam | None | Commits to apply this Article in 2020. | None | Commits to apply this Article in 2020. | Commits to apply this Article in 2020.<br>For greater certainty, service suppliers from other Parties are not allowed to locate their equipment within a submarine cable landing station under the laws and regulations of the Socialist Republic of Viet Nam. | None, on the condition that this obligation only applies to suppliers of public telecommunications transport networks or services. | None | None |



"

Article 5
Incorporation of Chapter 6 *bis*
(Movement of Natural Persons)
into the AJCEP Agreement

The following Chapter on Movement of Natural Persons shall be inserted into the AJCEP Agreement as Chapter 6 *bis*:

"Chapter 6 *bis*
Movement of Natural Persons

Article 50 *bis*.1
Objectives

The objectives of this Chapter are to:

(a) provide the rights and obligations in relation to the movement of natural persons between the Parties for the purposes of trade in services and investment;

(b) facilitate the movement of natural persons engaged in the conduct of trade and investment between the Parties; and

(c) establish streamlined and transparent procedures for applications for immigration formalities for the entry and temporary stay of natural persons to whom this Chapter applies.

Article 50 *bis*.2
Scope

1. This Chapter shall apply to measures affecting the movement of natural persons of a Party who enter the territory of another Party and who fall under one of the categories referred to in paragraph 1 of Article 50 *bis*.4.

2. This Chapter shall not apply to measures affecting natural persons of a Party seeking access to the employment market of another Party, nor shall it apply to measures regarding nationality or citizenship, or residence or employment on a permanent basis.

3. This Chapter shall not prevent a Party from applying measures to regulate the entry and temporary stay of natural persons of another Party in its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in a manner so as to nullify or impair the benefits accruing to another Party under the terms of the specific commitments.

Note: The sole fact of requiring a visa for natural persons of a certain nationality or citizenship and not for those of others shall not be regarded as nullifying or impairing benefits under the terms of specific commitments set out in Annex 9.

Article 50 *bis*.3
Definitions

For the purposes of this Chapter, the term:

(a) "natural person of another Party" means a natural person who resides in the territory of that other Party or elsewhere, and who under the law of that other Party:

(i) is a national of that other Party; or

(ii) has the right of permanent residence in that other Party, in the case of a Party which accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified to all other Parties after the entry into force of the First Protocol, provided that no Party is obliged to accord to such permanent residents treatment more favourable than would be accorded by that other Party to such permanent residents. Such notification shall include the assurance to assume, with respect to the permanent residents, in accordance with its laws and regulations, the same responsibilities that other Party bears with respect to its nationals;

Note: In the case of the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand, the Socialist Republic of Viet Nam and Japan, natural person of another Party shall be limited to a natural person who resides in the territory of that other Party or elsewhere and who under the law of that other Party is a national of that other Party. Therefore, in line with the principle of reciprocity, this Chapter shall not apply to the permanent residents of the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand, the Socialist Republic of Viet Nam and Japan. Once any of these Parties enacts its laws on the treatment of permanent residents of another Party or non-Party, there shall be negotiations among the Parties on the issue of whether to include permanent residents in the coverage of natural person under this Chapter in respect of that Party.

(b) "short-term business visitor" means:

in the context of entry and temporary stay of a natural person of another Party in an ASEAN Member State, a natural person seeking to enter or stay in the territory of an ASEAN Member State temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of that ASEAN Member State:

(i) as a representative of a goods seller/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/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 subparagraphs (f)(i) through (iii) only for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of that ASEAN Member State;

(iii) for the purpose of participating in business negotiations or meetings; or

(iv) for the purpose of establishing an investment or setting up a commercial presence in the territory of that ASEAN Member State; and

in the context of entry and temporary stay of a natural person of an ASEAN Member State in Japan, the activities of a short-term business visitor allowed in Japan are described in the terms of the specific commitments set out in Annex 9;

(c) "contractual service supplier" means:

in the context of entry and temporary stay of a natural person of another Party in an ASEAN Member State, a natural person who is an employee of a juridical person established in the territory of another Party which has no commercial presence in the territory of that ASEAN Member State where services will be provided, who:

(i) enters the territory of that ASEAN Member State temporarily in order to supply a service pursuant to a contract or contracts between his or her employer and a service consumer or service consumers in the territory of that ASEAN Member State;

(ii) is either an executive, manager, or specialist as defined in subparagraphs (f)(i) through (iii), who receives remuneration from his or her employer;

(iii) must possess the appropriate educational and professional qualifications relevant to the service to be provided; and

(iv) as may be applicable, has been an employee of the juridical person for a period as may be specified in the terms of specific commitments set out in Annex 9; and

in the context of entry and temporary stay of a natural person of an ASEAN Member State in Japan, the activities of contractual service supplier allowed in Japan are described in the terms of the specific commitments set out in Annex 9;

(d) "granting Party" means a Party who receives an application for entry and temporary stay from a natural person of another Party who is covered by Article 50 *bis*.2;

(e) "immigration formality" means:

with respect to an ASEAN Member State, a visa, permit, pass or other documents or electronic authority in accordance with the laws and regulations of that ASEAN Member State granting a natural person of another Party the right to temporarily enter, stay, work, or to establish commercial presence in the territory of the granting Party; and

with respect to Japan, only visa, which grants entry and temporary stay in accordance with the laws and regulations of Japan;

(f) "intra-corporate transferee" means:

in the context of entry and temporary stay of a natural person of another Party in an ASEAN Member State, a natural person who is an employee of a juridical person established in the territory of another 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 that ASEAN Member State, and who has been an employee of the juridical person for a period as may be specified in the terms of specific commitments set out in Annex 9, and who is:

(i) an "executive": being a natural person within the organisation who primarily directs the management of the organisation, 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 the service or services of the organisation;

(ii) a "manager": being a natural person within the organisation who primarily directs the organisation/department/subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff. It does not include first line supervisors unless employees supervised are professionals; and it does not include employees who primarily perform tasks necessary for the provision of the service; or

(iii) a "specialist": being a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; and it may include, but is not limited to, members of a licensed profession; and

in the context of entry and temporary stay of a natural person of an ASEAN Member State in Japan, the activities of intra-corporate transferee allowed in Japan are described in the terms of the specific commitments set out in Annex 9; and

(g) "entry and temporary stay" means entry into and stay in the territory of a Party by a natural person of another Party, without the intent to establish permanent residence.

## Article 50 *bis*.4
## Specific Commitments

1. Each Party shall grant entry and temporary stay to natural persons of another Party in accordance with this Chapter including the terms of the categories in Annex 9, provided that the natural persons comply with the laws and regulations, including prescribed application procedures for the immigration formality sought and eligibility requirements, of the former Party related to movement of natural persons applicable to entry and temporary stay, which are not inconsistent with the provisions of this Chapter. Such natural persons may include:

(a) short-term business visitors;

(b) intra-corporate transferees;

(c) contractual service suppliers;

(d) investors; and

(e) other categories as may be specified in Annex 9.

2. A Party may deny entry and temporary stay to natural persons of another Party that do not comply with paragraph 1.

3. No Party shall impose or maintain any limitations on the total number of visas to be granted in that Party to natural persons of another Party unless otherwise specified in Annex 9.

## Article 50 *bis*.5
## Processing of Applications

1. Each Party shall process without undue delay complete applications for immigration formalities or extensions thereof received from an applicant who is a natural person of another Party covered by Article 50 *bis*.2 or his or her employer.

2. If the competent authorities of a Party require additional information in order to process the application for an immigration formality, they shall, where applicable, endeavour to notify the applicant without undue delay.

3. Each Party shall, upon request and within a reasonable period of time after receiving a complete application for an immigration formality, notify the applicant of:

(a) the receipt of the application;

(b) the status of the application; and

(c) the decision concerning the application including, if approved, the period of stay and other conditions.

4. Each Party shall endeavour to simplify the requirements including required documentation, and to facilitate and expedite the procedures, relating to entry and temporary stay, in accordance with its laws and regulations.

5. Any fees imposed by a Party in respect of the processing of an application referred to in paragraph 1 shall be reasonable and in accordance with its laws and regulations.

Article 50 *bis*.6
Transparency

Each Party shall:

(a) publish or otherwise make publicly available explanatory material and relevant forms and documents on all relevant immigration formalities which pertain to or affect the operation of this Chapter;

(b) maintain or establish contact points or other appropriate mechanisms to respond to enquiries from interested persons regarding its laws and regulations relating to entry and temporary stay of natural persons;

(c) to the extent possible, allow reasonable time between publication of new regulations affecting entry and temporary stay of natural persons and their effective date. Such publication may be made electronically available; and

(d) upon modifying or amending any immigration measure that affects the entry and temporary stay of natural persons, ensure that the information published or otherwise made available pursuant to subparagraph (a) is updated as soon as possible.

Article 50 *bis*.7
Recognition

1. For the purposes of smooth movement of natural persons under this Chapter, a Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in another Party for the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of natural persons of that other Party.

2. Recognition referred to in paragraph 1, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement between the Parties concerned or may be accorded unilaterally.

3. Where a Party recognises by agreement or arrangement between the Party and a non-Party or unilaterally, the education or experience obtained, requirements met, or licences or certifications granted in the non-Party, the Party shall accord to the other Parties an adequate opportunity to demonstrate that the education or experience obtained, requirements met or licences or certifications granted in the other Parties should also be recognised.

Article 50 *bis*.8
Application of Chapter 9

1. Without prejudice to Chapter 9, the Parties shall endeavour to resolve any differences arising out of the implementation of this Chapter through consultations.

2. A Party shall not have recourse to Chapter 9 regarding a refusal to grant entry and temporary stay under this Chapter unless:

(a) the matter involves a pattern of practice on the part of the granting Party; and

(b) the natural persons of the Party concerned have exhausted the domestic remedies, where available, regarding the particular matter.

Article 50 *bis*.9
General Exceptions

For the purposes of this Chapter, Article 50.13 shall apply *mutatis mutandis*.

Article 50 *bis*.10
Measures Pursuant to Immigration Laws and Regulations

Except for this Chapter and Chapters 1, 9 and 10, nothing in this Agreement shall impose any obligation on each Party regarding measures affecting the movement of natural persons of another Party.

Note: For greater certainty, the measures affecting the movement of natural persons of another Party include immigration formalities."

Article 6
Amendment to Chapter 7 (Investment) of the AJCEP Agreement

Chapter 7 of the AJCEP Agreement shall be replaced by the following:

"Chapter 7
Investment

Article 51.1
Scope and Coverage

1. This Chapter shall apply to measures adopted or maintained by a Party relating to:

(a) investors of another Party; and

(b) covered investments.

2. This Chapter shall not apply to:

(a) any measure that a Party adopts or maintains with respect to government procurement;

(b) subsidies or grants provided by a Party;

(c) services supplied in the exercise of governmental authority, provided that such services are supplied neither on a commercial basis, nor in competition with one or more service suppliers; and

(d) claims arising out of events which occurred prior to the date of entry into force of the First Protocol.

3. This Chapter shall not apply to measures adopted or maintained by a Party to the extent that they are covered by Chapters 6 and 6 *bis*.

4. Notwithstanding paragraph 3, Articles 51.4, 51.9, 51.10, 51.11, 51.12 and 51.13 shall apply to any measure affecting the supply of a service by a service supplier of a Party through commercial presence in the territory of another Party covered by Chapter 6, but only to the extent that any such measure relates to a covered investment and an obligation under this Chapter.

Note: For greater certainty, paragraph 4 shall not preclude a Party from applying Articles 8, 51.14, 51.15, 51.19, 51.20, 51.21 or other relevant provisions of this Chapter to any measure affecting the supply of a service by a service supplier of a Party through commercial presence in the territory of another Party covered by Chapter 6, but only to the extent that any such measure relates to a covered investment and an obligation under this Chapter.

Article 51.2
Definitions

For the purposes of this Chapter, the term:

(a) "covered investment" means, with respect to a Party, an investment in its territory of an investor of another Party in existence as of the date of entry into force of the First Protocol or established, acquired or expanded thereafter, and which, where applicable, has been admitted, according to its laws, regulations and national policies;

Note 1: For greater certainty, "national policies" means those policies affecting an investment that are endorsed and announced by the Government of a Party, and made publicly available in a written form. Each Party shall, upon request by another Party, respond to specific questions from, and provide information to, the latter Party, in the English language, with respect to such national policies.

Note 2: In the case of the Kingdom of Thailand, this Chapter shall apply to covered investments which, where applicable, have been specifically approved in writing for protection by the competent authorities, in accordance with its laws, regulations and national policies.

Note 3: In the case of the Kingdom of Cambodia and the Socialist Republic of Viet Nam, "has been admitted" means "has been specifically registered or approved in writing, as the case may be".

(b) "freely usable currency" means any currency designated as such by the IMF under the Articles of Agreement of the IMF as may be amended;

(c) "investment" means every kind of asset that an investor owns or controls, which has the characteristics of an investment, such as the commitment of capital or other resources, the expectation of gains or profits, or the assumption of risk, including:

(i) movable and immovable property, any other tangible and intangible property, and any other related property rights, such as leases, mortgages, liens and pledges;

(ii) shares, stocks, bonds, debentures, loans and other forms of debt or equity participation in a juridical person, including rights or interests derived therefrom;

(iii) intellectual property rights that are conferred pursuant to the laws and regulations of a Party in whose territory the investment is made, including, where applicable, copyrights and related rights, patent rights and rights relating to utility models, trademarks, industrial designs, layout-designs of integrated circuits, new varieties of plants, trade names, indications of source or geographical indications, undisclosed information, and goodwill;

(iv) rights under contracts, including turnkey, construction, management, production or revenue-sharing contracts;

(v) rights conferred pursuant to laws and regulations or contracts such as concessions, licences, authorisations and permits, including those for the exploration and exploitation of natural resources; and

(vi) claims to money and to any performance under contract having a financial value, but the term "investment" does not include claims to money that arise solely from:

(A) commercial contracts for the sale of goods or services by a natural or juridical person in the territory of a Party to a natural or juridical person in the territory of another Party; or

(B) the extension of credit in connection with a commercial transaction, such as trade financing;

The term "investment" also includes returns, which are the amounts yielded by or derived from an investment, in particular, though not exclusively, profits, interests, capital gains, dividends, royalties and fees. A change in the form in which assets are invested does not affect their character as investments;

Note: The term "investment" does not include an order or judgment entered in a judicial or administrative action.

(d) "investor of a Party" means:

(i) a natural person of a Party; or

(ii) a juridical person of a Party,

that seeks to make, is making, or has made investments in the territory of another Party;

Note: The Parties understand that an investor of a Party that "seeks to make" investments refers to an investor of a Party that has taken active steps to initiate a notification or approval process, where applicable, for making an investment for a permit or licence which authorises the investor to establish investments.

(e) "juridical person of a Party" means any legal entity duly constituted or otherwise organised under a Party's applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture, or other association or organisation;

(f) "measure" means any measure, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form, affecting investors or investments;

(g) "measure by a Party" means any measure adopted or maintained by:

(i) central, regional or local governments and authorities of a Party; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities of a Party; and

(h) "natural person of a Party" means, for the purposes of subparagraph (d), a natural person who under the law of that Party:

(i) is a national or citizen of that Party; or

(ii) has the right of permanent residence in that Party, where both that Party and another Party recognise permanent residents and accord substantially the same treatment to their respective permanent residents as they accord to their respective nationals in respect of measures affecting investment.

Article 51.3
National Treatment

Each Party shall accord to investors of another Party and to their covered investments treatment no less favourable than that it accords, in like circumstances, to its own investors and to their investments with respect to establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in its territory.

Note: The application of this Article is subject to Article 51.23.

Article 51.4
General Treatment

1. Each Party shall accord to covered investments fair and equitable treatment and full protection and security, in accordance with customary international law.

2. For greater certainty, the concepts of "fair and equitable treatment" and "full protection and security" do not require treatment in addition to or beyond that which is required under the customary international law referred to in paragraph 1, and do not create additional substantive rights.

3. The Parties understand that:

(a) "fair and equitable treatment" requires each Party not to deny justice in any legal or administrative proceedings in accordance with the principle of due process of law; and

(b) "full protection and security" requires each Party to take such measures as may be reasonably necessary to ensure the protection and security of the covered investment.

4. A determination that there has been a breach of another provision of this Chapter, or of a separate international agreement, does not establish that there has been a breach of this Article.

Article 51.5
Prohibition of Performance Requirements

1. No Party shall impose or enforce as a condition for establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments in its territory of an investor of another Party any of the following requirements:

(a) to export a given level or percentage of goods;

(b) to achieve a given level or percentage of domestic content;

(c) to purchase, use or accord a preference to goods produced in its territory, or to purchase goods from a person or any other entity in its territory;

(d) to relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with the investments of that investor; or

(e) to restrict sales of goods in its territory that the investments of that investor produce or provide by relating such sales to the volume or value of its exports or foreign exchange earnings.

2. No Party may condition the receipt or continued receipt of an advantage, in connection with investment activities in its territory of an investor of another Party, on compliance with any of the following requirements:

(a) to achieve a given level or percentage of domestic content;

(b) to purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods from a person or any other entity in its territory;

(c) to relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with investments of that investor; or

(d) to restrict sales of goods in its territory that investments of that investor produce or provide by relating such sales to the volume or value of its exports or foreign exchange earnings.

3. Subparagraphs 2(a) and (b) shall not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

4. For greater certainty, paragraphs 1 and 2 do not apply to any requirement other than the requirements set out in those paragraphs.

Note: The application of this Article is subject to Article 51.23.

Article 51.6
Senior Management and Boards of Directors

1. A Party shall not require a juridical person of that Party that is a covered investment to appoint to senior management positions natural persons of any particular nationality.

2. A Party may require that a majority of the members of the board of directors, or any committee thereof, of a juridical person of that Party that is a covered investment, be of a particular nationality or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.

Note: The application of this Article is subject to Article 51.23.

Article 51.7
Reservations and Exceptions

1. Articles 51.3, 51.5 and 51.6 shall not apply to:

(a) any existing non-conforming measure that is maintained by the following, as set out in the Schedule of each Party in Annex 10-I:

(i) the central government of the Party; or

(ii) a prefecture of Japan or a regional government of an ASEAN Member State;

(b) any existing non-conforming measure that is maintained by a local government of a Party other than those referred to in subparagraph (a)(ii);

(c) the continuation or prompt renewal of any non-conforming measure referred to in subparagraphs (a) and (b); or

(d) an amendment or modification to any non-conforming measure referred to in subparagraphs (a) and (b), provided that the amendment or modification does not decrease the conformity of the measure, as it existed at the date of entry into force of the Party's Schedule in Annex 10-I, with Articles 51.3, 51.5 and 51.6.

2. Articles 51.3, 51.5 and 51.6 shall not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors or activities set out in its Schedule in Annex 10-II.

3. No Party shall, under any measure adopted and covered by its Schedule in Annex 10-II, require an investor of another Party, by reason of its nationality, to sell or otherwise dispose of an investment that exists at the time that the measure becomes effective, unless otherwise specified in the initial approval by the relevant authorities.

4. In cases where a Party makes an amendment or a modification pursuant to subparagraph 1(d) to any existing non-conforming measure set out in its Schedule in Annex 10-I, or adopts any new or more restrictive measure with respect to sectors, subsectors or activities set out in its Schedule in Annex 10-II, the Party shall, prior to the implementation of the amendment or modification or the new or more restrictive measure, or as soon as possible thereafter:

(a) notify the other Parties of detailed information on such amendment or modification, or such measure; and

(b) respond, upon request of another Party, to specific questions from another Party, with respect to such amendment or modification, or such measure.

5. Each Party shall endeavour, where appropriate, to reduce or eliminate the reservations specified in its Schedules in Annexes 10-I and 10-II respectively.

6. Article 51.3 shall not apply to any measure covered by the exceptions to, or derogations from, obligations under Articles 3 and 4 of the Agreement on the Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement (hereinafter referred to as "TRIPS Agreement") as specifically provided in Articles 3 through 5 of the TRIPS Agreement.

Note: The application of this Article is subject to Article 51.23.

Article 51.8
Public Comments

Each Party shall, to the extent provided for under its domestic legal framework, endeavour to provide, except in cases of emergency, a reasonable opportunity for comments by the public before the adoption of regulations of general application that affect any matter covered by this Chapter.

Article 51.9
Expropriation and Compensation

1. No Party shall expropriate or nationalise covered investments, or take any measure equivalent to expropriation or nationalisation (hereinafter referred to as "expropriation"), except:

(a) for a public purpose;

(b) in accordance with due process of law;

(c) on a non-discriminatory basis; and

(d) upon payment of prompt, adequate and effective compensation.

2. For the purposes of subparagraph 1(d), the compensation shall:

(a) be equivalent to the fair market value of the expropriated investment at the time when the expropriation was publicly announced, or when the expropriation occurred, whichever is earlier;

Note: In the case of the Republic of the Philippines, the time when the expropriation was publicly announced refers to the date of filing of the Petition for Expropriation.

(b) not reflect any change in value occurring because the intended expropriation had become publicly known earlier;

(c) be settled and paid without undue delay; and

Note: The Parties understand that there may be legal and administrative processes that need to be observed before payment can be made.

(d) be effectively realisable and freely transferable.

3. The compensation shall include appropriate interest. The compensation, including any accrued interest, shall be payable either in the currency of the expropriating Party, or if requested by the investor, in a freely usable currency.

4. If an investor requests payment in a freely usable currency, the compensation, including any accrued interest, shall be converted into the currency of payment at the market exchange rate prevailing on the date of payment.

5. Notwithstanding paragraphs 1 through 4, any measure of expropriation relating to land shall be as defined in the existing domestic laws and regulations of the expropriating Party on the date of entry into force of the First Protocol, and shall be, for the purposes of and upon payment of compensation, in accordance with the aforesaid laws and regulations. Such compensation shall be subject to any subsequent amendments to the aforesaid laws and regulations relating to the amount of compensation where such amendments follow the general trends in the market value of the land.

6. This Article shall not apply to the issuance of compulsory licences concerning intellectual property rights in accordance with the TRIPS Agreement.

Article 51.10
Compensation for Losses or Damages

Each Party shall accord to investors of another Party that have suffered loss or damage relating to their covered investments in the territory of the former Party owing to war, armed conflict or a state of emergency such as revolution, insurrection, civil strife or any other similar event in that former Party, treatment, as regards restitution, indemnification, compensation or any other settlement, that is no less favourable than that which it accords to its own investors or to investors of a non-Party.

Article 51.11
Transfers

1. Each Party shall allow all transfers relating to covered investments to be made freely and without delay into and out of its territory. Such transfers shall include:

(a) the initial capital and additional amounts to maintain or increase investments;

(b) profits, interest, capital gains, dividends, royalties, technical assistance fees, management fees and other current income accruing from covered investments;

(c) payments made under a contract, including payments made under a loan agreement in connection with covered investments;

(d) proceeds from the total or partial sale or liquidation of covered investments;

(e) earnings and other remuneration of personnel engaged in activities in connection with covered investments;

(f) payments made in accordance with Articles 51.9 and 51.10; and

(g) payments arising out of the settlement of an investment dispute under Article 51.13.

2. Each Party shall allow transfers referred to in paragraph 1 to be made in a freely usable currency at the market rate of exchange prevailing in its territory on the date of the transfer.

3. Notwithstanding paragraphs 1 and 2, a Party may delay or prevent a transfer through the equitable, non-discriminatory and good-faith application of its laws and regulations relating to:

(a) bankruptcy, insolvency or the protection of the rights of creditors;

(b) issuing, trading or dealing in securities, futures, options or derivatives;

(c) criminal or penal offences;

(d) obligations arising from social security, public retirement or compulsory savings scheme;

(e) ensuring compliance with orders or judgments in judicial or administrative proceedings;

(f) severance entitlement of employees;

(g) reports or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities; and

(h) the requirement to register and satisfy any other formalities imposed by the central bank and any other relevant authorities of a Party.

Note: For greater certainty, by virtue of paragraph 1 of Article 6, each Party may delay or prevent a transfer through the equitable, non-discriminatory and good-faith application of its laws and regulations relating to taxation measures.

4. Nothing in this Chapter shall affect the rights and obligations of the Parties as members of the IMF under the Articles of Agreement of the IMF, including the use of exchange actions which are in conformity with the Articles of Agreement of the IMF.

Article 51.12
Subrogation

1. Where a Party or an agency authorised by that Party has granted a contract of insurance or any form of financial guarantee with regard to a covered investment by one of its investors in the territory of another Party and when payment has been made under such contract or financial guarantee by the former Party or the agency authorised by it, the latter Party shall recognise the subrogation or transfer of any right or claim with regard to such investment. The subrogated or transferred right or claim shall not be greater than the original right or claim of the investor.

2. Where a Party or an agency authorised by the Party has made a payment to its investor and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the agency authorised by the Party making the payment, pursue those rights and claims against the other Party.

3. In the exercise of subrogated rights or claims, a Party or an agency authorised by the Party exercising such rights or claims shall disclose the coverage of the claims arrangement with its investors to the other Party referred to in paragraph 2.

4. Articles 51.9, 51.10 and 51.11 shall apply *mutatis mutandis* as regards payment to be made to the Party or the agency prescribed in paragraphs 1 and 2 by virtue of such subrogation or transfer of rights or claims, and the transfer of such payment.

Article 51.13
Settlement of Investment Disputes
between a Party and an Investor of Another Party

1. This Article shall apply to investment disputes between a Party and an investor of another Party concerning an alleged breach of an obligation of the former Party under this Chapter which causes loss or damage to the covered investment of the investor.

2. For the purposes of this Chapter, the term:

(a) "disputing investor" means an investor of a Party that makes a claim against another Party under this Article;

(b) "disputing Party" means a Party against which a claim is made under this Article;

(c) "disputing parties" means a disputing investor and a disputing Party;

(d) "disputing party" means either a disputing investor or a disputing Party;

(e) "ICSID Convention" means the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, done at Washington, 18 March 1965;

(f) "ICSID Additional Facility Rules" means the Rules Governing the Additional Facility for the Administration of Proceedings by the Secretariat of the International Centre for Settlement of Investment Disputes;

(g) "New York Convention" means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958;

(h) "UNCITRAL Arbitration Rules" means the arbitration rules of the United Nations Commission on International Trade Law adopted by the United Nations General Assembly, 15 December 1976; and

(i) "UNCITRAL Conciliation Rules" means the conciliation rules of the United Nations Commission on International Trade Law adopted by the United Nations General Assembly, 4 December 1980.

3. Subject to subparagraph 10(c), nothing in this Article shall be construed so as to prevent a disputing investor from seeking administrative or judicial settlement within the territory of the disputing Party.

4. A natural person possessing the nationality or citizenship of the disputing Party shall not pursue a claim against that Party under this Article.

5. Any investment dispute shall, as far as possible, be settled amicably through consultations between the disputing parties.

6. In the event that an investment dispute cannot be settled by consultation as provided for in paragraph 5, the disputing investor may, subject to this Article, submit to courts or administrative tribunals of the disputing Party or to conciliation or arbitration under this Article a claim:

(a) that the disputing Party has breached an obligation under Article 51.3, Article 51.4, subparagraphs 1(a) through (d) of Article 51.5, Article 51.6, Article 51.9, Article 51.10 and Article 51.11 relating to the management, conduct, operation, or sale or other disposition of a covered investment; and

(b) that the disputing investor or its covered investment has incurred loss or damage by reason of, or arising out of, that breach.

7. (a) A disputing investor may submit a claim referred to in paragraph 6 at the choice of the disputing investor to one of the following alternatives:

(i) courts or administrative tribunals of the disputing Party, provided that such courts or administrative tribunals have jurisdiction over such claim;

(ii) conciliation or arbitration under the ICSID Convention and the ICSID Rules of Procedure for Conciliation Proceedings and the ICSID Rules of Procedure for Arbitration Proceedings, provided that both the disputing Party and the Party of the disputing investor are parties to the ICSID Convention;

(iii) conciliation or arbitration under the ICSID Additional Facility Rules, provided that either the disputing Party or the Party of the disputing investor, but not both, is a party to the ICSID Convention;

(iv) conciliation under the UNCITRAL Conciliation Rules or arbitration under the UNCITRAL Arbitration Rules; or

(v) if agreed with the disputing Party, any other arbitration institution or arbitration under any other arbitration rules.

(b) For the purposes of subparagraph 7(a), a disputing investor may submit a claim to conciliation or arbitration under subparagraphs (a)(ii) through (v), only if the investment dispute cannot be resolved as provided for in paragraph 5 within one hundred and eighty (180) days from the date of receipt by the disputing Party of a written request for consultation and negotiation.

8. Once the disputing investor has submitted the claim to the courts or administrative tribunals of the disputing Party, the choice of forum shall be final.

9. (a) Each Party hereby consents to the submission of a claim to conciliation or arbitration set forth in paragraph 7 in accordance with the procedures set out in this Article.

Note 1: Notwithstanding subparagraph 9(a), in the event of an investment dispute between the Republic of Indonesia and an investor of another Party or the Republic of the Philippines and an investor of another Party, consent to the submission of a claim under the ICSID Convention and the ICSID Rules of Procedure for Arbitration Proceedings shall be subject to a separate written agreement between the disputing parties. For greater certainty, the institution of proceedings, commencement of conciliation proceedings, or reference to arbitration under subparagraphs 7(a)(iii) and (iv) shall be governed by the applicable arbitration or conciliation rules. For the avoidance of doubt, the aforementioned separate written agreement applies only to the submission of a claim under the ICSID Convention and the ICSID Rules of Procedure for Arbitration Proceedings.

Note 2: Notwithstanding subparagraph 9(a), in the case of an investment dispute between the Kingdom of Thailand and an investor of another Party or between another Party and an investor of the Kingdom of Thailand, the disputing Party consents to the submission of a claim to conciliation or arbitration set forth in paragraph 7, provided that the Kingdom of Thailand and the other Party had consented to submission of a claim to the conciliation or arbitration in existing international agreements to which both the Kingdom of Thailand and that other Party are parties. Such consent shall be subject to the same conditions and limitations as stipulated in such international agreements.

(b) The consent given under subparagraph 9(a) and the submission by a disputing investor of an investment dispute to conciliation or arbitration shall satisfy the requirements of:

(i) Chapter II of the ICSID Convention or the ICSID Additional Facility Rules, for written consent of the parties to an investment dispute; and

(ii) Article II of the New York Convention for an agreement in writing.

10. The submission of a claim to conciliation or arbitration under subparagraph 7(a)(ii), (iii), (iv) or (v) in accordance with the provisions of this Article shall be conditional upon:

(a) the submission of the claim to such conciliation or arbitration taking place within three (3) years from the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation referred to in subparagraph 6(a) causing loss or damage to the disputing investor or its covered investment;

(b) the disputing investor providing written notice, which shall be submitted at least ninety (90) days before the claim is submitted, to the disputing Party of the disputing investor's intent to submit the claim to such conciliation or arbitration. The notice shall:

(i) specify either subparagraph 7(a)(ii), (iii), (iv) or (v) as the forum for dispute settlement and, in the case of subparagraphs 7(a)(ii) through (iv), whether conciliation or arbitration is being sought; and

(ii) briefly summarise the alleged breach of the disputing Party under this Chapter, including the Articles alleged to have been breached, and the loss or damage allegedly caused to the disputing investor or its covered investment; and

(c) the written request or invitation to conciliate or notice of arbitration being accompanied by the disputing investor's written waiver of any right to initiate or continue before any court or administrative tribunal under the law of either Party or other dispute settlement mechanisms including investment dispute settlement mechanisms under any other bilateral or multilateral agreement to which both the disputing Party and the Party of the disputing investor are parties, any proceedings with respect to any measure of the disputing Party alleged to constitute a breach referred to in paragraph 6. Accordingly, once the disputing investor has submitted the claim to any of the conciliation or arbitration under subparagraph 7(a)(ii), (iii), (iv) or (v), the choice of forum shall be final.

11. Notwithstanding subparagraph 10(c), the disputing investor may initiate or continue an action that seeks interim injunctive relief for the sole purpose of preserving the disputing investor's rights and interests and does not involve the payment of damages or resolution of the substance of the matter in dispute before a court or an administrative tribunal under the law of the disputing Party.

12. No Party shall give diplomatic protection, nor bring an international claim, in respect of an investment dispute which one of its investors and any one of the other Parties shall have consented to submit or have submitted to conciliation or arbitration under this Article, unless such other Party has failed to abide by and comply with the award rendered in such investment dispute. Diplomatic protection, for the purposes of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the investment dispute.

13. An arbitral tribunal established under paragraph 7 shall decide the issues in dispute in accordance with this Chapter, and applicable rules of international law and, where applicable, relevant domestic laws of the disputing Party.

Note: The arbitral tribunal does not have jurisdiction to determine the legality of a measure alleged to constitute a breach of this Chapter under the domestic law of the disputing Party.

14. An arbitral tribunal shall address and decide on any objection by the disputing Party that a claim is not admissible, or the claim is outside the jurisdiction or competence of the arbitral tribunal, provided that the disputing Party so requests as soon as possible after the arbitral tribunal is established, and in no event later than the date that the arbitral tribunal fixes for the disputing Party to submit its counter-memorial.

15. Notwithstanding paragraph 14, the arbitral tribunal may on its initiative consider, at any stage of the proceeding, whether the claim is admissible, or within the jurisdiction or competence of the arbitral tribunal.

16. In general, the arbitral tribunal should decide on the objection referred to in paragraph 14 as a preliminary question. However, the arbitral tribunal may join it to the merits of the claim. In considering whether to join the objection to the merits of the claim, the arbitral tribunal shall, as far as possible, obtain the consent of the disputing parties.

17. Unless the disputing parties have agreed to another expedited procedure for making preliminary objections, a disputing Party may, no later than ninety (90) days after the constitution of the arbitral tribunal, and in any event before the first session of the arbitral tribunal, file an objection that a claim is manifestly without legal merit. The disputing Party shall specify as precisely as possible the basis for the objection. The arbitral tribunal, after giving the disputing parties the opportunity to present their observations on the objection, shall, at its first session or promptly thereafter, notify the disputing parties of its decision on the objection. The decision of the arbitral tribunal shall be without prejudice to the right of a disputing Party to file an objection pursuant to paragraph 14 or to object, in the course of the proceeding, that a claim lacks legal merit.

18. If the arbitral tribunal decides that the claim is not admissible, or the claim is outside the jurisdiction or competence of the arbitral tribunal, or that the claim is manifestly without legal merit, it shall render an award to that effect.

19. The arbitral tribunal may, if warranted, award the prevailing disputing party reasonable costs and fees incurred in submitting or opposing the objection. In determining whether such an award is warranted, the arbitral tribunal shall consider whether either the claim or the objection was frivolous or manifestly without legal merit, and shall provide the disputing parties with a reasonable opportunity to comment.

20. (a) The arbitral tribunal shall at the request of a disputing Party, or may on its own account, request a joint interpretation of any provision of this Chapter that is in issue in an investment dispute. The Parties shall submit in writing any joint decision declaring their interpretation made by consensus to the arbitral tribunal within sixty (60) days from the date of receipt of the request. Without prejudice to subparagraph (b), if the Parties fail to issue such a decision within sixty (60) days, any interpretation submitted by a Party shall be forwarded to the disputing parties and the arbitral tribunal, which shall decide the issue on its own account.

(b) A joint decision of the Joint Committee on the interpretation of any provision of this Chapter under subparagraph 2(e)(iv) of Article 11 shall be binding on an arbitral tribunal, and any decision or award issued by an arbitral tribunal must be consistent with that joint decision.

21. Unless the disputing parties agree otherwise, the arbitration shall be held in a country that is a party to the New York Convention.

22. Each Party shall provide for the enforcement of an award in its territory.

23. An award made by an arbitral tribunal shall be final and binding upon the disputing parties. An award shall have no binding force except between the disputing parties and in respect of the particular case.

Article 51.14
General Exceptions

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

(a) necessary to protect public morals or to maintain public order, provided that the public order exception may only be invoked where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society;

(b) necessary to protect human, animal or plant life or health;

(c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:

(i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on contracts;

(ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; or

(iii) safety;

(d) imposed for the protection of national treasures of artistic, historic or archaeological value; or

(e) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

Article 51.15
Special Formalities and Information Requirements

1. Nothing in Article 51.3 shall be construed to prevent a Party from adopting or maintaining a measure that prescribes special formalities in connection with investments, including a requirement that investments be legally constituted or comply with registration requirements, provided that such formalities do not materially impair the rights afforded by a Party to investors of another Party and investments pursuant to this Chapter.

2. Notwithstanding Article 51.3, a Party may require an investor of another Party, or a covered investment, to provide information concerning that investment solely for information or statistical purposes. The Party shall protect any confidential information from any disclosure that would prejudice legitimate commercial interests of particular juridical persons, public or private, or the competitive position of the investor or the covered investment. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good-faith application of its law.

Article 51.16
Special and Differential Treatment for the Newer ASEAN Member States

In order to increase benefits of this Chapter for the newer ASEAN Member States, and in accordance with Articles 2, 3 and 52, special and differential treatment should be accorded to the newer ASEAN Member States under this Chapter, through:

(a) access to information on the investment policies of other Parties, business information, relevant databases and contact point for investment promotion;

(b) technical assistance to strengthen their capacity in relation to investment policies and promotion including in areas such as human resource development;

(c) commitments in areas of interest to the newer ASEAN Member States; and

(d) recognising that commitments by each newer ASEAN Member State may be made in accordance with its individual stage of development.

Article 51.17
Promotion of Investment

1. Each Party should further promote investment in order to strengthen the economic relationship among Parties.

2. Subject to their laws and regulations and the availability of funds, the Parties shall cooperate in promoting and increasing awareness of ASEAN-Japan as an investment area, where possible, through, among others:

(a) organising investment promotion activities;

(b) promoting business matching events;

(c) organising and supporting the organisation of various briefings and seminars on investment opportunities and on investment laws, regulations and policies; and

(d) conducting information exchanges on other issues of mutual concern relating to investment promotion and facilitation.

Article 51.18
Facilitation of Investment

1. Each Party shall endeavour to further create stable, favourable and transparent conditions in order to encourage greater investment by investors of another Party in its territory.

2. Subject to their laws and regulations and the availability of funds, the Parties shall cooperate to facilitate investments among Japan and ASEAN Member States, where possible, through, among others:

(a) creating the necessary environment for all forms of investment;

(b) simplifying procedures for investment applications and approvals;

(c) promoting dissemination of investment information, including investment rules, regulations, policies and procedures; and

(d) establishing one-stop investment centres in the respective host Parties to provide assistance and advisory services to the business sectors including facilitation of operating licences and permits.

Article 51.19
Temporary Safeguard Measures

1. A Party may adopt or maintain measures not conforming with its obligations under Article 51.3 relating to cross-border capital transactions and Article 51.11:

(a) in the event of serious balance-of-payments and external financial difficulties or threat thereof; or

(b) in cases where, in exceptional circumstances, movements of capital cause or threaten to cause serious difficulties for macroeconomic management, in particular, monetary and exchange rate policies.

2. The measures referred to in paragraph 1 shall:

(a) be consistent with the Articles of Agreement of the IMF;

(b) avoid unnecessary damage to the commercial, economic and financial interests of another Party;

(c) not exceed those necessary to deal with the circumstances described in paragraph 1;

(d) be temporary and phased out progressively as the situation specified in paragraph 1 improves; and

(e) be applied such that any one of the other Parties is treated no less favourably than any other Party or non-Party.

3. Any measures adopted or maintained under paragraph 1 shall be promptly notified to the other Parties.

Article 51.20
Prudential Measures

1. Notwithstanding any other provisions in this Chapter, a Party shall not be prevented from taking measures relating to financial services for prudential reasons, including measures for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by an entity supplying financial services, or to ensure the integrity and stability of its financial system.

2. Where the measures taken by a Party pursuant to paragraph 1 do not conform with this Chapter, they shall not be used as a means of avoiding the commitments or obligations of the Party under this Chapter.

3. Nothing in this Chapter shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

Article 51.21
Denial of Benefits

1. A Party may deny the benefits of this Chapter to an investor of another Party that is a juridical person of the latter Party and to its investments if the juridical person is owned or controlled by an investor of a non-Party and the denying Party:

(a) does not maintain diplomatic relations with the non-Party; or

(b) adopts or maintains measures with respect to the non-Party that prohibit transactions with the juridical person or that would be violated or circumvented if the benefits of this Chapter were accorded to the juridical person or to its investments.

2. A Party may deny the benefits of this Chapter to an investor of another Party that is a juridical person of the latter Party and to its investments if the juridical person is owned or controlled by an investor of a non-Party or of the denying Party and the juridical person has no substantive business operations in the territory of that latter Party.

Note: The denying Party shall endeavour to notify the other Parties of its decision to deny the benefits of this Chapter to an investor of another Party.

3. For the purposes of this Article, a juridical person is:

(a) "owned" by an investor if more than fifty (50) per cent of the equity interest in it is beneficially owned by the investor; and

(b) "controlled" by an investor if the investor has the power to name a majority of its directors or otherwise to legally direct its actions.

4. Following notification, and without prejudice to paragraphs 1 through 3, the Republic of the Philippines may deny the benefits of this Chapter to an investor of another Party and to investments of that investor, where it establishes that such investor has made an investment in breach of the provisions of Commonwealth Act No. 108, entitled "An Act to Punish Acts of Evasion of Laws on the Nationalization of Certain Rights, Franchises or Privileges", as amended by Presidential Decree No. 715, otherwise known as "The Anti-Dummy Law", as may be amended.

Article 51.22
Sub-Committee on Investment

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Investment (hereinafter referred to in this Article as "Sub-Committee") shall be established pursuant to Article 11.

2. The functions of the Sub-Committee shall be to:

(a) discuss and review the implementation and operation of this Chapter;

(b) review the exceptional measures maintained, amended, modified or adopted pursuant to paragraph 1 of Article 51.7 for the purpose of contributing to the reduction or elimination of such exceptional measures;

(c) discuss the exceptional measures adopted or maintained pursuant to paragraph 2 of Article 51.7 for the purpose of encouraging favourable conditions for investors of the Parties;

(d) discuss any other investment-related matters concerning this Chapter; and

(e) report, where appropriate, its findings to the Joint Committee.

3. The Sub-Committee shall be:

(a) composed of representatives of the Governments of Japan and ASEAN Member States; and

(b) co-chaired by an official of the Government of Japan and an official of one of the Governments of ASEAN Member States.

4. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

5. The Sub-Committee may, upon mutual consent of the Parties, invite representatives of relevant entities other than the Governments of the Parties with the necessary expertise relevant to the issues to be discussed, and hold joint meetings with the private sectors.

Article 51.23
Work Programme

1. The Parties shall, immediately after the date of entry into force of the First Protocol, enter into consultations on the Schedules of Reservations as referred to in Article 51.7 with the participation of Japan and ASEAN Member States. The Sub-Committee on Investment referred to in Article 51.22 shall function as the forum to discuss the matter.

2. The consultations referred to in paragraph 1 shall be concluded within two (2) years from the date of entry into force of the First Protocol, unless the Parties agree otherwise.

3. The Schedules of Reservations of the Parties as a result of the consultations referred to in paragraph 1 shall enter into force and be incorporated into this Agreement as Annexes 10-I and 10-II in accordance with Article 77.

4. Article 51.7 shall not apply until the date of entry into force of the Schedules of Reservations referred to in paragraph 3. Japan and ASEAN Member States shall enter into further discussions to review subparagraph 1(d) of that Article with a view to examining a possibility for promoting further liberalisation of investment.

5. Article 51.3 shall not affect the right of each Party to adopt, maintain or apply measures that set out conditions and qualifications for admission of investment, including, but not limited to, those with regard to foreign ownership and control. Upon entry into force of the Schedules of Reservations referred to in paragraph 3, this paragraph shall cease to be effective.

6. Article 51.3 shall not apply to any measures that a Party adopts or maintains with respect to establishment, acquisition and expansion of investments until the date of entry into force of the Schedules of Reservations referred to in paragraph 3.

7. Pending entry into force of the Schedules of Reservations referred to in paragraph 3:

(a) an ASEAN Member State may adopt, maintain or apply any measures that do not conform with Article 51.3, provided that:

(i) with respect to investors of Japan or their investments, such measures comply with any other international investment agreement to which both Japan and that ASEAN Member State are parties;

(ii) with respect to investors of another ASEAN Member State or their investments, such measures comply with any other international investment agreement among ASEAN Member States and to which that ASEAN Member State is a party; and

(b) Japan may adopt, maintain or apply any measures that do not conform with Article 51.3, provided that, with respect to investors of an ASEAN Member State or their investments, such measures comply with any other international investment agreement, to which both Japan and that ASEAN Member State are parties.

Note 1: For the purposes of subparagraphs 7(a)(i) and (b), the term "other international investment agreement" means any of the following agreements, as relevant and as may be amended:

(i) Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership, done at Singapore, 13 January 2002;

(ii) Agreement between the Government of Japan and the Government of Malaysia for an Economic Partnership, done at Kuala Lumpur, 13 December 2005;

(iii) Agreement between Japan and the Republic of the Philippines for an Economic Partnership, done at Helsinki, 9 September 2006;

(iv) Agreement between Japan and the Kingdom of Thailand for an Economic Partnership, done at Tokyo, 3 April 2007;

(v) Agreement between Japan and the Kingdom of Cambodia for the Liberalization, Promotion and Protection of Investment, done at Tokyo, 14 June 2007;

(vi) Agreement between Japan and Brunei Darussalam for an Economic Partnership, done at Tokyo, 18 June 2007;

(vii) Agreement between Japan and the Republic of Indonesia for an Economic Partnership, done at Jakarta, 20 August 2007;

(viii) Agreement between Japan and the Lao People’s Democratic Republic for the Liberalisation, Promotion and Protection of Investment, done at Tokyo, 16 January 2008;

(ix) Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership, done at Tokyo, 25 December 2008; and

(x) Agreement between the Government of Japan and the Government of the Republic of the Union of Myanmar for the Liberalisation, Promotion and Protection of Investment, done at Tokyo, 15 December 2013.

Note 2: For the purposes of subparagraph 7(a)(ii), the term "other international investment agreement" means any of the following agreements, as relevant and as may be amended:

(i) ASEAN Comprehensive Investment Agreement, done at Cha-am, 26 February 2009;

(ii) Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area, done at Cha-am, 27 February 2009;

(iii) Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea, done at Jeju-do, 2 June 2009;

(iv) Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China, done at Bangkok, 15 August 2009;

(v) Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India, done at Nay Pyi Taw, 12 November 2014; and

(vi) Agreement on Investment among the Governments of the Hong Kong Special Administrative Region of the People's Republic of China and the Member States of the Association of Southeast Asian Nations, done at Ha Noi, 18 May 2018.

8. Articles 51.5 and 51.6 shall not apply until the date of entry into force of the Schedules of Reservations referred to in paragraph 3.

9. The Parties shall also enter into discussions with a view to agreeing on the application of Most-Favoured-Nation treatment to this Chapter, including the Schedules of Reservations.

10. The Parties shall also enter into consultations to seek agreement on the application of Articles 51.9 and 51.13 to taxation measures that constitute expropriation.

## Annex A to Chapter 7
## Expropriation and Compensation

1. An action or a series of related actions by a Party cannot constitute an expropriation unless it interferes with a tangible or intangible property right or property interest in a covered investment.

2. Article 51.9 addresses two situations:

(a) the first situation is direct expropriation, where a covered investment is nationalised or otherwise directly expropriated through formal transfer of title or outright seizure; and

(b) the second situation is where an action or a series of related actions by a Party that has an effect equivalent to direct expropriation without formal transfer of title or outright seizure.

3. The determination of whether an action or series of related actions by a Party, in a specific fact situation, constitutes an expropriation of the type referred to in subparagraph 2(b) requires a case-by-case, fact-based inquiry that considers, among other factors:

(a) the economic impact of the government action, although the fact that such action or series of related actions by a Party has an adverse effect on the economic value of an investment, standing alone, does not establish that such an expropriation has occurred;

(b) whether the government action breaches the government's prior binding written commitment to the investor, whether by contract, licence or any other legal document; and

(c) the character of the government action, including its objective and whether such action is disproportionate to the public purpose.

4. Non-discriminatory regulatory actions by a Party that are designed and applied to achieve legitimate public welfare objectives such as the protection of public health, safety and the environment do not constitute expropriation of the type referred to in subparagraph 2(b).”

## Article 7
## Amendment to Chapter 10 (Final Provisions) of the AJCEP Agreement

Paragraph 5 of Article 77 of the AJCEP Agreement shall be replaced by the following:

"5. Notwithstanding paragraph 2, amendments relating only to:

(a) Annex 1 (provided that the amendments are made in accordance with the methodologies and procedures adopted by the Joint Committee for updating Annex 1 to reflect the amendment of the Harmonized System);

(b) Annex 2;

(c) Attachment to Annex 4; or

(d) Annex 5,

may be adopted by the Joint Committee. Such amendments shall enter into force in relation to all the Parties and be implemented from such date as agreed by the Joint Committee.

Note: For greater certainty, paragraph 5 is without prejudice to the completion of any necessary internal procedures by the Government of each Party."

## Article 8
## Entry into Force

1. The Government of each signatory State shall notify the Governments of other signatory States in writing that its legal procedures necessary for entry into force of this Protocol have been completed. This Protocol shall enter into force on the first day of the second month following the date by which such notifications have been made by the Governments of Japan and at least one (1) ASEAN Member State in relation to those signatory States that have made such notifications by that date.

2. In relation to an ASEAN Member State making the notification referred to in paragraph 1 after the date by which the notifications have been made by the Governments of Japan and at least one (1) ASEAN Member State as referred to in paragraph 1, this Protocol shall enter into force on the first day of the second month following the date on which that ASEAN Member State makes the notification.

3. The ASEAN Member State referred to in paragraph 2 shall be bound by any amendment that may have been adopted by the Joint Committee and takes effect pursuant to paragraph 5 of Article 77 of the AJCEP Agreement by the time of entry into force of this Protocol for it. This paragraph shall not prevent the Parties of the AJCEP Agreement for which this Protocol has entered into force from applying such amendment to that ASEAN Member State before the date of entry into force of this Protocol for it.

4. This Protocol shall remain in force as long as the AJCEP Agreement remains in force.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

DONE in duplicate in the English language and SIGNED at Tokyo on the twenty-seventh day of February in the year 2019, at Siem Reap, Cambodia on the second day of March in the year 2019, and at Hanoi on the twenty-fourth day of April in the year of 2019.

For the Government
of Japan:

河野太郎

For the Government
of Brunei Darussalam:

Amin

For the Government
of the Kingdom of Cambodia:

Sorasak

For the Government
of the Republic of Indonesia:

Enggar

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

K.P

For the Government
of Malaysia:

Darell

For the Government
of the Republic of the Union
of Myanmar:

Thaung Tun

For the Government
of the Republic
of the Philippines:

RmL

For the Government
of the Republic of Singapore:

CS

For the Government
of the Kingdom of Thailand:

Chutima Bunyapraphasara

For the Government
of the Socialist Republic
of Viet Nam:

Tuan Anh

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Appendix 2

Annex 6
Schedules of Specific Commitments

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | | |
| All Sectors Included In This Schedule | | 3) Unbound for measures concerning foreign equity or interest in companies established or wish to establish a commercial presence unless otherwise specified in the specific commitments.<br><br>4) Unbound except for measures concerning the entry and temporary | 3) Unbound except with respect to existing commercial presence:<br>- half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam.<br>- 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.<br><br>4) Unbound except for measures concerning categories of natural | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | presence of intra-corporate transferees at the level of managers, executives and specialists | persons referred to in the market access column. | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | | |
| 1. BUSINESS SERVICES | | | | |
| A. Professional Services | | | | |
| b) Auditing services (CPC 862) | | 1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance. | 1) Professional accountants who intend to become a Public Accountant must possess the followings prescribed by Ministry of Finance:<br><br>a) Passes examination in accountancy from any recognised professional accountancy body listed below:<br><br>i) CPA Australia<br>ii) ACCA<br>iii) The Institute of Chartered Accountants of Australia<br>iv) The Institute of Chartered Accountants of Canada<br>v) The Institute of Chartered Accountants of England and Wales<br>vi) The Institute of Chartered | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | vii) Accountants of Ireland<br>viii) The Institute of Chartered Accountants of New Zealand<br>ix) the Institute of Chartered Accountants of Scotland<br><br>b) Relevant audit practical experience of not less than three (3) years cumulatively within five (5) years period.<br><br>c) Fulfil 40 units/hours of Continuous Professional Education (CPE) requirement;<br><br>d) Must be a member of Brunei Darussalam Institute of Certified Public Accountants (BICPA) as National Accountancy Body. | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance. | 2) Professional accountants who intends to become a Public Account must possess the following prescribed by Ministry of Finance:<br><br>a) Passes examination in accountancy from any recognised professional accountancy body listed below:<br><br>i) CPA Australia<br>ii) ACCA<br>iii) The Institute of Chartered Accountants of Australia<br>iv) The Institute of Chartered Accountants of Canada<br>v) The Institute of Chartered Accountants of England and Wales<br>vi) The Institute of Chartered Accountants of Ireland<br>vii) The Institute of Chartered Accountants of New Zealand | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | viii) the Institute of Chartered Accountants of Scotland<br><br>b) Relevant audit practical experience of not less than three (3) years cumulatively within five (5) years period.<br><br>c) Fulfil 40 units/hours of Continuous Professional Education (CPE) requirement;<br><br>d) Must be a member of Brunei Darussalam Institute of Certified Public Accountants (BICPA) as National Accountancy Body. | |
| | | 3) A Public Accountant who intends to set up a business in Brunei Darussalam must adhere to Part V of the Accountants Order and its subject to approval | 3) a) To maintain a localization programme.<br><br>b) For applicants who are citizens or permanent residents of Brunei: | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | by the Ministry of Finance. | (i) Must be residing in Brunei Darussalam for at least 90 days in a year.<br>(ii) Must have at least one local partner who is a Public Accountant at the same form.<br><br>c) For foreign applicants who cannot fulfil requirements in b) above may be considered if he/she satisfies other requirements with regards to any other requirements prescribed by the Ministry of Finance. | |
| | | 4) Unbound, except as indicated under horizontal measures. | 4) Unbound, except as indicated under horizontal measures. | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Architectural Services (CPC 8671) | | 1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam.<br><br>2) None<br><br>3) a) The company should be registered with the Registry of Companies and Business Names, Ministry of Finance<br><br>b) Not less than 50% equity should be held by Brunei Citizens.<br><br>c) The company should be registered with the Ministry of Development<br><br>4) In addition to those indicated in the horizontal section, the licensed practicing architects should have recognized academic and professional qualifications and registered as "qualified persons" with the Ministry of Development. | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| e) Engineering Services (CPC 8672) | | 1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam<br>2) None<br>3) Foreign Equity participation shall not exceed 50%<br>4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| f) Integrated Engineering Services (CPC 8673)<br>- for Transportation Infrastructure Turnkey Projects (CPC 86731) | | 1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam<br>2) None | 1) None<br>2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| - for Water Supply and Sanitation Works Turnkey Projects (CPC 86732)<br><br>- for the Construction of Manufacturing Turnkey Projects (CPC 86733)<br><br>- for Other Turnkey Projects (CPC 86739) | | 3) The company should comply with the Companies Act (CAP. 39) and Registration of Professional Act.<br><br>Foreign equity participation is opened up to 55% max.<br><br>4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act | 3) Unbound<br><br>4) Unbound | |
| g) Landscape Architectural Services (CPC 86742) | | 1) None<br><br>2) None<br><br>3) a) The Company should comply with the Companies Act (CAP. 39) and Registration of Professional Act.<br><br>b) Foreign equity participation is opened up to 50%.<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| h) Medical and dental Services (CPC 9312) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| B. Computer and Related Services | | | | |
| a) Consultancy services related to installation of computer hardware (CPC 841)<br>b) Software implementation services (CPC 842)<br>c) Data processing services (CPC 843)<br>e) Other (CPC 845+849) | | 1) None<br>2) None<br>3) The company should be registered with the Registry of Companies and Business Names, Ministry of Finance.<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Data base services (CPC 844) | | 1) None<br>2) None<br>3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.<br>4) Unbound, except as indicated under horizontal measures | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated under horizontal measures | |
| e) Maintenance and repair services of office machinery and equipment including computer (CPC 845)<br><br>Other Computer Services (CPC 849) | | 1) None<br>2) None<br>3) The company should be registered with the Registry of Companies and Business Name, Ministry of Finance.<br>4) Unbound, except Director and needed Technical Experts | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Research and Development Services | | | | |
| a) R&D services on natural sciences and engineering (CPC 851/8510) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| b) R&D services on social sciences and humanities (CPC 852/8520) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| c) Interdisciplinary R&D services (CPC 853/8530) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30% | 1) None<br>2) None<br>3) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| E. Rental and Leasing Services without Operators | | | | |
| b) Rental/leasing services relating to aircraft without operators (CPC 83104) | | 1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.<br><br>2) None<br><br>3) Unbound, except:<br>(a) Only through a representative office;<br>(b) Only by appointment of a General Sales Agent, that is Bruneian controlled company; and<br>(c) Permanent address in Brunei Darussalam is required with respect to (a).<br><br>4) Unbound, except with respect to (b), one technical post subject to local availability test, designation of a specified number of Brunei trainees. | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | following conditions must be met:<br><br>(a) Residency<br><br>(b) Registration. | |
| d) Relating to other machinery and equipment (CPC 83106-83109) | | 1) None<br><br>2) None<br><br>3) Foreign equity participation should not exceed 30%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |
| e) Rental/Leasing services concerning personal and household goods (CPC 8320) | | 1) None<br><br>2) None<br><br>3) Foreign equity participation should not exceed 30%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| F. Other Business Services | | | | |
| a) Sale or leasing services of advertising space or time (CPC 8711) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| a) Planning, creating and placement services of advertising (CPC 8712) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| a) Other advertising services (Advertising consultancy services) (CPC 8719) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30% | 1) None<br>2) None<br>3) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| b) Marketing research and public opinion polling services (CPC 864/8640) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| c) Management consulting service (CPC 865/8650) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Services related to management consulting (including management services n.e.c) (CPC 866/8660) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| e) Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| m) Related scientific and technical consulting services (CPC 8675) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| p) Photographic services (CPC 875/8750) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| q) Packaging services (CPC 876/8760) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| t) Duplicating services (CPC 87904) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| t) Translation and interpretation services (CPC 87905) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| t) Mailing list compilation and mailing services (CPC 87906) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| t) Specialty design services (CPC 87907) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| t) Convention services (Exhibition only) (CPC 87909*) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 40%<br>4) Unbound | 1) None<br>2) None<br>3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License'<br>4) Unbound | |
| 2. COMMUNICATION SERVICES | | | | |
| C. Telecommunication Services | | | | |
| Public Non-Fixed | | 1) None, except subject to commercial arrangements with licensed operator(s)<br>2) None, except subject to commercial arrangements with licensed operator(s)<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br>2) Unbound<br>3) None, except as indicated in horizontal section<br>4) Unbound, except as indicated in the horizontal section | Based on the licensing regime under the Telecommunications Order 2001.<br>Covers reselling of services using infrastructure owned by an AITI licensee as per the licensing framework of the regulatory authority under Telecommunications Order 2001. |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Local Services<br><br>Public Switched Voice Telephone | | 1) Subject to commercial arrangements with licensed operator(s)<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound, except as indicated in the horizontal section | |
| Public payphone services | | 1) None, except subject to commercial arrangements with licensed operator(s)<br><br>2) None, except subject to commercial arrangements with licensed operator(s)<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except as indicated in horizontal section<br><br>4) Unbound, except as indicated in the horizontal section | Based on the licensing regime under the Telecommunications Order 2001. |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| International Services:<br><br>Public Switched Voice Telephone Services | | 1) Subject to commercial arrangements with licensed operator(s)<br><br>2) Subject to commercial arrangements with licensed operator(s)<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound, except as indicated in the horizontal section | |
| Mobile Services:<br><br>Public Cellular Mobile Telephone Service | | 1) Subject to commercial arrangements with licensed operator(s)<br><br>2) Subject to commercial arrangements with licensed operator(s)<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| a) Voice telephone services (CPC 7521) | | 1) Subject to commercial arrangements with licensed operator(s)<br>2) Subject to commercial arrangements with licensed operator(s)<br>3) Foreign Equity should not exceed 40%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound, except as indicated in the horizontal section | |
| Prepaid Telecommunications Services | | 1) None, except subject to commercial arrangements with licensed operator(s)<br>2) None, except subject to commercial arrangements with licensed operator(s)<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except as indicated in horizontal section<br>4) Unbound, except as indicated in the horizontal section | Based on the licensing regime under the Telecommunications Order 2001. |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| b) Packet-switched data transmission services (CPC 7523**) | | 1) None<br>2) None<br>3) Foreign Equity should not exceed 40%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | Based on the licensing regime under the Telecommunications Order 2001. |
| c) Circuit-switched data transmission services (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| d) Telex services (CPC 7523**)<br>e) Telegraph services (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| f) Facsimile services (CPC 7521**+7529**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| f) Paging services (CPC 75291) | | 1) None<br>2) None<br>3) Foreign Equity should not exceed 40%<br>4) Unbound, except as indicated in the horizontal section. | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section. | |
| f) Video text (CPC 75299*) | | 1) Subject to commercial arrangements with licensed operator(s)<br>2) Subject to commercial arrangements with licensed operator(s)<br>3) Foreign Equity should not exceed 40% | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound, except as indicated in the horizontal section. | 4) Unbound, except as indicated in the horizontal section. | |
| h) Electronic mail (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| i) Voice mail (CPC 7523**) | | 1) Subject to commercial arrangements with licensed operator(s)<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| j) On-line information and database retrieval (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the horizontal section | |
| k) Electronic data interchange (EDI) (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| m) Code and protocol conversion | | 1) None<br>2) None<br>3) Foreign Equity should not exceed 40%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| n) Online information and data base processing (including transaction processing) (CPC 843*) | | 1) None<br>2) None<br>3) Foreign Equity should not exceed 40%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except as indicated in horizontal section<br>4) Unbound, except as indicated in the horizontal section | Based on the licensing regime under the Telecommunications Order 2001. |
| Trunked Radio Services | | 1) None, except subject to commercial arrangements with licensed operator(s)<br>2) Subject to commercial arrangements with licensed operator(s) | 1) None<br>2) None | Based on the licensing regime under the Telecommunications Order 2001. |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) Foreign Equity should not exceed 40%<br><br>4) Unbound, except as indicated in the horizontal section | 3) None, except as indicated in horizontal section<br><br>4) Unbound, except as indicated in the horizontal section | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | | |
| A. Construction Work for Buildings (CPC 512)<br><br>B. Construction Work for Civil Engineering (CPC 513)<br><br>C. Assemble and Erection of Prefabricated Constructions (CPC 514)<br><br>C. Installation and Assembly Work (CPC 516)<br><br>D. Building Completion and Finishing Work (CPC 517)<br><br>E. Pre-erection Work at Construction Site (CPC 511) | | 1) Unbound due to lack of technical feasibility<br><br>2) None<br><br>3) The company has to be registered with the Registry of Companies and Business Names, Ministry of Finance and Ministry of Development, for Companies and Business name and Contracting License respectively.<br><br>Foreign Citizen registered may hold up to maximum 55% equity<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound due to lack of technical feasibility<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Special Trade Construction (CPC 515)<br><br>E. Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518) | | | | |
| 4. DISTRIBUTION SERVICES | | | | |
| D. Franchising (CPC 8929) | | 1) None<br><br>2) None<br><br>3) Foreign equity participation should not exceed 40%<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License'<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 5. EDUCATIONAL SERVICES | | | | |
| E. Foreign Language Training Centre (CPC 929) | | 1) None<br>2) None<br>3) Only through a joint venture with foreign equity not exceeding 49%<br>4) Unbound | 1) None<br>2) None<br>3) a majority of the senior managers in any such enterprise are Bruneian nationals<br>4) Unbound | |
| 7. FINANCIAL SERVICES | | | | |
| A. All insurance and insurance-related services | | | | |
| a) Direct insurance (life) including annuity, disability income, accident and health insurance services (CPC 8121) | | 1) None<br>2) None<br>3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee (CPC 8129) | | 1) Unbound<br><br>2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei.<br><br>3) Commercial presence is permitted only through insurance companies that are registered<br><br>4) Unbound | 1) Unbound due to lack of technical feasibility<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| c) Reinsurance and retrocession (life and non-life) (CPC 81299*) | | 1) Unbound<br><br>2) Unbound<br><br>3) Unbound<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Insurance and intermediation comprising broking and agency services (CPC 8140) | | 1) Unbound<br><br>2) Insurance intermediation is not allowed to act for unregistered insurers,<br><br>3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF<br><br>(ii) Broker, underwriting and insurance managers require approval<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Services auxiliary to insurance, as follows:<br><br>a) Consultancy (excludes insurance agency services to insurance industry)<br><br>b) actual risk assessment<br><br>c) Risk management<br><br>d) Maritime loss adjusting | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| B. Banking and other financial services | | | | |
| l) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (CPC 8131) | | 1) None<br><br>2) None<br><br>3) Ministry of Finance approval is required<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Ministry of Finance approval is required<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | | |
| A. Healthcare Services (CPC 9311)<br><br>A. Hospital services (CPC 9311/93110) | | 1) Unbound due to lack of technical feasibility<br><br>2) None<br><br>3) None *only through specific requirements and domestic rules and regulations of the country<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound due to lack of technical feasibility<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | | |
| A. Hotel Lodging Services (CPC 64110) | | 1) None<br><br>2) None<br><br>3) Foreign equity participation shall not exceed 30%<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| A. Restaurants (CPC 642, 643) | | 1) None* (no alcoholic drinks and beverages is allowed)<br>2) None<br>3) Foreign equity participation shall not exceed 30%<br>4) Unbound | 1) None* (no alcoholic drinks and beverages is allowed)<br>2) None<br>3) Unbound<br>4) Unbound | |
| D. Other Tourism Services<br>- Youth Hostel<br>- Golf Course<br>- Marina Facilities | | 1) None<br>2) None<br>3) Foreign equity participation shall not exceed 30%<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| 10. RECREATION, CULTURAL AND SPORTING SERVICES | | | | |
| Theme Parks | | 1) None<br>2) None<br>3) Foreign equity shall not exceed 30%<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 11. TRANSPORT SERVICES | | | | |
| A. Maritime Transport Services | | | | |
| a) Passenger transportation (CPC 7211) | | 1) None<br>2) None<br>3) Foreign equity participation shall not exceed 40%<br>4) None, except as indicated in the horizontal section. | 1) None<br>2) None<br>3) Unbound<br>4) None, except as indicated in the horizontal section. | |
| b) Freight transportation (CPC 7212) | | 1) None<br>2) None<br>3) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods: foreign equity participation shall not exceed 40%<br>The supply of international maritime transport of energy goods: Unbound | 1) None<br>2) None<br>3) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None, except as indicated in the horizontal section. | 4) None, except as indicated in the horizontal section. | |
| C. Air Transport Services | | | | |
| c) Rental of aircraft with crew (CPC 734) | | 1) None except: Aircraft must be certified; and entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity | 1) None | |
| | | 2) None | 2) None | |
| | | 3) Unbound except:<br>i) Only through a representative office; or<br>ii) Only by appointment of a General Sales Agent that is owned by a company controlled by Bruneian persons; and<br><br>Permanent address in Brunei Darussalam is required with respect to i) | 3) Unbound | |
| | | 4) Unbound, except one technical post subject to: | 4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | i) Local availability test; whether the technical post can be filled by Bruneian persons,<br>ii) Designation of a specified number of Brunei Trainees | | |
| d) Maintenance and repair of aircraft (CPC 8868**) | | 1) None<br>2) None<br>3) Unbound<br>4) None | 1) None<br>2) None<br>3) Unbound<br>4) None | |
| D. Space Transport (CPC 733/7330) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Rail Transport Services | | | | |
| a) Passenger transportation (CPC 7111) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| b) Freight transportation (CPC 7112) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| c) Pushing and towing services (CPC 7113) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| d) Maintenance and repair of rail transport equipment (CPC 8868) | | 1) None<br>2) None<br>3) Foreign equity participation should not exceed 30%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

SCHEDULE OF BRUNEI DARUSSALAM

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| H. Services Auxiliary to All Modes of Transport | | | | |
| b) Storage and warehousing services (CPC 742) | | 1) None<br>2) None<br>3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 30%<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

Schedule of the Kingdom of Cambodia

Explanatory Notes

1. The classification of service sectors in this schedule is based on the services sectoral classification list as used in the GATS document MTN.GNS/W/120 dated 10 July 1991 and is in accordance with the definition in the UN Provisional Central Product Classification (CPC), unless otherwise specified.

2. The entry "Unbound*" means unbound due to lack of technical feasibility.

3. The use of "**" against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| Subsidies | | 3), 4) Unbound for subsidies, including for research and development | |
| Tax measures | | 1), 2), 3) None with respect to taxes | |
| Land | | 3) Non-Cambodian natural and juridical persons may lease but not own land | |
| Acquired rights | The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than those in existence as of the date of Cambodia's accession to the WTO. | | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 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 | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| a) Legal services (CPC 861) | 1) None<br>2) None<br>3) In commercial association with Cambodia law firms[1], and may not directly represent clients in courts<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| 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<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Accounting, auditing and bookkeeping (CPC 86211, 86212, 86220) | 1) None, except must have commercial presence in Cambodia for auditing services<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| c) Taxation services (CPC 8630) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| d) Architectural services (consulting, planning or design services) (CPC 8671) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Commitments | Commitments | |
| e) Engineering services (CPC 8672)<br><br>f) Integrated engineering services (CPC 8673)<br><br>g) Urban planning and landscape architectural services (CPC 8674) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| h) Specialized medical services (CPC 93122)<br><br>Dental services (CPC 93123**)<br><br>These services are limited only to orthodontic services, oral surgery, and other specialized dental services | 1) Unbound<br><br>2) None<br><br>3) Provision of services is permitted through a joint venture with Cambodian juridical persons<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Computer and Related Services | | | |
| a) Consultancy services related to the installation of computer hardware (CPC 841)<br><br>b) Software implementation services (CPC 842)<br><br>c) Data processing services (CPC 843)<br><br>d) Data base services (CPC 844)<br><br>e) Other (CPC 845 + 849) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| E. Rental / Leasing Services without Operators | | | |
| d) Renting and leasing of studio recording equipment (CPC 83109**) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| F. Other Business Services | | | |
| a) Advertising services (CPC 871) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| b) Market research services (CPC 86401)<br>c) Management consulting services (CPC 865)<br>d) Services related to man. consulting (CPC 866)<br>e) Technical testing and analysis services (CPC 8676) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| h) Services incidental to mining (CPC 883**)<br><br>j) Services incidental to energy distribution (CPC 887**)<br><br>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<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| k) Placement and supply services of Personnel (CPC 872)<br><br>m) Engineering related scientific and technical consulting services (CPC 8675)<br><br>q) Packaging services (CPC 876) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 2. COMMUNICATION SERVICES | | | |
| B. Courier Services | | | |
| Courier services<br>(CPC 7512) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| C. Telecommunication Services<br><br>Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3). | | | |
| a) Voice telephone services<br>(CPC 7521)<br><br>b) Packet-switched data transmission services<br>(CPC 7523**)<br><br>c) Circuit-switched data transmission services<br>(CPC 7523**)<br><br>d) Telex services<br>(CPC 7523**)<br><br>e) Telegraph services<br>(CPC 7522) | 1) None<br>2) None<br>3) None, except subject to requirement for local shareholding of up to 49%<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | Cambodia undertakes obligations contained in the Reference Paper attached. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| f) Facsimile services (CPC 7521** + 7529**)<br><br>g) Private leased circuit services (CPC 7522** + 7523**) | | | |
| h) E-mail (CPC 7523**)<br><br>i) Voice-mail (CPC 7523**)<br><br>j) On-line information and data base-retrieval (CPC 7523**)<br><br>k) Electronic data interchange (CPC 7523**)<br><br>l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)<br><br>m) Code and protocol conversion<br><br>n) On-line information and/or data processing (including transaction processing) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (CPC 843**) | | | |
| o) Other services:<br><br>- Mobile services | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services. |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for buildings (CPC 512)<br><br>B. General construction work for civil engineering (CPC 513)<br><br>C. Installation and assembly work (CPC 514; CPC 516)<br><br>D. Building completion and finishing work (CPC 517)<br><br>E. Other (CPC 511, 515, 518) | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 4. DISTRUBTION SERVICES | | | |
| A. Commission Agents' Services<br>(CPC 621) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| B. Wholesale Trade Services<br><br>Wholesale trade services of motor vehicles<br>(CPC 61111)<br><br>Sales of parts of motor vehicles<br>(CPC 6113)<br><br>Sales of motorcycles and related parts<br>(CPC 6121)<br><br>Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes<br>(CPC 62244) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Retailing Services<br><br>- Retail sales of motor vehicles (CPC 61112)<br><br>- Sales of parts of motor vehicles (CPC 6113)<br><br>- Sales of motorcycles and related parts (CPC 6121)<br><br>For supermarkets and large department stores only[2]:<br><br>- Food and non-food retailing services (CPC 631 + 632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211)<br>- Retailing services of radio and television equipment, music instruments, music scores, and audio and video records | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| and tapes (CPC 63234) | | | |
| D. Franchising Services (CPC 8929) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| E. Other<br>- Retail sales of motor fuel (CPC 613) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 5. EDUCATIONAL SERVICES | | | |
| C. Higher education Services (CPC 923)<br><br>D. Adult education (CPC 924)<br><br>E. Other education services (CPC 929) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 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. |
| 6. ENVIRONMENTAL SERVICES | | | |
| A. Sewage services (CPC 9401)<br><br>B. Refuse disposal services (CPC 9402)<br><br>C. Sanitation and similar services (CPC 9403)<br><br>D. Other services<br><br>- Cleaning of exhaust gases (CPC 9404)<br><br>- Noise abatement services (CPC 9405)<br><br>- Nature and | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| landscape protection services (CPC 9406)<br><br>- Other environmental services not included elsewhere (CPC 9409) | | | |
| 7. FINANCIAL SERVICES | | | |
| A. All Insurance and Insurance-related Services | | | |
| a) Life insurance services (CPC 81211) | 1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Non-life insurance services (CPC 8129) | 1) None for marine, aviation, and transport insurance<br><br>Marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.<br><br>For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Reinsurance and retrocession (CPC 81299) | 1) None<br>2) None<br>3) None, except companies must reinsure 20% of their risk in Cambodia Re<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| d) Services auxiliary to insurance (including broking and agency services) (CPC 8140) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Banking and Other Financial Services | | | |
| The commitments for sub-sectors a), b) and d) refer to commercial banking only. | | | |
| a) Acceptance of deposits and other repayable funds from the public (CPC 81115 - 81119) | 1) None, except deposits from the public must be reinvested in Cambodia | 1) None | |
| b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113) | 2) None<br>3) None, except only permitted through authorized financial institutions as banks<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339[3]) | | | |

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

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| The commitments for sub-sectors c) and e) refer to commercial banking only.<br><br>c) Financial leasing<br><br>e) Guarantees and commitments | 1) Unbound<br><br>2) None<br><br>3) Unbound until related laws and regulations are established<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:<br><br>- money market instruments (including cheques, bills, certificates of deposits);<br><br>- foreign exchange;<br><br>- derivative products including, but not limited to, futures and options;<br><br>- exchange rate and | 1) Unbound<br><br>2) None<br><br>3) Unbound for sub-sectors f) - l) until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| interest rate instruments, including products such as swaps, forward rate agreements;<br><br>- transferable securities;<br><br>- other negotiable instruments and financial assets, including bullion.<br><br>g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of services related to such issues<br><br>h) Money broking<br><br>i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust | | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| services<br><br>j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments<br><br>k) Provision of financial information, and financial data processing and related software by suppliers of other financial services<br><br>l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs 2(a)(i)(E) through (O) of Article A.1 of Annex A to Chapter 6, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy | | | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| A. Hospital Services<br><br>Ownership and management of private hospitals and clinics only | 1) None<br><br>2) None<br><br>3) None, except at least one director for technical matters must be Cambodian<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels (CPC 64110) | 1) None<br><br>2) None<br><br>3) None for hotel three (3) stars or higher[4]<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

4 Three (3) stars hotel is defined in Cambodia's Hotel Rating Classification.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| A. Restaurants (CPC 642, 643) | 1) Unbound*<br>2) None<br>3) Permit is granted taking into account characteristics of the area[5]<br>4) Unbound[5] | 1) Unbound*<br>2) None<br>3) Unbound<br>4) Unbound | |
| B. Travel agencies and tour operators services (CPC 7471) | 1) None<br>2) None<br>3) None, except foreign equity participation limited to 51% for travel agencies<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

5 The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Tourist guides services (CPC 7472) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments. Cambodia nationality requirement for tourist guides. | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| E. Other entertainment services n.e.c. (CPC 96199):<br>- Cinema theatre services, including cinema projection services | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

SCHEDULE OF THE KINGDOM OF CAMBODIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Services | | | |
| International transport (freight and passengers) (CPC 7211 and 7212) excluding cabotage | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | Where not otherwise made available to the international maritime transport suppliers pursuant to subparagraph (k)(ii) of Article 50.1, no measures shall be applied which deny reasonable and non-discriminatory access to the following services:<br>1. Towing and tug assistance;<br>2. Provisioning, fuelling and watering;<br>3. Garbage collecting and ballast waste disposal;<br>4. Emergency repair facilities;<br>5. Lightering and water taxi services;<br>6. Ship agencies;<br>7. Custom brokers;<br>8. Stevedoring and terminal services; and<br>9. Surveying and |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | | classification services. |
| C. Air Transport Services | | | |
| d) Aircraft repair and maintenance services (CPC 8868)<br><br>e) Selling and marketing of air transport services<br><br>e) Computer reservation system services (CRS) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| F. Road Transport Services | | | |
| a) Passenger transportation (CPC 7121 + 7122)<br><br>b) Freight transportation (CPC 7123)<br><br>c) Rental of commercial vehicles with operator (CPC 7124) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Maintenance and repair of road transport equipment (CPC 6112 + 8867)<br><br>e) Supporting services for road transport services (CPC 744) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |
| G. Pipeline Transport Services | | | |
| a) Transport of fuels (CPC 7131)<br><br>b) Transport of other goods (CPC 7139) | 1) Services must be provided through a contract of concession granted by the State on case-by-case basis<br><br>2) None<br><br>3) Services must be provided through a contract of concession granted by the State on case-by-case basis<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments | |

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

4. Public availability of licencing criteria

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

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

(b) the terms and conditions of individual licences

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

Schedule of the Republic of Indonesia

Explanatory Notes

1. "sub sectors" section:
   a) "sub sectors" section of each entries sets out the scope of sectoral/activities committed by Indonesia
   b) Reference to CPC group represents the scope of sub-sectors/activities committed by Indonesia

2. Whenever double asterisk behind the CPC numbers used, it reads that not all activities or subsectors covered by such referral.

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| All Sectors Included In This Schedule | 3) Commercial presence of the foreign service provider(s) shall be in the form of joint venture enterprise, unless mentioned otherwise.<br><br>Joint venture enterprise should meet the following requirements:<br><br>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT); and<br><br>(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:<br><br>(a) interest<br><br>(b) royalties<br><br>(c) dividend<br><br>(d) fee from service performed in Indonesia<br><br>Land Acquisition<br><br>Land Law (Undang-Undang Pokok Agraria) 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. | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Subject to Indonesian Labor and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise in this Schedule, are allowed to stay up to two years and may be extended for a maximum of two times with each extension being up to two years Subject to Indonesian Labor and Immigration Laws and Regulations. Managers and technical experts/advisors (intra corporate transfer) are allowed based on an economic needs test.<br><br>The entry and temporary stay of business visitor(s) are permitted for a period of 60 days and such stay could be extended for at maximum 120 days. | 4) Expatriate Charges<br><br>Any foreign natural persons supplying services are subject to charges levied by the central and local governments.<br><br>Labor Laws and Regulations<br><br>Any expatriate employed by a joint venture enterprise, representative offices, 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. | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| a) Legal Services (Advisory services in home country law, and international law) (CPC 861) | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound except for foreign lawyers (advokat)<br><br>Foreign lawyers (advokat) are allowed to work or take part in Indonesian law firm as employees or as experts in International Law, but shall not appear in courts and/or undertake legal proceedings under any circumstances. | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound except for foreign lawyers (advokat)<br><br>Foreign lawyers (advokat) are:<br><br>- only allowed as employees or experts in Indonesian law firm;<br><br>- obliged to transfer legal knowledge and professional capabilities to Indonesian lawyers; and<br><br>- obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | month free of charge.<br><br>The share of foreign lawyers (advokat) in Indonesian law firm must not exceed 20%, and shall be limited to five foreign lawyers (advokat) per firm. | |
| e) Engineering Services (CPC 86725**)<br><br>- Mould and dies (die-casting, forging, stamping, etc)<br><br>- Powder metallurgy | 1) Unbound<br><br>2) None<br><br>3) Joint venture with foreign equity participation up to 35%<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) License Fee is required in accordance with the relevant laws and regulations;<br><br>Requirement:<br><br>Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by relevant services development board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Engineering Design Services for Industrial Processes and Production (CPC 86725**) for gas turbine, oil & gas, and steel mill industries<br><br>- Mould and dies (die-casting, forging, stamping, etc)<br><br>- Powder metallurgy | 1) Unbound<br><br>2) None<br><br>3) Joint venture with foreign equity participation up to 49%<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) License Fee is required in accordance with the relevant laws and regulations;<br><br>Requirement:<br><br>Registered foreign company shall form a joint venture with local partner(s) which is (are) registered by relevant services development board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |
| B. Computer and Related Services | | | |
| a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) | 1) Unbound<br><br>2) None<br><br>3) Only through a locally incorporated joint venture corporation in the form of limited liability enterprise (Perseroan Terbatas/PT) | 1) Unbound<br><br>2) None<br><br>3) As indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | with Indonesian individuals or Indonesian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 35 per cent<br><br>4) Unbound | <br><br>4) Unbound | |
| C. Research and Development Services | | | |
| c) Interdisciplinary R&D (CPC853, limited to Industrial Activities) | 1) None<br>2) None<br>3) Joint venture with foreign equity participation up to 35 per cent<br>4) Unbound | 1) None<br>2) None<br>3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association<br>4) As specified in the Horizontal Section | |
| E. Rental and Leasing Services without Operators | | | |
| a) Rental of Vessel without Crew (CPC 83103) | 1) None<br>2) None<br>3) The commercial presence must be established only through joint venture enterprise, | 1) None<br>2) None<br>3) As specified in the Horizontal Section | Access to and use of port facilities in the port which is opened for international shipping are permitted. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | with foreign equity share allowable up to maximum 49%.<br><br>4) Unbound | <br><br>4) Unbound | |
| F. Other Business Services | | | |
| i) Services Incidental to Manufacturing (CPC884&885) not including CPC 88411,88412,88423,88430, 88460,88491 | 1) None<br><br>2) None<br><br>3) Services must be supplied through joint operation by establishing a representative office in Indonesia.<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association<br><br>4) As specified in the Horizontal Section | |
| i) Services Incidental to Manufacturing (CPC884) not including CPC 88411,88412,88423,88430, 88460,88491 | 1) None<br><br>2) None<br><br>3) Joint venture with foreign equity participation up to 35 per cent<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| i) Services Incidental to Manufacture Of Metal Products, Machinery, and Equipment (CPC 885) | 1) None<br>2) None<br>3) Services must be supplied through joint operation by establishing a representative office in Indonesia<br>4) Unbound | 1) None<br>2) None<br>3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association<br>4) As specified in the Horizontal Section | |
| n) Maintenance and Repair of Equipment (not including Maritime Vessel, Air Craft, or Other Transport Equipment) (CPC 8866) | 1) Unbound<br>2) None<br>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 aggregate foreign shareholding in the joint venture corporation shall not exceed 35 per cent<br>4) Unbound | 1) Unbound<br>2) None<br>3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association<br>4) As specified in the | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | Horizontal Section | |
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunications Services | | | |
| Local Services:<br><br>a) Public Switched Telephone Service (CPC 7521)<br><br>b) Circuit Switched Public Data Network Services (CPC 7523**)<br><br>Teleconferencing services (CPC 75292) | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |
| Long distance:<br><br>a) Public Switched Telephone Services (7521)<br><br>b) Circuit Switched Public Data Network Services (7523**)<br><br>Teleconferencing Services (75292) | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| International:<br><br>a) Public Switched Telephone Services (7521)<br><br>b) Circuit Switched Public Data Network Services (7523**)<br><br>Teleconferencing services (75292) | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in Horizontal measures | |
| g) Packet-switched Public Data Network Services (7523**)<br><br>- X.25<br><br>- Frame relay<br><br>- Local<br><br>- Local Distance<br><br>- International | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Telex Services | 1) Unbound<br>2) None<br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br>2) None<br>3) None<br>4) As specified in horizontal measures | |
| e) Telegraph Services | 1) Unbound<br>2) None<br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br>2) None<br>3) None<br>4) As specified in horizontal measures | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Domestic:<br><br>a) Mobile Cellular Telephone Services (75213) | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |
| Domestic:<br><br>Personal Mobile Cellular Communication Services | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Internet Access Services | 1) Unbound<br>2) None<br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br>2) None<br>3) None<br>4) As specified in horizontal measures | |
| Domestic:<br><br>Regional and National Paging Services (75291) | 1) Unbound<br>2) None<br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br>2) None<br>3) None<br>4) As specified in horizontal measures | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Domestic:<br><br>Public Payphone Services | 1) Unbound<br><br>2) None<br><br>3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.<br><br>4) Natural persons for management and technical expert is limited to 20 persons | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As specified in horizontal measures | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| E. Pre-erection Work at Construction Site (CPC 511) except subsector 51110 and 51113 | 1) Unbound<br><br>2) None<br><br>3) Services must be supplied through:<br><br>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or<br><br>(b) joint venture | 1) Unbound<br><br>2) Unbound<br><br>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.<br><br>2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.<br><br>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).<br><br>4) As specified in the Horizontal Section | Services Development Board and having qualification A/Big.<br><br>(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| A. Construction Work for Buildings (CPC 512) except sub-sector CPC 51210 | 1) Unbound<br><br>2) None<br><br>3) Services must be supplied through:<br><br>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or<br><br>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.<br><br>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise | 1) Unbound<br><br>2) Unbound<br><br>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.<br><br>2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.<br><br>(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | (Perseroan Terbatas/PT) may be owned by foreign partner(s).<br><br>4) As specified in the Horizontal Section | <br><br><br>4) As specified in the Horizontal Section | |
| B. Construction Work for Civil Engineering (CPC 513)<br><br>C. Assembly and Erection of Prefabricated Constructions (CPC 514)<br><br>E. Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518) | 1) Unbound<br><br>2) None<br><br>3) Services must be supplied through:<br><br>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or<br><br>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations. | 1) Unbound<br><br>2) Unbound<br><br>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.<br><br>2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.<br><br>(b) Local partner(s) in joint venture enterprise shall be | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).<br><br>4) As specified in the Horizontal Section | registered by Construction Services Development Board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |
| E. Steel Binding and Erection (including welding) (CPC 51550)<br><br>E. Foundation work including pile driving (CPC 51510) | 1) Unbound<br><br>2) None<br><br>3) Services must be supplied through:<br><br>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or<br><br>(b) joint venture enterprise by fulfilling the requirements as | 1) Unbound<br><br>2) Unbound<br><br>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.<br><br>2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | specified in the Horizontal Section and the Investment Law and its implementing regulations.<br><br>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).<br><br>4) As specified in the Horizontal Section | Board and having qualification A/Big.<br><br>(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |
| C. Gas Fitting Construction Work (CPC 51630)<br><br>C. Fire Alarm Construction Work (CPC 51642)<br><br>C. Burglar Alarm System Construction Work (CPC 51643)<br><br>C. Lift and Escalator Construction Work (CPC 51691) | 1) Unbound<br><br>2) None<br><br>3) Services must be supplied through:<br><br>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three | 1) Unbound<br><br>2) Unbound<br><br>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.<br><br>2. Registered foreign company shall form a joint operation | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | years and can be extended; and/or<br><br>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.<br><br>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).<br><br>4) As specified in the Horizontal Section | with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.<br><br>(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 4. DISTRIBUTION SERVICES | | | |
| B. Wholesale Trade Services of Food, Beverages, and Tobacco with Minimum Space Above 5,000 meter square (CPC 6222)<br><br>B. Wholesale Trade Services of Textile, Clothing and Footwear with Minimum Space Above 5,000 meter square (CPC 6223) | 1) Unbound<br><br>2) None<br><br>3) (a) Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua<br><br>(b) Shall establish distribution supporting facilities<br><br>(c) Permitted only operate in capital regency<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) (a) Have the 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<br><br>(b) Have to be located in the suburbs<br><br>4) Unbound | All wholesalers in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration. |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B., C.<br>Wholesale Services<br>(CPC 6111, 6224, 6228)<br><br>Service Supplied by a Japanese Company Established in Indonesia, including its Local Group Companies, relating to the Wholesale Distribution of:<br><br>- Automobile (excluding motor cycle)<br><br>- Household Electrical Appliances<br><br>- Office Machineries<br><br>- Construction Machineries | 1) Unbound<br><br>2) Unbound<br><br>3) According to the laws and regulations at the time that this Agreement comes into force<br><br>Above mentioned commitment shall be maintained for 10 years after this Agreement enters into force, is subject to review.<br><br>4) Unbound | 1) Unbound<br><br>2) Unbound<br><br>3) Unbound, except as indicated in the Horizontal Section<br><br>4) Unbound | All wholesalers in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration. |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Retail Sales of Food, Beverages and Tobacco with Space between 1,200 up to 5,000 Meter Square (only supermarket) (CPC 6310) | 1) Unbound<br>2) None<br>3) Joint venture with foreign equity participation up to 35%<br>4) Unbound | 1) Unbound<br>2) None<br>3) (a) Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua<br>(b) Shall establish distribution supporting facilities<br>(c) Permitted only operate in capital regency<br>4) Unbound | All supermarkets in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration. |
| D. Franchise Services (CPC 8929) Limited only for Franchisor | 1) None<br>2) None<br>3) Joint venture with foreign equity participation up to 51%<br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Direct Selling (Multi-Level Marketing) | 1) None<br>2) None<br>3) Unbound, except as indicated in the Horizontal Section<br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br>2) None<br>3) Unbound, except as indicated in the Horizontal Section<br>4) Unbound, except as indicated in the Horizontal Section | |

5. EDUCATIONAL SERVICES

General Conditions on Education Services

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

1. Mutual recognition arrangement between relevant institutions on credits, programs, and certifications is required.

2. Foreign education institution providing services must establish partnership with local partner. Foreign language instructors must be native speakers.

3. Foreign education institution must be listed in the Ministry of Education’s List of Accredited Foreign Education and its local partner must be accredited.

4. Foreign education institution in cooperation with local partner may open education institution in the cities of Jakarta, Surabaya, Bandung, Yogyakarta, and Medan.

5. Temporary entry for natural persons engaged in education activities in Indonesia is subject to approval by the Ministry of National Education. Approval is granted on case-by-case basis.

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Technical and Vocational secondary education<br>Services (electronic, automotive, agriculture, marine, health)<br>(CPC 92230) | 1) Unbound<br>2) None<br>3) Joint venture with foreign equity participation up to 40%<br>4) Unbound | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Section and General Conditions<br>4) Unbound | |
| 6. ENVIRONMENTAL SERVICES | | | |
| A. Sewage Services<br>(CPC 9401)<br>Only for Wastewater Management | 1) Unbound<br>2) None for training, technical consultation, sample testing<br>3) Joint venture with foreign equity participation up to 49%<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |
| B. Refuse Disposal Services<br>(CPC 9402)<br><br>Solid Waste Disposal Services, only for:<br><br>- Integrated hazardous waste treatment facility services for oil | 1) Unbound<br>2) None<br>3) Conditions:<br>(a) joint venture with not more than 49% of capital share may be owned by foreign partners | 1) Unbound<br>2) None<br>3) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 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<br><br>- 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 | (b) The service provider(s) providing waste treatment facility in Indonesia is (are) forbidden to import waste and refuse due to the high risk pollution in the transportation of the waste and refuse from abroad to Indonesia (must be in line with Basel Convention)<br><br>4) Unbound | 4) Unbound | |
| D. Other | | | |
| Cleaning Services of Exhaust Gases (CPC 9404)<br><br>Only for Air Pollution Control | 1) Unbound<br><br>2) None<br><br>3) Joint venture with foreign equity participation up to 49%<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Other Environmental Protection Services (CPC 9409)<br><br>Limited to Laboratory Services for Environment | 1) Unbound<br>2) None<br>3) Joint venture with foreign equity participation up to 49%<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |
| 7. FINANCIAL SERVICES | | | |
| A. All Insurance and Insurance-related Services | | | |
| Non-banking services<br><br>General Conditions on Non-banking Financial Services Subsector:<br><br>1. All market access and national treatment limitation specified in the banking subsector will be eliminated by the year 2020 subject to similar commitment by other Parties.<br><br>2. Notwithstanding limitations on joint ventures specified in the Horizontal Section, for insurance, the share ownership of foreign services suppliers is bound at 80%, and for other non-banking financial services, the share ownership of foreign services supplier is bound at the prevailing laws and regulations at the date of entry into force of this Agreement. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture in non-banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture concerned.<br><br>3. The share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors.<br><br>4. All joint ventures companies shall provide training for their employee.<br><br>5. In addition to the horizontal measures, temporary entry will be granted to technical expert(s)/adviser(s) for no longer than 3 (three) months per person for any given year.<br><br>6. In relation to the presence of natural persons, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 years and can be extended. | | | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Non-Life Insurance Services (CPC 8129) except CPC-81293 (Marine, Aviation and other Transportation) | 1) Unbound<br><br>2) Unbound except if:<br><br>(a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question.<br><br>(b) There is no insurance company in Indonesia which want to carry out an insurance coverage of the object in question.<br><br>3) As specified in the Horizontal Section and General Conditions<br><br>4) Unbound, except for director and technical advisor/expert | 1) Unbound<br><br>2) Unbound<br><br>3) As specified in the Horizontal Section and General Conditions<br><br>4) As specified in the Horizontal Section and General Conditions | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Reinsurance Services | 1) Reinsurance service suppliers from other Parties must be rated minimum as BBB by Standard and Poor or equivalent | 1) None | |
| | 2) Reinsurance service suppliers from other Parties must be rated minimum as BBB by Standard and Poor or equivalent | 2) Unbound | |
| | 3) As specified in the Horizontal Section and General Conditions | 3) As specified in the Horizontal Section and General Conditions | |
| | 4) Unbound, except for director and technical advisor/expert | 4) As specified in the Horizontal Section and General Conditions | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| a) Life Insurance Services (CPC 81211) | 1) Unbound<br><br>2) Unbound, except if:<br><br>a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question.<br><br>b) There is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question.<br><br>c) The owners of insurance objects in question are not Indonesian citizens or Indonesian legal entities.<br><br>3) As specified in the Horizontal Section and General Conditions<br><br>4) Unbound, except for director and technical advisor/expert | 1) Unbound<br><br>2) Unbound<br><br>3) As specified in the Horizontal Section and General Conditions<br><br>4) As specified in the Horizontal Section and General Conditions | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Insurance Brokerage Services (CPC 81401) | 1) Unbound<br>2) None<br>3) As Specified in Horizontal Section and General Conditions<br>4) Unbound, except for director and technical advisor/expert | 1) None<br>2) None<br>3) As specified in the Horizontal Section and General Conditions<br>4) As specified in the Horizontal Section and General Conditions | |
| d) Reinsurance Brokerage Services (CPC 8140) | 1) Unbound<br>2) None<br>3) As specified in Horizontal Section and General Conditions<br>4) Unbound, except for director and technical advisor/expert | 1) None<br>2) None<br>3) As specified in Horizontal Section and General Conditions<br>4) As specified in Horizontal Section and General Conditions | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Financial Lease Services (CPC 81120) | 1) None<br>2) None<br>3) As specified in Horizontal Section and General Conditions<br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br>2) None<br>3) As specified in Horizontal Section and General Conditions<br>4) As specified in Horizontal Section and General Conditions | |
| Factoring Services (CPC 8113) | 1) None<br>2) None<br>3) As specified in the Horizontal Measures and General Conditions<br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br>2) None<br>3) As specified in the General Conditions<br>4) As specified in the Horizontal Section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Credit Card Business (Issuer and agent of credit card) (CPC 8113)<br><br>Consumers Finance Services (CPC 8113) | 1) None<br><br>2) None<br><br>3) As specified in the Horizontal Measures and General Conditions<br><br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br><br>2) None<br><br>3) As specified in the General Conditions<br><br>4) As specified in the Horizontal Section | |
| Securities Business Trading for Own Account or for Account of Customers, on an Exchange or Over-the Counter Market<br><br>- Listed shares<br><br>- Bonds | 1) Unbound<br><br>2) None<br><br>3) Through establishment of a securities broker/dealer or underwriter<br><br>4) Unbound, except as indicated in the Horizontal Section | 1) Unbound<br><br>2) None<br><br>3) As specified in the General Conditions<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Participation in Issues of Securities, including Underwriting and Placement as Agent (whether publicly or privately), and Provision of Services Related to such Issues | 1) Unbound<br>2) None<br>3) Through establishment of a securities companies as underwriter<br>4) Unbound, except as indicated in the Horizontal Section | 1) Unbound<br>2) None<br>3) As specified in the General Conditions<br>4) As specified in the Horizontal Section | |
| Portfolio Management, all Forms of Collective Investment Management<br><br>Asset Management Limited only to Investment Fund Management | 1) Unbound<br>2) None<br>3) Through establishment of a securities companies as an investment manager<br>4) Unbound, except as indicated in the Horizontal Section | 1) Unbound<br>2) None<br>3) As specified in the General Conditions<br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Investment Advisory Services limited only to Investment Advisory in Capital Market | 1) Unbound<br>2) None<br>3) Through establishment of an investment advisory company<br>4) Unbound, except as indicated in the Horizontal Section | 1) Unbound<br>2) None<br>3) As specified in the General Conditions<br>4) As specified in the Horizontal Section | |
| B. Banking and Other Financial Services | | | |
| Banking Sub Sectors<br><br>Banking Subsector: General Conditions on Banking Subsector<br><br>1. With the exception of the existing branches of foreign banks, foreign services provider shall be in the form of joint venture bank locally incorporated in Indonesia with the following requirements:<br><br>(a) Unbound for new license<br><br>(b) Only financial institutions are permitted to establish joint venture banks<br><br>2. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture bank shall be respected as the basis of ownership of the foreign service provider(s) and their Indonesian partner(s).No transfer of ownership shall take place without the consent of all parties in the joint venture bank.<br><br>3. Acquisition of local existing banks is allowed through the purchase of in the stock exchange is allowed up to 51% of the shares of locally incorporated bank listed in the stock exchange.<br><br>4. Foreign bank and joint ventures bank may open their offices in the cities of Jakarta, Surabaya, Semarang, Bandung, Medan, Denpasar, Batam Island, Padang, Manado, Ambon Balikpapan, Banda Aceh and Jayapura.<br><br>5. A person shall be a “controlling shareholder” in only one bank. | | | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Definition:<br><br>A controlling shareholder shall mean a person who beneficially own 10% or more of the equity of interest of a bank or who beneficially own less than 10% of the equity interest of a bank but have the power to control the bank. A person shall be deemed to have control of a bank if such person has the power to name director and/or commissioner of such bank and/or has the power to direct its action.<br><br>6. With respect to the presence of natural persons, no economic needs test will apply. A non-Indonesian employed as manager or as technical expert shall have at least two Indonesian under studies during his/her term.<br><br>7. In addition to the Horizontal Measures, temporary entry will be granted to the technical expert(s)/advisor(s) of branch office of the foreign bank and joint venture bank for no longer than 3 (three) months per person for any given year. | | | |
| Commercial Banking Business | | | |
| a) Acceptance of Deposits and Other Repayable Funds from the Public<br><br>b) Lending of all Types including Consumer Credit, Mortgage, Credit, Factoring and Financing of Commercial Transaction<br><br>c) All Payment and Money Transmission Services including Credit, Charge and Debit Cards, Travellers Cheques and Bankers Drafts.<br><br>e) Guarantees and Commitments | 1) None<br><br>2) None<br><br>3) (a) Bound only 2 (two) sub-branches and 2 (two) auxiliary offices for foreign bank's branch office.<br><br>(b) Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank | 1) None<br><br>2) None<br><br>3) (a) For foreign bank branch, only executive position can be assumed by expatriates with limitation that at least one of them shall be Indonesian national.<br><br>(b) For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | ownership sharing. | |
| f) Trading for own Account or for Account of Customers whether on an Exchange, in an Over-the-counter Market or Otherwise, the following:<br><br>- Money Market Instruments (including cheques, bills, certificates of deposits)<br><br>- Foreign Exchange<br><br>- Exchange Rate and Interest Rate Instruments, including Products such as Swaps, Forward Rate Agreements<br>- Transferable Securities issued in the Money Market | 4) Unbound, except as indicated in the Horizontal section and General Conditions on Banking Subsector | 4) Unbound, except as indicated in the Horizontal Measures and General Conditions on Banking Subsector | |
| i) Cash Management, Custodial and Depository Services | | | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| General conditions on health related and social services:<br><br>Commercial presence of the foreign service provider is permitted only through health institution which is registered in Indonesia and must establish partnership with local partner. Establishment limited to the cities of Medan and Surabaya. | | | |
| A. Hospital Services (only for specialistic and super specialistic medical care/more specific than specialistic medical care, provided by hospital of more than 300 beds)<br>(CPC 9311) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Section and General Conditions:<br><br>- The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor<br><br>- Approval subject to the social function of hospital services offered<br><br>- The medical services shall be provided by persons with medical licenses issued by Ministry of Health and Health professional organization/ | 1) None<br><br>2) None<br><br>3) The health professionals shall be Indonesian | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | council<br><br>- Foreign health professionals are obliged to transfer medical knowledge and professional capabilities to Indonesian health professional as consultant only<br><br>- A non-Indonesian health professional employed as managers or as technical experts shall have at least two Indonesian under studies during his/her term<br><br>4) Unbound | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and Restaurants | | | |
| Hotels<br>(CPC 64110)<br>(3, 4, 5 starred hotels) | 1) None<br><br>2) None<br><br>3) Notwithstanding limitations specified in the Horizontal Section, in eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100% of the capital share can be owned by foreign investor<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel business comprised of:<br><br>(i) General Manager<br><br>(ii) Food and Beverage Manager<br><br>(iii) Resident Manager<br><br>(iv) Comptroller<br><br>(v) Marketing | 1) None<br><br>2) None<br><br>3) Higher paid-up capital is required of foreign service suppliers than of domestic service suppliers. This measure will be eliminated in the year 2020.<br><br>4) As specified in the Horizontal Section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Director<br><br>(2) Highly Skilled Professionals comprised of:<br><br>(i) Executive Chef<br><br>(ii) Sous Chef<br><br>(iii) Specialty Cook | | |
| Tourist Resorts[1] including:<br><br>- Hotel (3, 4 and 5 stars)<br><br>- Marinas<br><br>- Golf Courses and Other Sport Facilities | 1) None<br><br>2) None<br><br>3) Notwithstanding limitations specified in the Horizontal Section, Kalimantan, Bengkulu, Jambi and Sulawesi, 100% of the capital share can be owned by foreign investor<br><br>4) Unbound, except for Resort Manager | 1) None<br><br>2) None<br><br>3) Higher paid-up capital is required of foreign service suppliers than of domestic service suppliers. This measure will be eliminated in the year 2020.<br><br>4) As specified in the Horizontal Section | |

1 Tourist Resort is an area built to accommodate the facilities needed for the tourist such as hotels, marinas, golf course, cultural open stage and other facilities, except casino and other activities prohibited by law; for reasons of public moral, religion, security and public order.

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Meal Serving Services with Full Restaurant Services (CPC 64210) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation 51% maximum<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel/restaurant business including of:<br><br>- General Manager<br><br>- Food and Beverage Manager<br><br>- Comptroller<br><br>(2) Highly Skilled Professionals:<br><br>- Executive Chef | 1) Unbound<br><br>2) None<br><br>3) Foreign investors must employ a minimum of 50% from the local labor force<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Meal Serving Services in Self-serving Facilities (CPC 6422) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation 51% maximum<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel/restaurant business including of:<br><br>- General Manager<br><br>- Food and Beverage Manager<br><br>- Comptroller<br><br>(2) Highly Skilled Professionals:<br><br>- Executive Chef | 1) Unbound<br><br>2) None<br><br>3) Foreign investors must employ a minimum of 50% from the local labor force<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Caterer Services Providing Meals to Outside (CPC 6423) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation 51% maximum<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel/restaurant business including of:<br><br>- General Manager<br><br>- Food and Beverage Manager<br><br>- Comptroller<br><br>(2) Highly Skilled Professionals:<br><br>- Executive Chef | 1) Unbound<br><br>2) None<br><br>3) Foreign investors must employ a minimum of 50% from the local labor force<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Beverage Serving Services without Entertainment (CPC 64310) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation 51% maximum<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel/restaurant business including of:<br><br>- General Manager<br><br>- Food and Beverage Manager<br><br>- Comptroller<br><br>(2) Highly Skilled Professionals:<br><br>- Executive Chef | 1) Unbound<br><br>2) None<br><br>3) Foreign investors must employ a minimum of 50% from the local labor force<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Beverage Serving Services with Entertainment (CPC 64320) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation 51% maximum<br><br>4) Unbound, except for:<br><br>(1) Top Management Level in Hotel/restaurant business including of:<br><br>- General Manager<br><br>- Food and Beverage Manager<br><br>- Comptroller<br><br>(2) Highly Skilled Professionals:<br><br>- Executive Chef | 1) Unbound<br><br>2) None<br><br>3) Foreign investors must employ a minimum of 50% from the local labor force<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Travel Agencies and Tour Operators | | | |
| Travel Agent and Tour Operator Services (TA&TO) (CPC 7471) | 1) None<br>2) None<br>3) Maximum number of services provider is limited to 35 TA & TO<br>4) Unbound except for technical expert/advisor | 1) None<br>2) None<br>3) Tour operator must be Travel Agent located in Jakarta and Bali<br>4) As specified in the Horizontal Section | |
| International Hotel Operator (CPC 91135) | 1) None<br>2) None<br>3) The commercial presence must be established through joint venture enterprise, as indicated in the Horizontal Section<br>4) Unbound, except for:<br>(1) Top Management Level in Hotel business comprised of:<br>- General Manager<br>- Food and Beverage Manager | 1) None<br>2) None<br>3) Unbound, except as indicated in the Horizontal Section<br>4) As specified in the Horizontal Section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | - Resident Manager<br>- Comptroller<br>- Marketing Director<br>(2) Highly Skilled Professionals comprised of:<br>- Executive Chef<br>- Sous Chef<br>- Specialty Cook | | |
| Spa Services | 1) None<br>2) None<br>3) The commercial presence must be established only through joint venture enterprise, as indicated in the Horizontal Section<br>4) Unbound, except as indicated in the Horizontal Section | 1) None<br>2) None<br>3) As indicated in the Horizontal Section<br>4) Unbound, except as indicated in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| a) International Passenger Transport excluding Cabotage (CPC 7211) | 1) None<br>2) None<br>3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%<br>4) As specified in the Horizontal Section | 1) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent<br>2) None<br>3) As specified in the Horizontal Section<br>4) As specified in the Horizontal Section | Access to and use of port facilities in the port which is opened for international shipping are permitted. |
| b) International Freight Transport excluded Cabotage (CPC 7212) | 1) None<br>2) None<br>3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to | 1) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent<br>2) None<br>3) As specified in the Horizontal Section | Access to and use of port facilities in the port which is opened for international shipping are permitted. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | maximum 49%<br><br>4) As specified in the Horizontal Section | <br><br>4) As specified in the Horizontal Section | |
| C. Air Transport Services | | | |
| d) Aircraft Repair and Maintenance Services (CPC 8868) | 1) Unbound<br><br>2) None<br><br>3) Should be in the form of limited liability enterprise with maximum foreign equity 49%<br><br>4) Unbound, except as indicated in horizontal section | 1) Unbound<br><br>2) None<br><br>3) As indicated in Horizontal Section<br><br>4) Unbound, except as indicated in Horizontal Section | |
| F. Road Transport Services | | | |
| d) Maintenance and Repair of Road Transport Equipment (excluding motor cycle) (CPC 8867) | 1) Unbound<br><br>2) None<br><br>3) Only through a locally incorporated joint venture corporation in the form of limited liability enterprise (Perseroan Terbatas/PT) between Indonesian individuals or Indonesia-controlled corporations or both | 1) Unbound<br><br>2) None<br><br>3) As indicated in the Horizontal Section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | and Japanese company which have manufacturing activities in Indonesia, including its local group companies, relating to the maintenance and repair of Automobile (excluding motor cycle)<br><br>The aggregate foreign shareholding in the joint venture corporation shall not exceed 35 per cent.<br><br>4) Unbound | 4) As indicated in the Horizontal Section | |
| H. Services Auxiliary to All Modes of Transport | | | |
| a) Maritime Cargo Handling Services<br>(CPC 741) | 1) Unbound<br><br>2) None<br><br>3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%<br><br>4) As specified in the Horizontal Section | 1) Unbound<br><br>2) None<br><br>3) As indicated in the Horizontal Section<br><br>4) As indicated in the Horizontal Section | Access to and use of port facilities in the port which is opened for international shipping are permitted. |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 12. OTHER SERVICES NOT INCLUDED ELSEWHERE | | | |
| Energy Services<br><br>General condition on energy services<br><br>Indonesia's Schedule of Specific Commitments on energy services sector based on 2nd Revised Indonesian proposal of energy services classification. | | | |
| Core Analysis and Other Lab Test, only for Isotop Analysis (1A.2.7.3) | 1) None<br><br>2) None<br><br>3) Joint operation through a representative office in Indonesia<br><br>4) Unbound, except for directors and technical experts | 1) None<br><br>2) None<br><br>3) As specified in the Horizontal Section<br><br>4) As specified in the Horizontal Section | |
| Geological and Geophysical Services, only for Seismic Data Acquisition (1A.1.4.1.1) | 1) None<br><br>2) None<br><br>3) Joint operation through a representative office in Indonesia<br><br>4) Unbound, except for directors and technical experts | 1) None<br><br>2) None<br><br>3) As specified in the Horizontal Section<br><br>4) As specified in the Horizontal Section | |

SCHEDULE OF THE REPUBLIC OF INDONESIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Liquefaction and Gasification only for Coal<br><br>According to Indonesia Proposal of Energy Services Classification is under:<br><br>- Coal Liquefaction (2.4.4.4)<br><br>- Coal Gasification (2.4.4.5)<br><br>According to W/120 is under Services Incidental to Manufacturing (CPC 884) | 1) Unbound<br><br>2) None<br><br>3) Joint operation through a representative office in Indonesia<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) As specified in the horizontal section<br><br>4) Unbound | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| I. HORIZONTAL COMMITMENTS | | | |
| Land ownership | | 3), 4)<br>Non-Lao PDR natural and juridical persons are not allowed to own land but may own premises and lease land up to 75 years | |
| Subsidies and investment incentives | | 1), 2), 3), 4)<br>Unbound with respect to subsidies, investment incentives and other state support measures, eligibility for which may be limited to particular regions, categories of persons, or enterprises | |
| Commercial presence | 3) To establish a commercial presence, a services provider must be incorporated in specific legal form in accordance with laws and regulations of Lao PDR | 3) Foreign investors shall provide adequate training opportunities to Lao PDR nationals<br><br>3) Tax measures, generally pertaining to small and medium enterprises may result in a difference of treatment in favour of Lao PDR services and service suppliers | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Movement of natural persons providing services | 4) Unbound, except for measures affecting the temporary entry and stay of natural persons who qualify under one of the following categories, and in all cases, the total number of foreign natural persons in the following categories shall not exceed 20% of the total staff:<br><br>A. Business visitors:<br><br>Natural persons who:<br><br>- 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;<br><br>- Stay in Lao PDR without receiving remuneration from sources within Lao PDR; and<br><br>- Do not engage in | 4) Unbound, except for measures concerning the categories of natural persons referred to in the market access column. Unbound for all measures relating to social insurance schemes including *inter alia* unemployment and pension benefits. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | making direct sales to the general public or supplying services.<br><br>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.<br><br>B. Intra-Corporate Transferees:<br><br>Natural persons who have been employed by a juridical person of another Party outside Lao PDR for a period of not less than 1 year immediately preceding the request for transfer to Lao PDR, who seek temporary entry to provide services through commercial establishment of that juridical person in Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories:<br><br>a) Executives: Natural persons | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization; and<br><br>b) Managers: Natural persons who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity's products, services, research, equipment, techniques, or | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals[1], nor do they include employees who primarily perform tasks necessary for the supply of the service.<br><br>c) Specialists: | | |

1 Natural persons with professional qualifications for performing work within the scope of a particular profession, where these are required by the laws and regulations of Lao PDR.

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Natural persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management and where there are shortages of Lao PDR nationals with requisite skills.<br><br>For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for 1 year which may be renewed every 6 months for up to 3 years as long as conditions indicated for each category are satisfied. | | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| II. SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| a) Legal services, excluding:<br><br>- Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR;<br><br>- Legal documentation and certification services of the laws of Lao PRD;<br><br>(Part of CPC 861). | 1) None<br><br>2) None<br><br>3) Foreign equity participation limited to 49%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except as indicated in the horizontal section | |
| b) Accounting, auditing and bookkeeping services (CPC 862) | 1) None<br><br>2) None<br><br>3) Unbound for 7 years after the date of accession. Thereafter, a joint venture with a Lao PDR national accountant who is a full member of the Lao Institute of Certified Public Accountants | 1) None<br><br>2) None<br><br>3) The majority of directors must be certified accountants who are Lao nationals | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | (LICPA) is required[2].<br><br>4) Unbound | 4) Unbound | |
| c) Taxation consulting services<br>(Part of CPC 863) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| d) Architectural services<br>(CPC 8671) | 1) None<br><br>2) None<br><br>3) As specified in the horizontal section<br><br>4) As specified in the horizontal section | 1) None<br><br>2) None<br><br>3) As specified in the horizontal section<br><br>4) As specified in the horizontal section | |

2 For all phased in commitments in this schedule, it is understood that limitations indicated in sectoral headnotes and/or the horizontal commitments section will apply at phase in.

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Engineering services (CPC 8672) | 1) None<br>2) None<br>3) As specified in the horizontal section[3]<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) As specified in the horizontal section<br>4) Unbound, except as indicated in the horizontal section | |
| f) Integrated engineering services<br>- Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731)<br>- Integrated engineering and project management services (CPC 86732)<br>- Integrated engineering services for the construction of manufacturing | 1) None<br>2) None<br>3) Joint venture with Lao services supplier is required and foreign equity participation limited to 2/3<br>4) As indicated in horizontal section | 1) None<br>2) None<br>3) As indicated in horizontal section<br>4) As indicated in horizontal section | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| turnkey projects (CPC 86733) | | | |
| g) Urban planning and landscape architectural services<br>- Urban planning services (CPC 86741)<br>- Landscape architectural services (CPC 86742) | 1) None<br>2) None<br>3) As indicated in horizontal section[4]<br>4) Unbound, except as indicated in horizontal section | 1) None<br>2) None<br>3) As indicated in horizontal section<br>4) Unbound, except as indicated in horizontal section | |
| B. Computer and Related Services<br>Computer and Related Services (CPC 84) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Research and Development Services | | | |
| a) R&D services on natural sciences and engineering (CPC 851)<br><br>b) Research and experimental development services (CPC 852)<br><br>c) Interdisciplinary R&D services (CPC 853) | 1) None<br><br>2) None<br><br>3) Joint venture with Lao services suppliers is required. Foreign equity participation limited to 51%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| E. Rental and Leasing Services without Operators | | | |
| a) Rental/Leasing services relating to ships (CPC 83103)<br><br>d) Leasing or Rental services concerning construction machinery and equipment without operator (CPC 83107) | 1) None<br><br>2) None<br><br>3) As indicated in the horizontal section<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) As indicated in the horizontal section<br><br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Rental/Leasing services relating to the other machinery and equipment (CPC 83106 – 83109) | 1) None<br>2) None<br>3) As indicated in the horizontal section<br>4) As indicated in the horizontal measure | 1) None<br>2) None<br>3) As indicated in the horizontal section<br>4) Unbound, except as indicate in the horizontal measure | |
| F. Other Business Services | | | |
| a) Advertising services (CPC 871)<br>- Contents shall be approved by the Ministry of Information and Culture of Lao PDR | 1) None<br>2) None<br>3) As indicated in the horizontal section[5]<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Market research services (CPC 86401) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| c) Management consulting services (CPC 865) | 1) None<br>2) None<br>3) For 3 years after WTO accession, foreign equity participation limited to 51%. Thereafter: None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) The majority of the directors must be engineers who are Lao PDR nationals<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| m) Related scientific and technical consulting services (CPC 86751 and 86752 only) | 1) None<br>2) None<br>3) Foreign equity participation limited to 51%. After 5 years from the date of accession, foreign equity participation limited to 70%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) The majority of directors must be engineers who are Lao PDR nationals<br>4) Unbound, except as indicated in the horizontal section | |
| n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC8866) | 1) Unbound<br>2) None<br>3) Joint venture with Lao services suppliers is required. Foreign equity participation limited to 51%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| o) Building-cleaning services (CPC 874) | 1) None<br>2) None<br>3) As indicated in the horizontal section[6]<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound, except as indicated in the horizontal commitment<br>4) Unbound, except as indicated in the horizontal section | |
| t) Specialty design services (CPC 87907) | 1) None<br>2) None<br>3) Joint venture with maximum 49% foreign equity share<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 2. COMMUNICATION SERVICES | | | |
| B. Courier Services | | | |
| Multi-modal courier services<br>(CPC 75121) | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| C. Telecommunications Services | | | |
| The following services can be supplied only on a facilities basis, for public use, with regard to local and national long-distance services.<br><br>a) Voice telecom services (CPC 7521) | 1) None<br>2) None<br>3) None, allow 100% foreign owned enterprise, or Joint-venture Enterprise<br>4) This has to be in consistence with the labour law and law on the promotion and management of foreign investment | 1) None<br>2) None<br>3) None, except service falls under license type 1 in accordance with amended telecommunication law<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Package-switched data transmission services (CPC 7523**)<br><br>c) Circuit-switched data transmission services (CPC 7523**)<br><br>d) Telex services (CPC 7523**)<br><br>e) Telegraph services (CPC 7522)<br><br>f) Facsimile services (CPC 7521**+7529**)<br><br>g) Private leased circuit services (CPC7522**+7523**)<br><br>o) Other:<br><br>- Terrestrial-based mobile phone services | 1) None<br><br>2) None<br><br>3) None[7]<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

** 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 item 7523).

7 Shall be approved by competent authority (Ministry of Post and Telecommunications)

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| - Paging services (CPC 75291)<br>- Data and message transmission services (CPC 7523) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| - Telecommunication consulting services (CPC 75440) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, but shall be in accordance with the amended telecommunication law<br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Value-added services:<br><br>h) Electronic-mail (CPC 7523**)<br><br>i) Voicemail (CPC 7523**)<br><br>j) Online information and data base retrieval (CPC 7523**)<br><br>k) Electronic data interchange (EDI) (CPC 7523**)<br><br>l) Enhance/value-added facsimile services, including store and forward, store and retrieve. (CPC 7523**)<br><br>m) Code and protocol conversion services<br><br>n) On-line information and/or data processing (including transaction processing) (CPC 843**) | 1) None<br><br>2) None<br><br>3) None[8], except that foreign capital participation direct/indirect in existing operators limited to 49%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except that board members and auditors in existing operators are required to have Lao National<br><br>4) Unbound, except as indicated in the horizontal section | |

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

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General Construction Work for Buildings (CPC 512)<br><br>B. General Construction Work for Civil Engineering (CPC 513)<br><br>C. Installation and Assembly Work (CPC 514, 516)<br><br>D. Building Completion and Finishing Work (CPC 517)<br><br>E. Other (CPC 511 + 515 + 518) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation limited to 70%<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 4. DISTRIBUTION SERVICES<br><br>The distribution of goods under the Controlled List of the Ministry of Industry of 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 commitments. | | | |
| A. Commission Agents' Services<br><br>- Sale on a fee or contract basis of textiles, clothing and footwear (Part of CPC 621)<br><br>- Wholesale trade services on a fee or contract basis of textiles, clothing and footwear (Part of CPC 622) | 1) None<br><br>2) None<br><br>3) Joint venture with Lao services providers is required. Foreign equity participation is limited to 51%. Subject to meeting economic needs test<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Wholesale Trade Services (Part of CPC 61111, 6113, 6121) | 1) None<br>2) None<br>3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests[9].<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| C. Retailing Services (Part of CPC 61112, 6113, 6121) | 1) Unbound<br>2) Unbound<br>3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests[10]. | 1) Unbound<br>2) Unbound<br>3) Unbound | |

[9] The main criteria include the number of existing services suppliers in a particular area, the stabilities of market and geographical scale.

[10] The main criteria include the number of existing services suppliers in a particular area, the stabilities of market and geographical scale.

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except for executives and managers as per conditions in the horizontal section | 4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| D. Franchising Services (Part of CPC 8929) | 1) None<br>2) None<br>3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests[11].<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |

[11] As related to the provision of a distribution services which is subject to a specific commitment under section II.4 of this Schedule.

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 5. EDUCATIONAL SERVICES<br><br>The education curriculum and contents must be approved by Ministry of Education of Lao PDR<br><br>With respect to B and C below, the commitment covers only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international Law, and language training fields.<br><br>The scope of private education services only fully-privately funded services. | | | |
| A. Primary Education Services (Part of CPC 921)<br><br>B. Secondary Education Services (Part of CPC 922) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation limited to 51%<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) Directors must be qualified teachers who are Lao PDR national<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Higher Education Services (Part of CPC 923)<br><br>D. Adult Education Services (part of CPC 924)<br><br>E. Other Education services:<br><br>- Short term foreign language training only (Part of CPC 929) | 1) Unbound<br><br>2) None<br><br>3) Foreign equity participation limited to 51%<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) Directors must be qualified teachers who are Lao PDR national<br><br>4) Unbound, except as indicated in the horizontal section | |
| 6. ENVIRONMENTAL SERVICES[12]<br><br>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)<br><br>B. Waste management (part of CPC 9402 and 9403)<br><br>C. Protection of ambient air and climate | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (part of CPC 9404)<br><br>D. Remediation and cleanup of soil and water (part of CPC 9406)<br><br>E. Noise and vibration abatement (part of CPC 9405) | horizontal section | horizontal section | |
| 7. FINANCIAL SERVICES<br><br>Access by foreign services 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.<br><br>Direct branching is not allowed. Financial institutions in Lao PDR must adopt a specific legal form.<br><br>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 and/or any other competent authority in Lao PDR, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services and do not impair the commitments undertaken herewith.<br><br>A. All Insurance and Insurance-Related Services<br><br>Insurance companies are restricted from offering both Life and Non-life insurance services. Excluded from the scope of these commitments are compulsory insurance, including but not limited to motor vehicle insurance, collective accident insurance for workers, depositors' protection fund and social security fund. | | | |
| i) Direct insurance<br><br>(A) Life insurance | 1) Unbound<br><br>2) Unbound<br><br>3) Unbound for 5 years after the date of WTO accession. Thereafter, | 1) Unbound<br><br>2) Unbound<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | foreign equity participation limited to 51%.<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| (B) Non-life insurance | 1) Unbound, except for insurance services in international transportation, including of risks relating to:<br><br>(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and<br><br>(ii) goods in international transit. | 1) Unbound, except for insurance services in international transportation, including of risks relating to:<br><br>(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and<br><br>(ii) goods in international transit. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 2) Unbound, except for insurance services in international transportation, including of risks relating to:<br><br>(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and<br><br>(ii) goods in international transit.<br><br>3) Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%.<br><br>4) Unbound, except for executives and managers as per conditions in | 2) Unbound, except for insurance services in international transportation, including of risks relating to:<br><br>(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and<br><br>(ii) goods in international transit.<br><br>3) None<br><br>4) Unbound, except for executives and managers as per conditions in | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | the horizontal section | the horizontal section | |
| ii) Reinsurance and retrocession | 1) None<br>2) None<br>3) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for foreign equity participation limited to 51%.<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services | 1) None<br>2) None<br>3) Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%.<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Banking and Other Financial Services (excluding insurance)<br><br>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. | | | |
| (v) Acceptance of deposits and other repayable funds from the public<br><br>(vi) Lending of all types, including, *inter alia*, consumer credit, mortgage credit, factoring and financing of commercial transactions<br><br>(vii) Financial leasing<br><br>(viii) All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts<br><br>(ix) Guarantees and commitments<br><br>(x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the | 1) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for:<br>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and<br>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.<br><br>2) Unbound for 5 years after the date of WTO | 1) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for:<br>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and<br>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.<br><br>2) Unbound for 5 years after the date of WTO | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| following:<br><br>(A) money market instruments (including cheques, bills, certificates of deposits);<br><br>(B) foreign exchange<br><br>(C) derivative products, including, but not limited to, futures and options;<br><br>(D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;<br><br>(E) transferable securities;<br><br>(F) other negotiable instruments and financial assets, including bullion<br><br>(xv) Provision and transfer of financial information, and financial data processing and related | accession. Thereafter, unbound except for:<br>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and<br>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.<br><br>3) For (v) to (x): Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%.<br>For (xv) to(xvi): Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity | accession. Thereafter, unbound except for:<br>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and<br>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.<br><br>3) For (v) to (x): None.<br><br>For (xv) to (xvi): The admission to the market of new financial services may be subject to the existence of, and consistency with, related laws and regulations. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| software by suppliers of other financial services;<br><br>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy | participation limited to 51%.<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| 8. HEALTH RELATED AND SOCIAL SERVICES<br>(Other than those listed under II.1.A.h-j.)<br><br>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)<br>(Part of CPC 93110) | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotels and restaurants (including catering) (Part of CPC 641 (excluding guesthouses[13] and 6419), CPC 642, and CPC 643) | 1) None<br>2) None<br>3) For lodging services: limited to establishments with three stars rating or higher<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| B. Travel Agencies and Tour Operators Services (CPC 7471) | 1) None<br>2) None<br>3) Foreign equity participation limited to 70%<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br>2) None<br>3) Foreign service supplying enterprises can only do inbound services<br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |

[13] Defined as "furnished accommodation with up to 14 bedrooms, mainly provided in private apartments or homes on temporary lodging, and with the two stars rating or lower".

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Other:<br><br>- Tourism consultancy services | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for executives and managers as per conditions in the horizontal section | |
| 11. TRANSPORT SERVICES | | | |
| C. Air Transport Services | | | |
| d) Maintenance and repair of aircraft (Part of CPC 8868) | 1) None<br><br>2) None<br><br>3) Foreign equity participation limited to 51%<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Selling and marketing of air transport services<br><br>Computer reservation system (CRS) services | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

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

Schedule of Malaysia

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991 and the Provisional Central Products Classification (Statistical papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.

3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (v)(i),(ii),(iii)and (iv) Article 50.1.

4. The entry "Unbound*" means unbound due to lack of technical feasibility.

5. The use of "**" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| All Sectors Included in this Schedule Unless Otherwise Indicated | 3) Acquisition, Mergers and Take-overs<br><br>The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs require approval and apply to the following:<br><br>(a) the acquisition of voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate of foreign interest of 30 per cent or more or exceeding RM 10 million in value;<br><br>(b) any proposed acquisition of assets or interests by any means which will result in ownership or control passing to foreign interest; and | 3) Land, Property and Real Estate<br><br>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.<br><br>Incentives/Preferences<br><br>Incentives are limited to eligible Malaysian-owned corporations engaged in services sectors promoted by the Government.<br><br>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. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | c) control of Malaysian corporations through any form of joint venture agreement, management agreement, technical assistance agreement or other arrangements.<br><br>Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.<br><br>4) Unbound, except for measures affecting the entry and temporary stay of natural persons defined below:<br><br>1. <u>Intra-Corporate Transferees</u><br><br>a) senior managers being persons within an | 4) Unbound, except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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<br><br>b) two specialists or experts per organisation being persons within the organisation who possess knowledge at an advanced level of continued expertise and | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management.<br><br>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 services supplier for a period of not less than one year immediately preceding the date of application for a work permit and he is to serve in at least a | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | similar capacity.<br><br>2. Others<br><br>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.<br><br>b) professionals being persons who possess necessary | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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<br><br>c) business visitors being persons not based within Malaysia, receiving no remuneration from any source within Malaysia, who has been employed for at least one year by a foreign services supplier, whose entry and temporary stay is for the purposes of negotiating for | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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.<br><br>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 2c), the period of stay shall not exceed a total of 90 days. | | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| a) Legal services (CPC 8619**)<br><br>covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia | 1) None<br><br>2) None<br><br>3) Only through a corporation incorporated in the Federal Territory of Labuan<br><br>Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.<br><br>4) Unbound, except as indicated in 1a) and b) and 2a) and c) in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |
| b) Accounting, auditing and bookkeeping services (CPC 862) | 1) None<br><br>2) None<br><br>3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting | 1) None<br><br>2) None<br><br>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 |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | firms and aggregate foreign interests shall not exceed 49 per cent<br><br>4) Unbound | <br><br>4) Unbound | language. |
| c) Taxation services (CPC 863 / 8630) | 1) None<br><br>2) None<br><br>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 35 per cent<br><br>4) 2 specialists/experts for each institution, subject to registration as a tax agent under S153 of the Income Tax Act and fulfilment of residency requirements. Entry shall be limited to maximum period of | 1) Taxation services must be authenticated by an authorised tax agent in Malaysia<br><br>2) Taxation services must be authenticated by an authorised tax agent in Malaysia<br><br>3) None<br><br>4) Unbound, except for 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. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | two years, subject to domestic regulations | | |
| d) Architectural services (CPC 8671) | 1) None<br><br>2) None<br><br>3) Architectural services may be supplied only by natural person:<br><br>a) Architectural foreign companies can own equity in Multi-Disciplinary practice to a maximum of 30 per cent through joint ventures with local companies with the approval of Board of Architects Malaysia and other relevant boards.<br><br>b) Architectural services may be supplied through | 1) Architectural services must be authenticated by a licensed professional architect in Malaysia<br><br>2) Architectural services must be authenticated by a licensed professional architect in Malaysia<br><br>3)<br><br>a) None<br><br>b) Architectural services must be authenticated by an | 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. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | APEC Mutual Recognition Arrangement<br><br>4) Architectural services may be supplied through APEC Mutual Recognition Arrangement | Architect registered with the board of Architects Malaysia<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |
| e) Engineering services (CPC 8672) | 1) None<br><br>2) None<br><br>3) a) Engineering Services may be supplied only by natural person<br><br>b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint | 1) Engineering services must be authenticated by a registered professional engineer in Malaysia<br><br>2) Engineering services must be authenticated by a registered professional engineer in Malaysia<br><br>3) None | 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. |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed<br><br>4) Unbound | <br><br>4) Unbound | |
| f) Integrated engineering services (CPC 8673) | 1) None<br><br>2) None<br><br>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 | 1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia<br><br>2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia<br><br>3) None | 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. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.<br><br>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.<br><br>4) Unbound | 4) Unbound | |
| g) Urban planning services (CPC 86741)<br><br>covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except for:<br><br>i) Independent professionals* with an employment contract with a registered Malaysian town planning company. Independent professionals must | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | 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. |

* Independent professionals is as defined in para 2(b) in the horizontal section.

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;<br><br>ii) consultations with recognised qualifications and subject to registration for wholly public funded projects and in collaboration with a Malaysian urban planning company; and<br><br>iii) any other requirements or provisions as spelt out under the relevant legislation | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| g) Landscaping services covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742**) | 1) None<br>2) None<br>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 30 per cent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| h) Specialised medical services covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical | 1) None<br>2) None<br>3) Medical specialty services may be supplied by a natural person<br>4) Unbound, except as indicated in 2a) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) None, except that:<br>Practice to be only in private hospitals with at least 70 beds; | The qualifying examination to determine the competency and ability to supply the service will be conducted in English. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| medicine<br>(CPC 93122) | | Practice to be only at a specified location and a change of location requires approval; and<br><br>the setting up of individual or joint group practice is not allowed. | |
| B. Computer and Related Services | | | |
| a) Consultancy services related to the installation of computer hardware<br>(CPC 841)<br><br>b) Software implementation services<br>(CPC 842)<br><br>c) Computer software development services covering development of new software for general application, including, ready- made software packaged for general application<br>(CPC 842**)<br><br>d) Data processing services<br>(CPC 843) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Data base services (CPC 8440) | | | |
| C. Research and Development Services | | | |
| a) Research and development services on medical sciences and pharmacy (CPC 85105**)<br><br>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 | 1) Unbound<br><br>2) Unbound<br><br>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 49 per cent<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) Unbound<br><br>2) Unbound<br><br>3) Unbound<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| object of ascertaining its safety and/or efficacy.<br><br>(This will also include pre-clinical contract research organization and contract manufacturing organization) | | | |
| b) Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204) | 1) None<br><br>2) None<br><br>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 49 per cent<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Research and experimental development services on economics (CPC 85202) | 1) None<br>2) None<br>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 49 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |
| E. Rental/Leasing Services without Operators | | | |
| a) Relating to ships exclude cabotage and offshore trades (CPC 83103) | 1) None<br>2) None<br>3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| a) Rental or cargo vessels without crew (Bareboat Charter) for international shipping (CPC 83103) | 1) None<br>2) None<br>3) Only through a representative office, regional office or Malaysian-controlled corporations acting as an agent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| b) Rental and leasing services without operators, relating to aircraft (CPC 83104) | 1) None<br>2) None<br>3) Only through a representative office, regional office or Malaysian-controlled corporations acting as an agent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Leasing or rental services, without operator relating to construction and mining equipment and industrial plant and equipment (CPC 83107**) | 1) None<br>2) None<br>3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| d) Leasing or rental services concerning other machinery and equipment without operator (CPC 83109) | 1) None<br>2) None<br>3) Foreign shareholding shall not exceed 49 per cent<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Leasing or rental services concerning personal and household goods (CPC 832) | 1) None<br>2) None<br>3) Foreign shareholding shall not exceed 49 per cent<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| F. Other Business Services | | | |
| a) Advertising services (CPC 8711, 8712, 8719) | 1) None<br>2) None<br>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 49 per cent<br><br><u>Advertisement through electronic media</u> | 1) None<br>2) None<br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Advertisement must have at least 80 per cent local content and be made in Malaysia.<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access | |
| b) Market research services (CPC 86401) | 1) None<br><br>2) None<br><br>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 is at least 30 per cent<br><br>4) Unbound, except as indicated in the horizontal commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Public opinion polling services<br>(CPC 86402) | 1) None<br>2) None<br>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 is at least 30 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |
| c) Management consulting services<br>(a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera | 1) None<br>2) None<br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (CPC 8650**)<br><br>(b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650**)<br><br>(c) covering advisory and guidance in the field of pharmacy as follows:<br><br>- Basic material manufacturing consultancy in the manufacture of drugs in raw material form;<br><br>- New systems of drug delivery;<br><br>- Biotechnology-new techniques for influencing the process and products of living cells;<br><br>- New techniques in drug develop- | shareholding in the joint-venture corporation is at least 30 per cent<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| ment and methods of producing drugs and vaccine; and<br><br>- vaccine production (CPC 8650**)<br><br>(d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650**) | | | |
| d) Project management services other than for construction (CPC 86601) | 1) None<br><br>2) None<br><br>3) Foreign shareholding shall not exceed 49 per cent<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Technical testing and analysis services (CPC 8676 except 86764) | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |
| f) Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including value added services such as preservation techniques, etc (CPC 881**, 882**) | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the | 1) None<br>2) None<br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | joint-venture corporation is at least 30 per cent<br><br>4) Unbound | <br><br>4) Unbound | |
| i) Services incidental to manufacturing (CPC 884, 885 except 88442) | 1) None<br><br>2) None<br><br>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| o) Building cleaning services (CPC 8741)<br><br>covering disinfecting and exterminating services | 1) None<br><br>2) None<br><br>3) Foreign equity shall not exceed 49 per cent<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| p) Specialty photography except aerial photography (CPC 875**) | 1) None<br>2) None<br>3) Foreign equity shall not exceed 49 per cent<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| q) Packing services (CPC 8760) (excludes services that consists solely of printing information on packaging materials) | 1) None<br>2) None<br>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 49 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| t) Translation and interpretation services (CPC 87905)<br><br>excluding translation and/or interpretation from the English language to the Malay language or vice versa. | 1) None<br><br>2) None<br><br>3) Translation and interpretation services may be supplied only by a natural person<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| t) Convention Centre (CPC 87909)<br><br>(convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events) | 1) None<br><br>2) None<br><br>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 49 per cent<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| t) Operational Headquarters (OHQ) Services<br><br>Covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia | 1) None<br>2) None<br>3) None, except OHQ must be locally incorporated, operates in Malaysia and fulfils the criteria of an OHQ<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| t) Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |

SCHEDULE OF MALAYSIA

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | shareholding of up to 49 per cent in these services providers is allowed<br><br>The maximum aggregate foreign ownership in Telekom Malaysia shall not exceed 30 per cent.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| Value-Added Services<br><br>Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed NFP(I) and NSP(I) operators and are also mapped into the three categories below:<br><br>Class Licence<br><br>1. NFP (C)[4]<br>2. NSP (C)[5]<br>3. ASP (C)[6] | 1) None<br><br>2) None<br><br>3) With respect to NFP and NSP components of the service, only through acquisition of shares of existing licensed NFP(C), NSP(C).<br><br>With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisition of | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | shares of an existing licensed ASP (C) operator/ corporations.<br><br>- For NFP(C) and NSP (C), foreign shareholding of up to 30 per cent in these services providers is allowed<br><br>- With respect to ASP(C), foreign shareholding of up to 49 per cent in these services providers is allowed<br><br>4) Unbound except as indicated in the horizontal section | 4) Unbound except as indicated in the horizontal section | |

Explanatory note for Individual License Categories

1. Network facilities provider individual license enables the provision of network facilities services such as earth stations, fixed links and cables, public payphone services, radio communications transmitters and links, satellite hubs and towers, poles, ducts and pits used in conjunction with other network facilities.

2. Network service provider individual license enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 3. Applications service provider individual license enables the provision of application services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data services.<br><br>Explanatory note for Class License Categories<br><br>4. Network facilities provider class license enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.<br><br>5. Network service provider class license enables the provision of niched customer access or niched connection services such as public mobile radio work service, one or two way radio paging network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.<br><br>6. Application service provider class license enables the provision of application services such as audiotext hosting services provided on an opt-in basis, directory services, messaging services.<br><br>Explanatory Note<br><br>1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.<br><br>2) Definitions as per Communications and Multimedia Act 1988<br><br>a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.<br><br>Network facilities provider means a person who is an owner of any network facilities. | | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|

b. Network services mean a service for carrying communications by means of guided and/or unguided electromagnetic.

Network service provider means a person who provides network services.

c. Application service means a service provided by means of, but not solely by means of, one or more network services.

Application service provider means a person who provide an applications service.

3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001

a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.

Network facilities provider individual licensee mean an individual license granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.

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

Network service provider individual licensee mean an individual license granted to a network service provider in accordance with the provisions of the Act and these Regulations.

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

Application service provider individual licensee mean an individual license granted to a network service provider in accordance with the provisions of the Act and these Regulations.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Audiovisual services | | | |
| a) Motion picture, video tape and audio recording distribution services (CPC 96113) | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| Construction and related engineering services<br>(CPC 511, 512, 513, 514, 515, 516, 517) | 1) Unbound due to lack of technical feasibility<br>2) None<br>3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals | 1) Unbound due to lack of technical feasibility<br>2) None<br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | or Malaysian-controlled corporation or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent<br><br>4) Unbound | <br><br>4) Unbound | |
| 4. DISTRIBUTION SERVICES | | | |
| A. Commission agents' services<br>(CPC 621**)<br><br>Only for textile, clothing and footwear | 1) None<br><br>2) None<br><br>3) Foreign equity shall not exceed 51 per cent<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| B. Wholesale and Retail Trade Businesses<br><br>(CPC 6111, 6113, 6121, 6130, 6221, 6222, 6224, 6225, 6227, 6228) | 1) None<br><br>2) None<br><br>3) Entry is limited to:<br><br>i) <u>Equity Structure</u><br><br>The aggregate of foreign equity shall not exceed 30 per cent, while local | 1) None<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | shareholding in the joint-venture corporation should be 70 per cent out of which 30 per cent must be for Bumiputeras.<br><br>ii) Minimum Capital Requirement<br><br>Minimum foreign capital investment requirement in respective business type of formats are as per the Guidelines On Foreign Participation In The Distributive Trade Services Malaysia.<br><br>4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions:<br><br>a. Key Post<br><br>The person applying for the post must hold or has held a management position in the company's | 4) Unbound, except as indicated in the horizontal section | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit.<br><br>b. Time Post<br><br>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. | | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 5. EDUCATIONAL SERVICES | | | |
| B. Secondary education services | | | |
| Technical and vocational secondary education services (CPC 9223)<br><br>Technical and vocational secondary school-type education services for handicapped students (CPC 922) | 1) Unbound due to technical feasibility<br>2) None<br>3) Only through a joint venture with foreign equity not exceeding 49 per cent<br>4) Unbound | 1) Unbound due to technical feasibility<br>2) None<br>3) None<br>4) Unbound | |
| C. Higher education services | | | |
| Other Higher Education Services provided by privately funded higher education institutions excluding private higher education institutions with Government equity or that receive government assistance (CPC 92390) | 1) Unbound, except for requirement for commercial presence<br>2) None<br>3) Only through a joint venture with foreign equity not exceeding 51 per cent and subject to the requirement of an economic needs test which includes location outside the territory of Kuala Lumpur and assessment of the reputation of the institution | 1) Unbound<br>2) Unbound<br>3) Unbound | 3) More than 51 per cent foreign equity will be considered subject to additional criteria which include:<br>a) courses offered are critical to Malaysia e.g. Medicine and Health Sciences, Dentistry, Engineering, Business, Science and Technology, Agriculture and programmes supporting agro-based industries; |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound | 4) Unbound | b) research-based postgraduate programme;<br><br>c) collaborative research with local institutions; and<br><br>d) share of foreign students. |
| E. Other education services (CPC 929/ 9290/ 92900) | 1) Unbound due to technical feasibility<br><br>2) None<br><br>3) Only through a joint venture with foreign equity not exceeding 49 per cent<br><br>4) Unbound | 1) Unbound due to technical feasibility<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 7. FINANCIAL SERVICES, INCLUDING INSURANCE | | | |
| ALL FINANCIAL SERVICES HORIZONTAL SECTION<br><br>Horizontal Commitments Applicable to the Financial Services Sector<br><br>1. The commitments in the financial services sector are in accordance with the Agreement on Comprehensive Economic Partnership among Japan and Member States of the Association of Southeast Asian Nations Chapter 6 (Trade in Services) and Annex A to Chapter 6 Financial Services.<br><br>2. The limitations listed under the all-sector horizontal section shall not apply to financial services, including insurance, unless otherwise indicated.<br><br>3. In respect of offshore banks, offshore investment banks, commercial banks, investment banks, offshore insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks and investment banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule.<br><br>4. For further clarity, Malaysia's commitments cannot be interpreted as applying to the supply of Shariah-compliant financial services, unless specific entries are made in the banking, insurance or capital markets sub-sectors accordingly[1]. | | | |
| All financial services | 3) Limitations on investments as contained in the all-sector horizontal section | 3) Limitations on land and other immovable property as contained in the all-sector horizontal section.<br><br>Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of | |

[1] This approach is consistent with Malaysia's commitments at the WTO and under existing FTAs.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP). | |
| | 4) Limitations in the all-sector horizontal section will apply when indicated in each activity | 4) Limitations in the all-sector horizontal section will apply when indicated in each activity | |
| 1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers. | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) Entry is confined to Labuan.<br><br>Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.<br><br>4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) None<br><br>4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 2. Commercial banks and investment banks | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders.[2]<br><br>Unbound for new licences.<br><br>Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and investment banks and aggregate foreign shareholding in a commercial bank or an investment bank shall not exceed 30 per cent.<br><br>Foreign commercial banks and investment banks are required to be locally incorporated in accordance with the Financial Services Act 2013. | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) None except as indicated in the all financial services horizontal section and in the respective activity listed in the sub-sectors below.<br><br>Acquisition by a foreign bank of an aggregate of 5 per cent or more of shareholding in a Malaysian-owned or controlled commercial bank or investment bank must meet the following criteria:<br><br>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;<br><br>(b) The country of the foreign bank has significant trade | |

[2] Refers to the 13 wholly-foreign owned commercial banks specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.<br><br>4) Unbound except the following:<br><br>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.<br><br>(b) Two senior managers and five specialists or experts for each commercial bank or investment bank.<br><br>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, | and investment interests in Malaysia; and<br><br>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.<br><br>4) Unbound except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | control and operation of the services of the financial service supplier.<br><br>Specialists or experts for each commercial bank or investment bank for areas relating to:<br><br>(i) trade financing;<br>(ii) corporate finance;<br>(iii) treasury management; and<br>(iv) information technology.<br><br>(c) For a representative office of a commercial bank or investment bank, two foreign nationals. Only one foreign national for the two top posts.<br><br>(d) Entry shall be limited to a maximum period of five years. | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 3. Direct insurance companies | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) Foreign insurance companies are required to be locally incorporated in accordance with the Financial Services Act 2013.<br><br>Branches of foreign insurance companies that were required to be locally incorporated in accordance with the Insurance Act 1996 are permitted to hold foreign shareholding not exceeding 51 percent[3].<br><br>Foreign shareholding not exceeding 51 per cent is also permitted for the existing foreign shareholders[4] of locally incorporated insurance companies | 1), 2) Unbound* except as otherwise specified in this schedule<br><br>3) None except as indicated in the all financial services horizontal section and in the respective activity listed in the sub-sectors below.<br><br>Acquisition by a foreign insurance company of an aggregate of more than 5 per cent shareholding in a locally incorporated insurance company must meet at least one of the following criteria:<br><br>(a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia; | |

[3] Refers to the branches of foreign insurance companies specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

[4] Refers to the existing foreign shareholders specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 per cent.<br><br>New entry by foreign insurance companies is limited to equity participation in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 per cent.<br><br>Unbound for new licenses. | (b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;<br><br>(c) The country of the foreign insurance company does not have a significant representation in the Malaysian insurance industry; or<br><br>(d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia. | |
| | 4) Unbound except the following:<br><br>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial | 4) Unbound except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | presence.<br><br>(b) Two senior managers and five specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies.<br><br>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.<br><br>Specialists or experts for each insurance institution for areas relating to:<br><br>(i) underwriting of specialized classes of general business;<br>(ii) information | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | technology; and<br>(iii) actuarial functions.<br><br>(c) Entry shall be limited to a maximum period of five years. | | |
| FINANCIAL SERVICES ACTIVITIES | | | |
| A. Banking and Other Financial Services, excluding Insurance | | | |
| Acceptance of deposits, and other repayable funds from the public, wholesale and retail | 1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed<br><br>2) None<br><br>3) Only permitted through a commercial bank, an investment bank or an offshore bank.<br><br>Offshore banks in Labuan are permitted to accept foreign currency deposits only.<br><br>Offshore investment banks in Labuan are not permitted to accept deposits.<br><br>4) Unbound except as indicated in the all financial services | 1) None<br><br>2) None<br><br>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia<br><br>4) Unbound except as indicated in the all financial services | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | horizontal section | horizontal section | |
| Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions | 1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or investment banks in Malaysia<br><br>3) Entry as a non-bank is limited to:<br><br>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent; or<br><br>(b) A representative office.<br><br>Representative offices can only undertake research and liaison | 1), 2) None<br><br>3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 per cent of the total credit facilities obtained by non-resident controlled companies from banking institutions.<br><br>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | services.<br><br>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.<br><br>Investment banks are not permitted to provide consumer credit and home mortgages.<br><br>Only commercial banks are permitted to provide overdraft facilities.<br><br>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.<br><br>4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except one foreign national for a | 4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except for the categories of natural | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | management post which is not the CEO post, for each establishment.<br><br>For representative offices of non-banks, two foreign nationals subject to only one foreign national for the two top posts.<br><br>Entry shall be limited to a maximum period of five years. | persons referred to under market access. | |
| Financial leasing | 1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or investment banks in Malaysia<br><br>3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 49 per cent.<br><br>Entry as a non-bank is limited to: | 1), 2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 per cent; or<br><br>(b) A representative office.<br><br>Representative offices can only undertake research and liaison services.<br><br>Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies.<br><br>Offshore banks and offshore investment banks are permitted to | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | carry on financial leasing business in foreign currencies only.<br><br>4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment.<br><br>For representative offices, two foreign nationals subject to one foreign national for the two top posts.<br><br>Entry shall be limited to a maximum period of five years.<br><br>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence. | 4) Unbound except for the categories of natural persons referred to under market access.<br><br>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence. | |
| All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts | 1) Electronic fund transfer system requires approval<br><br>2) None | 1) None<br><br>2) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.<br><br>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.<br><br>Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.<br><br>4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound | 3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.<br><br>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 per cent.<br><br>4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | except one foreign national for a management post which is not the CEO post, for each establishment.<br><br>Entry shall be limited to a maximum period of five years. | except for the categories of natural persons referred to under market access. | |
| Charge cards | 1), 2) None<br><br>3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required<br><br>4) Unbound except for two senior managers for each establishment.<br><br>Entry shall be limited to a maximum period of five years. | 1), 2) None<br><br>3) None<br><br>4) Unbound except for the categories of natural persons referred to under market access | |
| Guarantees and commitments | 1), 2) None except banks established in Malaysia may be given the right of first refusal<br><br>3) None | 1), 2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound except as indicated in the all-financial services and all-sector horizontal section | 4) Unbound except as indicated in the all financial services and all-sector horizontal section | |
| Money and foreign exchange broking services | 1), 2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia<br><br>3) Entry is limited to:<br><br>(a) equity participation in existing institutions[5] and aggregate foreign shareholding in such institutions shall not exceed 30 per cent; or<br><br>(b) the establishment of a branch or subsidiary, by a | 1), 2) None<br><br>3) None | |

[5] Refers to the existing institutions specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | money and foreign exchange broker, registered or incorporated in Labuan.<br><br>Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.<br><br>4) Unbound.<br><br>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence. | 4) Unbound.<br><br>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence. | |
| Trading for own account or account of customers in the following:<br><br>- money market instruments<br>- foreign exchange<br>- transferable securities<br>- exchange rate and interest rate instruments | 1) Dealing in securities for account of customers is limited to securities traded on recognised stock exchanges.<br><br>Dealing in derivatives for account of customers is limited to derivatives contracts traded on the | 1) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| - derivative products, including futures and options<br>- other negotiable instruments, including bullion | derivatives market of a Specified Exchange and are not contracts prohibited by the Malaysian regulatory authorities.<br><br>2) None<br><br>3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia.<br><br>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.<br><br>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to | 2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.<br><br>Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.<br><br>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.<br><br>None for trading for own account in:<br><br>(a) securities that are listed on the Malaysian stock exchange; and<br>(b) standardized derivatives listed on the Malaysian derivatives | 4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | exchange.<br><br>Trading for account of customers by a non-bank in securities that are listed on the Malaysian stock exchange is only permitted through equity participation in an existing locally incorporated company licensed by the Securities Commission Malaysia to deal in securities. Aggregate foreign shareholding in such a company is limited to 49 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be.<br><br>Trading for the account of customers by a non-bank in standardized derivatives that are listed on the Malaysian | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | derivatives exchange is only permitted through equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to deal in derivatives. Aggregate foreign shareholding in such a company is limited to 30 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be.<br><br>4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | the all-sector horizontal section. | | |
| Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses) | 1), 2) Participation in issues and services related to such issues requires authorization<br><br>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.<br><br>Only persons who are authorized by the Securities Commission Malaysia and/or the Malaysian stock exchange are permitted to make submissions related to the issues of securities and offer services related to the issues of securities and placement as agents.<br><br>Participation by a non-bank is permitted only through equity participation in an | 1), 2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | existing locally incorporated company licensed by the Securities Commission Malaysia to deal in securities. Aggregate foreign shareholding in such a company is limited to 49 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be.<br><br>Unbound for appointment as principal dealers.<br><br>4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | 4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | |

| | | | |
|---|---|---|---|
| Underwriting | 1) Commercial presence is required<br><br>2) Authorization is required.<br><br>3) Participation as a non-bank is only permitted through equity participation in an existing locally incorporated company licensed by the Securities Commission Malaysia to deal in securities. Aggregate foreign shareholding in such a company is limited to 49 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be.<br><br>Commercial banks are permitted to underwrite corporate bonds only. | 1) Unbound<br><br>2) None<br><br>3) None | |

| | | | |
|---|---|---|---|
| | Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.<br><br>4) For commercial banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | 4) For commercial banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Asset management as follows:<br><br>- cash or portfolio management<br>- all forms of collective investment management<br>- custodial and depository services | 1) Commercial presence is required.<br><br>2) None<br><br>3) Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity linked investments are confined to non-residents which are not offshore companies registered in Labuan.<br><br>Asset management by a commercial bank requires establishment as a separate entity. Shareholding by a foreign-controlled commercial bank shall no exceed 30 per cent.<br><br>Entry as a non-bank to undertake fund | 1) None<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | management activities is only permitted through equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on fund management activities. Aggregate shareholding in such a company is limited to 30 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be.<br><br>4) For banks, unbound except as indicated in all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in | 4) For banks, unbound except as indicated in all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | the all-sector horizontal section. | the all-sector horizontal section. | |
| Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy | 1) Commercial presence is required.<br><br>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks in Malaysia<br><br>3) Entry as a non-bank is only permitted through:<br><br>(a) equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on corporate finance advisory activities. Aggregate shareholding in such a company is limited to 30 per | 1) None<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | cent;<br><br>(b) equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on financial planning activities. Aggregate shareholding in such a company is limited to 30 per cent;<br><br>(c) equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on investment advisory activities. Aggregate shareholding in such | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | a company is limited to 30 per cent; or<br><br>(d) A representative office.<br><br>Representative offices (including those of commercial banks, investment banks and securities companies) are permitted to undertake information research and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.<br><br>Authorisation to carry on the activities as mentioned in (a), (b) and (c) above will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | approval, as the case may be.<br><br>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.<br><br>4) For banks, one specialist or expert. For non-banks, one senior manager and one specialist or expert.<br><br>For representative offices, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Entry shall be limited to a maximum period of five years. | 4) For banks, unbound except as indicated in the all financial services horizontal section.<br><br>For non-banks, unbound except as indicated in the all-sector horizontal section. | |
| Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for | 1), 2) Unbound*<br><br>3) Only through a locally incorporated wholly foreign-owned company. | 1), 2) Unbound*<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development) | A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.<br><br>An OHQ must operate in Malaysia and fulfil the following criteria:<br><br>(a) Carry out at least three of the OHQ service activities;<br><br>(b) Have a sizable network of companies outside Malaysia which includes the parent company or its head office and related companies;<br><br>(c) Have a well-established foreign-owned company which is sizeable in terms | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | of assets and employees;<br><br>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;<br><br>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;<br><br>(f) Be able to contribute to the Malaysian economy by:<br>(i) Using services such as legal, accounting etc. provided by Malaysians;<br>(ii) Creating job opportunities for Malaysians;<br>(iii) Enabling greater inflow | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | of foreign funds.<br><br>4) One specialist or expert per organisation subject to the following conditions:<br><br>(a) such persons must possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management.<br><br>(b) Entry shall be limited to a maximum of five years and renewable. | 4) None | |
| Securities broking services | 1) Trades on Malaysian stock exchanges must be transacted through locally incorporated companies in Malaysia which are participating organisations of the stock exchange | 1) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange | 2) None | |
| | 3) Entry as a non-bank is only permitted through equity participation in an existing locally incorporated company licensed by the Securities Commission Malaysia to deal in securities. Aggregate foreign shareholding in such a company is limited to 49 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, to be in the best interest of Malaysia. Authorisation includes grant of license, registration or approval, as the case may be. | 3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Representative offices (including those of commercial banks, investment banks and securities companies) are permitted to undertake information research and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.<br><br>4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section.<br><br>For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years. | 4) Unbound except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Commodity futures broking services | 1), 2) Trades on any Malaysian derivatives exchange must be conducted through locally incorporated companies which are trading participants of the derivatives exchange<br><br>3) Entry as a non-bank is limited to only:<br><br>(a) Equity participation in an existing locally incorporated company or establishment of a locally incorporated company licensed by the Securities Commission Malaysia to deal in derivatives. Aggregate foreign shareholding in such a company is limited to 30 per cent.<br><br>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia, | 1), 2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | to be in the best interest of Malaysia Authorisation includes grant of license, registration or approval, as the case may be; or<br><br>(b) A representative office.<br><br>Representative offices (including those of commercial banks, investment banks and securities companies) are permitted to undertake information research and liaison services only.<br><br>4) Unbound except one foreign national for a management post per establishment, subject to market test | 4) Unbound except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Insurance Services | | | |
| Direct insurance (non-life) | 1) Soliciting and advertising in Malaysia are not allowed.<br><br>Approval of the Central Bank is required for direct placement abroad of insurance of:<br><br>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and<br><br>(b) liability of residents to third party.<br><br>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.<br><br>2) Approval of the Central Bank is required for direct placement abroad of insurance of:<br><br>(a) movable or immovable property located in Malaysia, including | 1) None<br><br>2) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | any ship or aircraft registered in Malaysia; and<br><br>(b) liability of residents to third party.<br><br>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.<br><br>3) Only permitted through direct insurance companies.<br><br>Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks. | 3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 per cent.<br><br>Direct insurance companies are permitted to maintain their existing network of branches[6].<br><br>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development. | |

[6] Refers to the network of branches specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound except as indicated in the all financial services horizontal section | 4) Unbound except as indicated in the all financial services horizontal section | |
| Direct insurance (life) | 1), 2) Unbound<br><br>3) Only permitted through direct insurance companies.<br><br>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval.<br><br>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents by offshore direct insurance companies in Labuan. | 1), 2) Unbound<br><br>3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 per cent. Direct insurance companies are permitted to maintain their existing network of branches[7].<br><br>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development. | |

[7] Refers to the network of branches specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound except as indicated in the all financial services horizontal section | 4) Unbound except as indicated in the all financial services horizontal section | |
| Reinsurance and retrocession (non-life) | 1), 2) Outward reinsurance is permitted only if local capacity is not available<br><br>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.<br><br>Unbound for new licences.<br><br>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed | 1), 2) Voluntary cession up to 30 per cent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.<br><br>Unbound for fiscal incentives to promote reinsurance in Malaysia.<br><br>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 30 per cent.<br><br>Entry as an offshore reinsurance company is confined to Labuan.<br><br>4) Unbound except for:<br><br>(a) Two senior managers and three specialists or experts for each institution are permitted.<br><br>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.<br><br>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique | 4) Unbound except as indicated in the all financial services horizontal section.<br><br>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | or management of the financial service supplier.<br><br>(b) Entry shall be limited to a maximum period of five years.<br><br>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section. | | |
| Reinsurance and retrocession (life) | 1), 2) Outward reinsurance is permitted only if local capacity is not available<br><br>3) National retention capacity is required to be optimised before any outward reinsurance by:<br><br>(a) direct life insurance and life reinsurance companies in Malaysia; and<br><br>(b) offshore direct life insurance and offshore life | 1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.<br><br>Unbound for new licences.<br><br>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 per cent.<br><br>Entry as an offshore reinsurance company is confined to Labuan.<br><br>4) Unbound except for:<br><br>(a) Two senior managers and three specialists or experts for each institution are permitted.<br><br>A senior manager is an individual possessing proprietary knowledge and authority essential | 4) Unbound except as indicated in the all financial services horizontal section.<br><br>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | to the establishment, control and operation of the services of the financial service supplier.<br><br>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.<br><br>(b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise.<br><br>(c) Entry shall be limited to a maximum period of five years.<br><br>For offshore reinsurance companies, unbound except as indicated | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | in the all financial services horizontal section. | | |
| Insurance intermediation – insurance broking (excluding agency) | 1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.<br><br>Reinsurance broking is permitted.<br><br>3) Unbound for onshore insurance broking.<br><br>Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks.<br><br>4) Unbound except as indicated in the all financial services horizontal section | 1), 2) None<br><br>3) None<br><br>4) Unbound except as indicated in the all financial services horizontal section | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Insurance intermediation - insurance underwriting, insurance management | 1), 2) Insurance underwriting and insurance management are not permitted<br><br>3) Unbound for onshore insurance underwriting and insurance management.<br><br>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.<br><br>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.<br><br>4) Unbound except as indicated in the all financial services horizontal section | 1), 2) None<br><br>3) None<br><br>4) Unbound except as indicated in the all financial services horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Services auxiliary to insurance, as follows:<br><br>(a) Consultancy (excludes insurance agency services to insurance industry)<br><br>(b) Actuarial risk assessment<br><br>(c) Risk management<br><br>(d) Maritime loss adjusting | 1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan<br><br>2) None<br><br>3) Limited to the establishment of:<br><br>(a) Locally incorporated companies;<br>(b) Branches; or<br>(c) Partnerships.<br><br>Offshore companies are not permitted to provide services to Malaysian residents.<br><br>4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound except for the temporary presence of natural persons in respect of supply through the mode of commercial presence | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 8. HEALTH RELATED AND SOCIAL SERVICES (other than those listed under 1.A.h-j.) | | | |
| A. Private hospital services<br>(CPC 93110**) | 1) None<br><br>2) None<br><br>3) Economic needs test only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and the joint-venture corporation shall operate a hospital with a minimum of 100 beds<br><br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br><br>2) None<br><br>3) Establishment of feeder outpatient clinics is not permitted<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Welfare services delivered through residential institutions to old persons and the handicapped (CPC 93311) | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 51 per cent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| C. Vocational rehabilitation services for the handicapped (CPC 93324) | 1) None<br>2) None<br>3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 51 per cent<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotel and restaurant services (CPC 64110) covering only:<br><br>(i) Hotel Lodging Services (CPC 64110)<br><br>(ii) Holiday Centre and Holiday Home Services (CPC 64192)<br><br>(iii) Letting Services of Furnished Accommodation (CPC 64193)<br><br>Covering the management and operational of hotels or resorts including, outlet which may not include ownership of such properties. | 1) None<br><br>2) None<br><br>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 (for 4 & 5 star hotels)<br><br>4) Unbound, except as indicated in (a) and (b) and 2 (a) and (c) in the horizontal section | 1) None<br><br>2) None<br><br>4) Unbound except for categories of natural persons referred to under market access | |

SCHEDULE OF MALAYSIA

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| A. Food serving services (CPC 642)<br><br>A. Beverage serving services for consumption on the premises (CPC 643) | 1) None<br><br>2) None<br><br>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<br><br>4) Unbound, except as indicated in 1 a) and b) in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except for the categories of natural persons referred to under market access | |
| B. Travel agencies and tour operators services (CPC 7471) | 1) None<br><br>2) None<br><br>3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 49 per cent | 1) None<br><br>2) None<br><br>3) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 4) Unbound, except for the categories of natural persons referred to under market access | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services) | | | |
| A. Other entertainment services (CPC 96191, 96192, 96194) | 1) Unbound*<br>2) None<br>3) Entertainment services may be supplied only by a natural person<br>4) Unbound, except as indicated in 2 a) in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access.<br>Participation of Malaysian entertainers/artistes may be required based on the guidelines of the Ministry of Culture, Arts and Heritage. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Sports events management services (CPC 96411, 96412) | 1) Unbound*<br>2) None<br>3) Only through a Malaysian-controlled corporation acting as the local sponsor<br>4) Unbound, except as indicated in 2 a) in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |
| E. Theme Park<br>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 | 1) None<br>2) None<br>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 49 per cent<br>4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except for the categories of natural persons referred to under market access | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| indoor or a combination of both. | | | |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| a), b) International maritime transportation services excluding cabotage and government cargo (CPC 7211, 7212) | 1) None<br><br>2) None<br><br>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent<br><br><u>Malaysian registered vessels</u><br><br>To register a vessel in Malaysia, the following conditions must be met:<br><br>a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in | 1) None<br><br>2) None<br><br>3) None | The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:<br><br>a) Pilotage<br><br>b) Towing and tug assistance<br><br>c) Provisioning, fueling and watering<br><br>d) Garbage collection and ballast waste disposal<br><br>e) Port Captain's services<br><br>f) Navigation aids<br><br>g) Shore-based operational services essential to ship operations, including communications, water and electrical supplies<br><br>h) Emergency repair |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Malaysia;<br><br>b) Majority shareholding to be held by Malaysians;<br><br>c) Majority of the board of directors to be Malaysians; and<br><br>d) Principal place of business to be in Malaysia.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | facilities<br><br>i) Anchorage, berth and berthing services |
| c) Rental of cargo vessels with crew for international shipping (CPC 7213)<br><br>Rental and leasing services of all types of self-propelled sea-going vessels with operator, such as passenger vessels (except pleasure boats), tankers, bulk dry cargo vessels, cargo and freight vessels. | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| *These are limited to services of hiring of a vessel with crew under charter party terms for voyage or period of time. | | | |
| B. Internal Waterways Transport | | | |
| f) Supporting services for maritime transport<br><br>Vessel salvage and refloating services (not applicable in harbour) (CPC 74540)<br><br>(Vessel salvage services provided on ocean and seas. Such services consist of recovering distressed and sunk vessels and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels) | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| Classification Societies 1<br>(Except for statutory services for Malaysia | 1) None<br><br>2) None | 1) None<br><br>2) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| flag vessels) | 3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent<br><br>4) Unbound, except as indicated in the horizontal section | 3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| H. Services auxiliary to all modes of transport | | | |
| c) Maritime agency services<br><br>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 748*) | 1) None<br><br>2) None<br><br>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 | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | corporation of at least 30 per cent<br><br>4) Unbound, except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section | <br><br>4) Unbound, except for the categories of natural persons referred to under market access | |
| 12. OTHER SERVICES NOT INCLUDED ELSEWHERE | | | |
| Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows:<br><br>1) automated manufacturing technology;<br><br>2) advanced materials technology;<br><br>3) biotechnology;<br><br>4) electronics;<br><br>5) information technology; and<br><br>6) avionics/aviation technology (CPC 97090) | 1) None<br><br>2) None<br><br>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 49 per cent; and establishment of local branches requires additional licenses<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| 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 | 3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with the Myanmar Companies Law (2017), Partnership Act 1932, The Special Companies Act 1950 and the laws amending or replacing such acts, the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law.<br>(b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Law (2017).<br>If the investment involves a state enterprise, incorporation shall be made under the | 3) (a) According to the Notification No. 51/2017, Non-Resident Foreigner will be subject to a withholding tax as follows;<br>Class of Income — Non-resident foreigner<br>- Interest payment for a loan or indebtedness or transaction of similar nature or Saving — 15%<br>- Royalties for the use of licenses, trademarks, patent rights etc — 15% | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Myanmar Companies Law (2017), the Special Companies Act (1950), Myanmar Companies Regulations (2018) and the law amending or replacing such laws or any notification issued under that laws.<br>(c) Services activities are restricted under section 3 of the State-owned Economic Enterprises Law (1989). However, these activities may be permitted by Cabinet notification according to the section 4 of the said law.<br><br><u>Tax</u><br>Income Tax exemption for promoted sectors may be granted by Myanmar Investment Commission in accordance with the Myanmar Investment Law (2016) based on zoning system. If it is in | - Payment by State Organizations, State Enterprises, Development Committees, co-operative societies, foreign companies, foreign enterprises and organizations, local companies under an existing law for purchase of goods, work performed or supply of services and hiring within the country under a tender, contract, quotation or other modes (other than 2.5% | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | zone (1), the income tax exemption for a period of 7 consecutive years including the year of commencement of business, in zone (2), the income tax exemption for a period of 5 consecutive years including the year of commencement of business, and in zone (3), the income tax exemption for a period of 3 consecutive years including the year of commencement of business. | The services mentioned in above items of this table).<br><br>According to the 2017 Union Taxation Law, paragraph23, sub-paragraph (a), in respect of the following kind of taxpayer, before the reliefs under section 6 of the Income Tax Law shall be deducted, 25 per cent of income tax shall be assessed on the total net profit income:<br><br>(ii) other income except income under the salary heading of non-resident foreigner.<br><br>And under, paragraph 24, in the case of a non-resident foreigner, the reliefs under section 6 and 6-a of the Income Tax Law shall not be deducted in the case of income under the salary | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | heading, income tax shall be assessed on the total income at the tax rates under sub-section (c), section 19 of the 2017 Union Taxation Law.<br><br>The income tax can be changed due to the Union Taxation Law enacted on a yearly basis.<br><br><u>Tax</u><br><br>According to the Sections 3(k) of the Income Tax Law, it prescribes the resident foreigners as follows:<br><br>(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;<br><br>(ii) in the case of a company, a company formed under the Myanmar Companies Act or any other | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | existing law wholly or partly with foreigner share-holders;<br><br>(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 Republic of the Union of Myanmar.<br><br>- In this regards, foreign workers and staff who work at least six months (183 days) in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners.<br><br>(b) A foreign lawyer may perform service to client in Myanmar but are not | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | allowed to practice in Myanmar courts of law.<br><br>(c) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.<br><br>(d) According to the Farm-Land Law 2012 and the Transfer of Immoveable Property Restriction Law 1987, the Law Amending the Transfer of Immoveable Property Restriction Law (2005), foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease in accordance with the Myanmar Investment Law 2016. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) (a) Subject to the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies.<br>(b) All foreign enterprises and foreign workers shall abide by<br><br>Business Visa<br>Period for Permission of Visa 70 days | 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.<br><br>- 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, The Permanent Residence of a Foreigner Rules and Immigration rules, regulations and procedures of Myanmar | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Period for Permission of Stay Extension<br>- up to 3 months**<br>- over 3 months – up to one year**<br><br>(**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License)<br>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)<br><br>(c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission. | - Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour, the Ministry of Labour, Immigration and Population.<br>- The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission.<br>- 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, | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | contents, volume, time frame in English of respective countries. | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| b) Accounting, auditing and bookkeeping services (CPC 862) | 1) None<br><br>2) None<br><br>3) Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Myanmar Investment Law (2016), provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/her country. Up to 70% foreign equity participation is permitted.<br><br>4) None | 1) None<br><br>2) None<br><br>3) As indicated in market access<br><br>4) As indicated in market access | 4)- Foreign practising accountant holds an Accountancy Certificate or Degree conferred by any foreign country and recognized by the Myanmar Accountancy Council-MAC |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | | - He/she is registered in the list of practising accountants managed by his/her country.<br><br>- Subject to MAC's licensing requirement.<br><br>- Not allowed to engage in CPC 8621 Accounting and Auditing Services. |
| d) Architectural services (CPC 8671) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| e) Engineering services (CPC 8672) | 1) None<br><br>2) None<br><br>3) None<br><br>4) As indicated in the Horizontal Commitments | 1) None<br><br>2) None<br><br>3) None<br><br>4) As indicated in the Horizontal Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| f) Integrated engineering services (CPC 8673) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| g) Urban planning services (CPC 86741) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| g) Landscape architectural services (CPC 86742) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Computer and Related Services | | | |
| a) Consultancy services related to the installation of computer hardware (CPC 841) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| b) Software implementation services (CPC 842)<br>(i) System software consulting services (CPC 8421)<br>(ii) System analysis services (CPC 8422)<br>(iii) System design services (CPC 8423)<br>(iv) Programming services (CPC 8424)<br>(v) System maintenance services (CPC 8425) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Data processing services (CPC 843)<br><br>(i) Input processing services (CPC 8431)<br><br>(ii) Data-processing and tabulation services (CPC 8432)<br><br>(iii) Time-sharing services (CPC 8433)<br><br>(iv) Other data processing services (CPC 8439) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | |
| d) Data base services (CPC 844) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Other (CPC 845-849)<br><br>(i) Maintenance and repair services of office machinery (CPC 845)<br><br>(ii) Other computer services (CPC 849)<br><br>- Data-processing services (CPC 8491)<br>- Other computer services (CPC 8499)<br>- System integration services<br>- Software development services | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | |
| E. Rental/Leasing Services without Operators | | | |
| d) Rental and leasing of studio recording equipment (CPC 83109) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| F. Other Business Services | | | |
| a) Advertising services (CPC 871) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| r) Printing and publishing (CPC 88442) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| t) Translation and interpretation services (CPC 87905) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 2. COMMUNICATION SERVICES | | | |
| C. Telecommunication Services | | | |
| d) Telex services (CPC 7523**) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| e) Telegraph services (CPC 7522) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| f) Paging services (CPC 75291) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| h) Electronic mail services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| i) Voice mail services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| k) Electronic data interchange (EDI) services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| j) On-line information and data base retrieval (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| m) Code and protocol conversion (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| n) On-line information and/or data base processing (CPC 843**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of the National Gateway only<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) Unbound<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| o) Telecommunication equipment maintenance services (CPC 75450) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| D. Audiovisual Services | | | |
| a) Motion picture and video tape production and distribution services (CPC 9611) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) As indicated in the Horizontal Commitments | |
| b) Motion picture projection services (CPC 9612) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| f) Cinema theatre services (CPC 9615) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. Construction Work for Buildings (CPC 512) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| B. Construction Work for Civil Engineering (CPC 513) | 1) None<br>2) None<br>3) None<br>4) As indicated in the Horizontal Commitments | 1) None<br>2) None<br>3) None<br>4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Assembly and Erection of Prefabricated Construction (CPC 514) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| C. Installation Work (CPC 516) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| D. Building Completion and Finishing Work (CPC 517) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| E. Pre-erection Work at Construction Site (CPC 511) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| E. Special Trade Construction (CPC 515) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| E. Renting Services Related to Equipment for Construction or Demolition of Building or Civil Engineering Work with Operator (CPC 518) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| E. EDUCATIONAL SERVICES | | | |
| A. Primary education services (CPC 921)<br>- Preschool education services (CPC 9211)<br>- Other primary education services (CPC 9219) | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) Unbound | 1) None<br>2) None<br>3) As indicated in the Horizontal Commitments<br>4) Unbound | Due to existing Regulations of education, Primary Education services are to be regulated by Ministry of Education.<br><br>Pre-school Education services are to be regulated by Ministry of Education as well as Ministry of Social Welfare Relief and Resettlement. |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Secondary education services (CPC 922)<br><br>- General secondary education services (CPC 9221)<br><br>- Technical & vocational secondary education services (CPC 9223)<br><br>- Technical & vocational secondary school type education services for handicapped students (CPC 9224) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | Due to existing Regulations of education, General Secondary Education Services and Technical and Vocational Secondary Education Services are to be regulated by Ministry of Education.<br><br>Other secondary Education Services are to be regulated by Ministry of Social Welfare Relief and Resettlement |
| C. Higher education services (CPC 923)<br><br>- Post-secondary education services (CPC 9231/92310)<br><br>- Other higher education services (CPC 9239/92390) | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | Due to existing Regulations of education, Higher Education Services are to be regulated by Ministry of Education as well as other 4 Concerned Ministries. |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Adult education services (CPC 924) Professional and/or short courses education services<br><br>- Language courses and training<br><br>- Business courses | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | Due to existing Regulations of education, Language courses and training are to be regulated by Ministry of Education.<br><br>Business courses are to be regulated by concerned Ministries. |
| E. Other education services (CPC 929/9290/92900)<br><br>- Skills training services covering the provision of training for technical, supervisory & production related functional levels in new and emerging technologies as follows: (1) automated manufacturing technology; (2) advanced materials technology; (3) biotechnology; (4) electronic; (5) Other services | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) As indicated in the Horizontal Commitments<br><br>4) Unbound | Due to existing Regulations of education, other education services are to be regulated by Ministry of Education as well as other Concerned Ministries. |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| information technology; (6) avionics | | | |
| 7. FINANCIAL SERVICES | | | |
| A. All insurance and insurance-related services | | | |
| d) Average and loss adjustment services (CPC 81403) | 1) None<br>2) None<br>3) None<br>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board. | 1) None<br>2) None<br>3) None<br>4) None | |
| Actuarial Services | 1) None<br>2) None<br>3) None | 1) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board.<br>2) None<br>3) According to the existing laws & regulations and subject to the permission of Insurance Business | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | Regulatory Board.<br><br>4) According to existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. | |
| B. Banking and other financial services | | | |
| Foreign Bank’s Representative Offices Services (CPC 811)<br><br>Foreign Bank’s Branches Services (CPC811) | 1) Subject to CBM's approval<br><br>2) Subject to CBM's approval<br><br>3) Foreign Banks are allowed to open their representative offices and branch in Myanmar subject to CBM's approval.<br><br>4) Subject to CBM's approval | 1) Subject to CBM's approval<br><br>2) Subject to CBM's approval<br><br>3) Foreign Banks are allowed to open their representative offices and branch in Myanmar subject to CBM's approval.<br><br>4) Subject to CBM's approval | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Guarantee and Commitments (CPC 81199) | 1) Unbound<br><br>2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br><br>3) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br><br>4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | 1) Unbound<br><br>2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br><br>3) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br><br>4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| k) Provision of financial information, and financial data processing and related software by suppliers of other financial services (CPC 8131) | 1) Unbound<br>2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br>3) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br>4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | 1) Unbound<br>2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.<br>3) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws<br>4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotel and Other Lodging Services (CPC 6411/64110) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| A. Meal serving services with full restaurant services (CPC 6421/64210) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| A. Meal serving services in self-service facilities (CPC 6422) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| A. Caterer services, providing meals to outside (CPC 6423) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| A. Beverage serving services without entertainment (CPC 64310) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| A. Beverage serving services with entertainment (CPC 64320) | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| B. Travel Agencies and Tour Operators Services (CPC 7471) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) Unbound<br>4) Unbound | |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| a) International Passenger Transport Services (Excluding Cabotage) (CPC 7211) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| b) International Freight Transport Services (Excluding Cabotage) (CPC 7212) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Maintenance and Repair of Vessels (CPC 8868**) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| Classification Societies | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| C. Air Transport Services | | | |
| d) Aircraft Repair and Maintenance Services | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| e) Selling and Marketing of Air Transport Services | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Computer Reservation System Services | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| H. Services Auxiliary to all Modes of Transport | | | |
| a) Cargo Handling Services (CPC 741)<br>- Maritime Cargo Handling Services | 1) None<br>2) None<br>3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| b) Storage and Warehousing Services (CPC 742)<br>- Maritime Storage and Warehousing Services | 1) None<br>2) None<br>3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Freight Transport Agency Services<br>(CPC 7480)<br><br>- Maritime Freight Forwarding Services | 1) None<br><br>2) None<br><br>3) Joint Venture with a Myanmar Citizen or enterprise up to 80% equity is permitted<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

Schedule of the Republic of the Philippines

Explanatory Notes

1. The classification of services in this schedule is based on the Services Sectoral Classification list (MTN.GNS/W/120) dated 10 July 1991) and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC), unless otherwise specified.

2. The use of the following against individual CPC codes indicates that:

   "*" – the service specified is a component of a more aggregated CPC item specified elsewhere in the Services Sectoral Classification List

   "**" – the specific commitment for that code does not extend to the total range of services covered under the code.

3. The scheduling of commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L 92, dated 28 March 2001). The guidelines shall not however be construed as being legally binding.

4. The entry Unbound* means unbound due to lack of technical feasibility.

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| All Sectors Included In This Schedule | 3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):<br><br>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.<br><br>All executive and managing officers must be citizens of the Philippines.<br><br>Acquisition of Land<br><br>All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least | 3) Access to Domestic Credit<br><br>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:<br><br>(a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and<br><br>(b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.<br><br>This requirement does not apply to banks and non-bank financial intermediaries. | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.<br><br>Foreign investors may lease only private-owned lands.<br><br>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u><br><br>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.<br><br>1), 2), 3), 4)<br>All measures taken by local government units are unbound. | | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 1), 2), 3), 4)<br>All measures governing permanent residents are unbound.<br><br>1), 2), 3), 4)<br>All measures relating to taxation are unbound. | 1), 2), 3), 4)<br>All measures taken by local governments units are unbound.<br><br>1), 2), 3), 4)<br>All measures governing permanent residents are unbound. The Philippines reserves the right to enact laws on the treatment of permanent residents of foreign countries. Until such time as the Philippines enacts said domestic law the obligations of the Philippines with respect to the permanent residents of the other Parties shall be limited to its obligations under the GATS, and the obligations of the other Parties with respect to the permanent residents of the Philippines shall be limited to their obligations under the GATS.<br><br>1), 2), 3), 4)<br>All measures relating | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | to taxation are unbound. | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| All Sub-sectors | 3) No foreign equity allowed<br><br>3) The practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law | 1) Services Output: For professions with specific services outputs (e.g. plans, specifications, audit reports), such outputs shall be recognized by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC) | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| g) Landscape architecture services (CPC 86742) | 1) None<br><br>2) None<br><br>3) Corporate practice is allowed (Section 26, Art. 5, RA 9053)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Corporate practice is allowed (Section 26, Art. 5, RA 9053)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | |
| e) Mechanical engineering | 1) None<br><br>2) None<br><br>3) Corporate practice is not allowed (Section 36, Art. 4, RA 8495)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Corporate practice is not allowed (Section 36, Art. 4, RA 8495)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Metallurgical engineering | 1) None<br>2) None<br>3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536)<br>Limitations in the horizontal section for Professional Services also apply.<br>4) Unbound | 1) None<br>2) None<br>3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536)<br>Limitations in the horizontal section for Professional Services also apply.<br>4) Unbound | |
| e) Civil engineering | 1) None<br>2) None<br>3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582)<br>Limitations in the horizontal section for Professional Services also apply.<br>4) Unbound | 1) None<br>2) None<br>3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582)<br>Limitations in the horizontal section for Professional Services also apply.<br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Sanitary engineering | 1) None<br><br>2) None<br><br>3) Corporate practice is allowed (Section 30, Art. 5, RA 1364)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Corporate practice is allowed (Section 30, Art. 5, RA 1364)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | |
| t) Interior Design Services (CPC 87907) | 1) None<br><br>2) None<br><br>3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534)<br><br>Limitations in the horizontal section for Professional Services also apply.<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Computer and Related Services | | | |
| a) Consultancy services related to the installation of computer hardware (CPC 8410) | 1) None<br><br>2) None<br><br>3) 100 percent foreign equity participation is allowed in the following cases:<br><br>A. paid-in equity capital is not less than US$200,000 for domestic market enterprises; or<br><br>B. paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or<br><br>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 | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | D. the service provider exports 60 percent or more of its output.<br><br>Otherwise, only up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section shall also apply.<br><br>4) Unbound | 4) Unbound | |
| b) Software implementation services<br><br>- Systems and software consulting services (CPC 8421)<br><br>- Systems design services (CPC 8423)<br><br>- Programming services (CPC 8424)<br><br>- Systems maintenance services (CPC 8425) | 1) None<br><br>2) None<br><br>3) 100 percent foreign equity participation is allowed in the following cases:<br><br>A. paid-in equity capital is not less than US$200,000 for domestic market enterprises; or<br><br>B. paid-in equity capital is not less than US$100,000 for domestic market | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | enterprises employing at least 50 direct employees; or<br><br>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<br><br>D. the service provider exports 60 percent or more of its output.<br><br>Otherwise, only up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section shall also apply.<br><br>4) Unbound | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Data processing services (CPC 843) | 1) None<br><br>2) None<br><br>3) 100 percent foreign equity participation is allowed in the following cases:<br><br>A. paid-in equity capital is not less than US$200,000 for domestic market enterprises; or<br><br>B. paid-in equity capital is not less than US$100,000 for domestic market enterprises employing at least 50 direct employees; or<br><br>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<br><br>D. the service provider exports 60 | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | percent or more of its output.<br><br>Otherwise, only up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section shall also apply.<br><br>4) Unbound | 4) Unbound | |
| E. Rental and Leasing Services without Operators | | | |
| a) Leasing/rental of vessels without crew | 1) None<br><br>2) None<br><br>3) None<br><br>Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA).<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Leasing/renting of aircraft without crew (CPC 83104) | 1) None<br>2) None<br>3) Lease contract subject to approval by the Civil Aeronautics Board<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| h) Services incidental to mining (CPC 883)<br><br>Oil and Gas Exploration and Development | 1) Unbound*<br>2) None<br>3) Up to 100 percent foreign equity participation is allowed provided there is President's approval.<br><br>The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum. | 1) Unbound*<br>2) None<br>3) None<br><br>Limitations listed in the horizontal section also apply. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Limitations listed in the horizontal section also apply.<br><br>4) Unbound | <br><br>4) Unbound | |
| Geothermal exploration and development | 1) Unbound*<br><br>2) None<br><br>3) Up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section also apply.<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>Limitations listed in the horizontal section also apply.<br><br>4) Unbound | |
| Coal exploration and development | 1) Unbound*<br><br>2) None<br><br>3) Up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section also apply.<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>Limitations listed in the horizontal section also apply.<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| j) Services related to energy distribution (CPC 887)<br><br>Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems | 1) Unbound*<br><br>2) None<br><br>3) Up to 40 percent foreign equity participation is allowed.<br><br>Limitations listed in the horizontal section also apply.<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound | |
| Services related to power generation<br><br>Construction of power plants (as provided for under the BOT scheme) | 1) Unbound*<br><br>2) None<br><br>3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities.<br><br>Limitations listed in the horizontal section also apply. | 1) Unbound*<br><br>2) None<br><br>3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities.<br><br>A. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | partnerships/ corporations with at least 60 percent Filipino equity and duly organized and existing under and by virtue of Philippine laws.<br><br>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as BOT.<br><br>Limitations listed in the horizontal section also apply. | |
| | 4) Unbound | 4) Unbound | |
| Operation of power plants(as provided for under the BOT scheme) | 1) Unbound*<br><br>2) None<br><br>3) None, except that electric cooperative operation is limited to Filipinos.<br><br>Limitations listed in the horizontal section also apply. | 1) Unbound*<br><br>2) None<br><br>3) None, except as indicated in the horizontal section | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound | 4) Unbound | |
| 2. COMMUNICATION SERVICES | | | |
| All subsectors | 3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.<br><br>3) Limitations listed in the horizontal section shall apply. | | |
| C. Telecommunications Services | | | |
| The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV)<br><br>a) Voice telephone services | 1) Subject to commercial arrangement with licensed operators<br><br>2) None<br><br>3) Entry is subject to the following requirements and conditions: | 1) None<br><br>2) None<br><br>3) Entry is subject to the following requirements and conditions: | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (CPC 7521)<br><br>- Local services<br><br>- Toll services<br><br>- Domestic<br><br>- International<br><br>b) Packet-switched data transmission services (CPC 7523**)<br><br>c) Circuit-switched data transmission services (CPC 7523**)<br><br>d) Telex services (CPC 7523**)<br><br>e) Telegraph services (CPC 7522)<br><br>f) Facsimile services (CPC 7521** + 7529**)<br><br>g) Private leased circuit services (CPC 7522** + 7523)<br><br>o) Other<br><br>- Cellular mobile telephone service | A. Franchise from Congress of the Philippines<br><br>B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission<br><br>C. Foreign equity is permitted up to 40 percent<br><br>D. Resale of private leased lines is not allowed[1]<br><br>E. Private leased circuit services shall not be connected to a public network (PSTN)<br><br>F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized | 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<br><br>B. All executives and managers must be citizens of the Philippines<br><br>Limitations as indicated in horizontal section for communication services also apply. | |

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

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (CPC 75213)<br><br>- Satellite services | G. Subject to the availability and efficient utilization of radio frequencies.<br><br>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.<br><br>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.<br><br>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements. | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Limitations as indicated in horizontal section for communication services also apply.<br><br>4) Unbound | 4) Unbound | |
| Data and message transmission services<br><br>Data network services (CPC 75231)<br><br>Electronic message and information services (CPC 75232) | 1) Unbound[2]<br><br>2) None<br><br>3) Entry is subject to the following requirements and conditions:<br><br>a. Franchise from Congress of the Philippines<br><br>b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission<br><br>c. Foreign equity is permitted up to 40 percent<br><br>d. Resale of private leased lines is not | 1) None<br><br>2) None<br><br>3) Entry is subject to the following requirements and conditions:<br><br>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<br><br>b. All executives and managers must be citizens of the Philippines<br><br>Limitations as indicated in horizontal section for | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | allowed[3]<br><br>e. Private leased circuit services shall not be connected to a public network (PSTN)<br><br>f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized<br><br>g. Subject to the availability and efficient utilization of radio frequencies<br><br>h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers<br><br>i. Philippine satellite operators | communication services also apply. | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered<br><br>j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements<br><br>Limitations as indicated in horizontal section for communication services also apply.<br><br>4) Unbound | 4) Unbound | |

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.

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 2. Interconnection<br><br>In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.<br><br>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.<br><br>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.<br><br>3. Universal Service<br><br>Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.<br><br>Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.<br><br>4. Public availability of licensing criteria<br><br>Where a license is required, the following shall be made publicly available:<br><br>(a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;<br><br>(b) the terms and conditions of individual licenses<br><br>The reasons for the denial of a license will be made known to the applicant upon request. | | | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 5. Independent regulators<br><br>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.<br><br>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.<br><br>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.<br><br>6. Allocation and use of scarce resources<br><br>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. | | | |
| Value added services i.e.<br><br>h) electronic mail (CPC 7523**)<br><br>l) value added facsimile service (CPC 7523**)<br><br>m) code and protocol conversion | 1) Unbound[4]<br><br>2) None<br><br>3) Entry is subject to the following requirements:<br><br>a. Foreign equity is permitted up to 40 percent<br><br>b. Must register with the Philippines | 1) None<br><br>2) None<br><br>3) Entry is subject to the following requirements and conditions:<br><br>a. The number of non-Filipino citizens on the Board of Directors of an entity shall be | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | regulatory body but is not allowed to build its own network<br><br>Limitations as indicated in horizontal section for communication services also apply.<br><br>4) Unbound | proportionate to the aggregate share of foreign capital of that entity<br><br>b. All executives and managers must be citizens of the Philippines<br><br>Limitations as indicated in horizontal section for communication services also apply.<br><br>4) Unbound | |
| 7. FINANCIAL SERVICES | | | |
| The commitments in financial services are in accordance with the General Agreement on Trade in Services and its Annex on Financial Services. | | | |
| All subsectors | 3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | the Philippines.<br><br>For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.<br><br>In banking, the Monetary Board shall ensure that at all times seventy per cent (70%) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.<br><br>3), 4)<br>Limitations listed in | | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | the horizontal section shall also apply | | |
| A. Insurance and Insurance-Related Services | | | |
| All subsectors | 3), 4) Limitations listed in the all-sector horizontal section and all financial services section of the Philippines' GATS Schedule of Specific Commitments shall apply<br><br>3) Limitations in market access listed in the specific sub-sectors below shall not apply to existing wholly or majority foreign-owned authorized insurance/reinsurance companies as of the entry into force of the WTO Financial Services agreement<br><br>4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry | 4) Each employed non-Filipino citizen shall have at least two Filipino understudies | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| a) Life insurance as follows:<br><br>- Ordinary<br><br>- Group<br><br>- Industrial<br><br>- Health and accident<br><br>- Annuities | 1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines<br><br>2) Same as above<br><br>3) Commercial presence required subject to:<br><br>A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic insurance company; or<br><br>B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company; and<br><br>C. Participation of non-Filipino citizens in the Board of Directors of locally incorporated insurance company | 1) Unbound<br><br>2) Unbound<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | is proportional to the percentage of foreign equity.<br><br>4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry | <br><br>4) Unbound | |
| b) Non-life:<br><br>- Fire<br><br>- Marine<br><br>- Casualty<br><br>- Surety | 1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines<br><br>2) Same as 1) above<br><br>3) Commercial presence required subject to:<br><br>A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic insurance company | 1) Unbound<br><br>2) Unbound<br><br>3) None | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company<br><br>C. Participation of non-Filipino citizen in the Board of Directors of locally incorporated insurance company is proportional to the percentage of foreign equity<br><br>4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Reinsurance, Retrocession | 1) Priority cessions to authorized insurance/reinsurance companies | 1) None | |
| | 2) A. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission | 2) None | |
| | B. Ten percent (10%) of the total cessions to foreign unauthorized reinsurers should be offered first to the Philippine National Reinsurance Corporation formerly National Reinsurance Company of the Philippines | | |
| | 3) Commercial presence required subject to: | 3) None | |
| | A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | insurance company<br><br>B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company<br><br>C. Participation of non-Filipino citizen in the Board of Directors of locally incorporated insurance company is proportional to the percentage of foreign equity<br><br>4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Services auxiliary to insurance:<br><br>- Actuaries, average adjusters | 1) None<br><br>2) None<br><br>3) Commercial presence required subject to foreign equity limitation of 50% or joint venture<br><br>4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services) | | | |
| Commercial banking<br><br>a) Acceptance of deposits and other repayable funds from the public<br><br>b) Lending of all types, including consumer credit, mortgage credit and financing of commercial transaction<br><br>d) All payment and money transmission services, | 1) Commercial presence is required<br><br>2) None<br><br>3) I. <u>Forms of commercial Presence</u><br><br>A foreign bank, widely-owned and publicly listed, may avail itself only of one form of commercial presence at a time. However, | 1) None<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| including credit, charge and debit cards, travellers cheques and bankers drafts<br><br>e) Guarantees and commitments<br><br>f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:<br><br>- money market instruments (bank's own promissory notes, repurchase agreements, and certificates of assignment/ participation with recourse);<br><br>- foreign exchange;<br><br>- derivative products including, but not limited to, futures and options;<br><br>- exchange rate and interest rate instruments, including products | this shall not preclude secondary investment in the equity of a locally incorporated bank not exceeding thirty per cent (30%) of voting stock or forty per cent (40%) upon approval by the President of the Philippines.<br><br>(a) Establishment of foreign bank branches<br><br>Bound for ten (10) new licenses for the period 1995-2000. Full banking authority to new and existing foreign bank branches.<br><br>Each foreign bank shall be allowed to establish a maximum of six (6) branches, with the first three (3) of these branches at locations of its choice and the remaining three (3) branches at locations designated by the Monetary Board.<br><br>The prescribed capital shall consist of the permanently assigned | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| such as swaps, forward rate agreements; and<br><br>- other allowable negotiable instruments and financial assets<br><br>g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues<br><br>i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services | capital and "net due to" account not exceeding the equivalent of four (4) times the amount of permanently assigned capital. The permanently assigned capital and fifteen percent (15%) of the required "net due to" account shall be inwardly remitted and converted into Philippine currency.<br><br>(b) Acquisition of up to sixty percent (60%) of the voting stock of an existing domestic bank.<br><br>(c) Investing in up to sixty percent (60%) of the voting stock of a new locally incorporated banking subsidiary.<br><br>Non-Filipino citizens may become members of the Board of Directors of a bank to the extent of the foreign | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | participation in the equity of said bank.<br><br>For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation.<br><br>II. Scope of operations<br><br>Prior authorization is required for the following:<br><br>- acceptance of deposit substitutes | | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | and other repayable funds from the public;<br><br>- guarantees and commitments;<br><br>- performance of trust, investment management and other fiduciary functions;<br><br>- foreign currency deposit unit operations;<br><br>- derivatives activities<br><br>Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority.<br><br>4) Unbound, except as provided in the horizontal section | 4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| h) Money broking and foreign exchange broking | 1) Commercial presence is required<br><br>2) None<br><br>3) Required to be organized as a commercial bank or a non-bank financial intermediary.<br><br>For commercial banks, all other limitations mentioned in mode 3 above for commercial banks shall apply.<br><br>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.<br><br>4) Unbound, except as provided in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) For commercial banks and financing companies, foreign service suppliers shall perform technical functions only, with Filipino understudy | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Credit card services | 1) Commercial presence is required<br><br>2) None<br><br>3) Required to be organized as a commercial bank or non-bank financial intermediary<br><br>For commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply.<br><br>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.<br><br>4) Unbound, except as those provided in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Promotion and provision of information about the services/products offered by a foreign bank | 1) Commercial presence is required<br>2) None<br>3) None<br>4) Unbound, except as those provided in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as those provided in the horizontal section | |
| k) Financial advisory services as follows:<br>- Credit reference and analysis<br>- Investment and portfolio research and advice | 1) None<br>2) None<br>3) Required to be organized as a commercial bank, or an investment house, or a non-bank financial intermediary<br>For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply.<br>For investment houses, all limitations mentioned under mode 3 for investment houses shall apply. | 1) None<br>2) None<br>3) None | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Foreign equity participation is bound at forty percent (40%) for non-bank financial intermediary.<br><br>4) Unbound, except as provided in the horizontal section | <br><br><br><br>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies | |
| Investment houses:<br><br>- Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of corporations<br><br>- Participate as soliciting dealer of selling group member in tender offers, block sales, or exchange offering of securities<br><br>- Dealing in options, rights or warrants relating to securities<br><br>- Act as financial consultant, investment adviser or broker | 1) Commercial presence is required<br><br>2) None<br><br>3) Must be organized as a stock corporation<br><br>Subject to foreign equity limitation of fifty one percent (51%) of the voting stock, subject to reciprocity.<br><br>The majority of the members of the Board of Directors shall be citizens of the Philippines.<br><br>An investment house is not allowed to engage in banking operations. | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| - Act as portfolio manager/financial agent<br><br>- Design pension, profit-sharing and other employee benefits plans | Prior authorization is required for the performance of quasi-banking functions.<br><br>4) Unbound, except as provided in the horizontal section | 4) Unbound, except as provided in the horizontal section | |
| Factoring | 1) Commercial presence is required<br><br>2) None<br><br>3) Must be performed by a financing company only, organized as a corporation.<br><br>Subject to foreign equity limitation of forty percent (40%) of the voting stock, subject to reciprocity.<br><br>Membership of aliens in the Board of Directors is limited to one-third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership. | 1) None<br><br>2) None<br><br>3) None | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as provided in the horizontal section | 4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies | |
| Financial leasing | 1) Commercial presence is required<br><br>2) None<br><br>3) Must be performed by a financing company only, organized either as a corporation or general partnership<br><br>Subject to foreign equity limitation of forty percent (40%) of the voting stock, subject to reciprocity.<br><br>Membership of aliens in the Board of Directors is limited to one-third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership. | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as provided in the horizontal section | 4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies. | |
| Securities dealership/brokerage<br><br>f) Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following:<br><br>- Equities and its derivative products such as warrants and options<br><br>- Transferable securities | 1) Commercial presence is required<br><br>2) None<br><br>3) Must be performed by an investment house or as a securities broker/dealer organized as a corporation<br><br>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.<br><br>For securities broker/dealer – must be a member of the stock exchange. Membership is limited to 200.<br><br>Underwriting is allowed only on best-effort basis. | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as provided in the horizontal section | 4) Unbound, except those provided in the horizontal section | |
| g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues | 1) Commercial presence is required<br><br>2) None<br><br>3) Must be performed by an Investment House or as a securities broker/dealer organized as a corporation<br><br>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.<br><br>For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200.<br><br>Underwriting is allowed only on best-effort basis.<br><br>4) Unbound, except as provided in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as those provided in the horizontal section | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Performance of the functions of a stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates | 1) Commercial presence is required<br>2) None<br>3) Must be organized as a corporation with at least one certified public accountant duly licensed in the Philippines<br>4) Unbound, except as those provided in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as those provided in the horizontal section | |
| Transactions of an issuer primarily engaged in the business of investing, reinvesting or trading securities | 1) Commercial presence is required<br>2) None<br>3) Must be performed by an investment company<br>Foreign equity bond at forty percent (40%).<br>All members of the Board of Directors must be citizens of the Philippines<br>4) Unbound, except as those provided in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as those provided in the horizontal section | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Sale of contracts for the payment of benefits or performance of future services such as life, education, pension and internment plans | 1) Commercial presence is required<br>2) None<br>3) Foreign equity bond at forty percent (40%)<br>4) Unbound, except as those provided in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as those provided in the horizontal section | |
| Stock broker dealer | 1) Commercial presence is required<br>2) Unbound<br>3) A. Forms of commercial presence<br>1. Foreign equity participation in domestic corporation<br>2. Establishment of a branch office by a foreign corporation in the Philippines<br>B. Scope of operations prior registration with the Philippine | 1) None<br>2) None<br>3) None | Philippine SEC reserves the right to rationalized domestic registration procedures in its effort to promote cross border trading.<br>For branch offices of foreign corporations:<br>For the effective implementation of cross border trading and solicitation of securities business, the Philippine SEC may explore mutual recognition of securities registration and registration of broker dealers and sales agent in domicile country. Thus, the Philippine SEC reserves the right to accord favorable |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Securities and Exchange Commission as a stock broker dealer is required before it can engage in the buying and selling of securities.<br><br>C. Establishment of stock broker dealer branches all over the country<br><br>Each foreign stock broker dealer (i.e., domestic corporation but majority of outstanding stocks is foreign owned, or foreign corporation with brand license) shall be limited to two (2) branches the location of which shall be subject to approval of the Philippines Securities and Exchange Commission.<br><br>For domestic corporations with foreign equity participation, non-Filipino citizens may become members of the Board of Directors of a | | treatment to those service providers/suppliers of member countries that accord similar treatment to Filipino financial service suppliers in their country, on a discriminatory basis. |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | stock broker dealer to the extent of foreign equity participation in the said stock broker dealer.<br><br>For foreign corporations allowed to transact business in the Philippines, a resident agent has to be appointed as a condition precedent to the issuance of the license.<br><br>4) Unbound, except as those provided in the horizontal section | 4) Generally none but subject to Philippine labor laws | |
| Salesman of a stock broker dealer | 1) Unbound<br><br>2) Unbound<br><br>3) Prior registration as a salesman of a broker dealer with the Philippine Securities and Exchange Commission is required before a natural person can be employed as such or as an agent, by a dealer, issuer or broker to buy and sell securities | 1) None<br><br>2) None<br><br>3) None | A salesman of a foreign stock broker dealer (i.e., domestic corporation but majority of outstanding stocks is foreign owned, or foreign corporation with branch license issued by the Philippine Securities and Exchange Commission) may be registered and licensed as such by the Philippine SEC without need of examination provided that: |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as provided in the horizontal section | 4) Generally none but subject to Philippine labor laws | (1) The foreign stock broker dealer sponsoring the salesman has been registered and issued a secondary license as a stock broker dealer by the Philippine SEC before it can engage in the buying and selling of securities;<br><br>(2) The salesman has been registered and issued a license as such by his home country's regulatory agency which has jurisdiction over the sponsoring foreign stock broker dealer;<br><br>(3) There are no big gaps in the proficiency requirements or business conduct rules between the salesman's host country and the Philippine SEC but will have to undergo training to ensure that the salesman understands Philippine laws, rules and regulations;<br><br>(4) The salesman maintains active status of his |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | | registration and license as such in his home country; and<br><br>(5) The salesman's home country allows Filipinos who has been registered and licensed by the Philippine SEC as a salesman (of a Philippine-registered stock broker dealer) to act as such in the salesman's home country.<br><br>Philippine SEC reserves the right to rationalize domestic registration procedures in its effort to promote cross border trading.<br><br>For the effective implementation of cross border trading and solicitation of securities business, the Philippine SEC may explore mutual recognition of securities registration and registration of broker dealers and sales agent in domicile country. Thus, the Philippine SEC reserves the right to accord favorable treatment to those service |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | | providers/suppliers of member countries that accord similar treatment to Filipino financial service suppliers in their country, on a discriminatory basis. |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotel/Lodging services (CPC 64110) | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |
| A. Restaurants<br>(CPC 6421-64310) | 1) Unbound*<br>2) None<br>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million is complied, provided further that pre-qualification requirements are complied in accordance with appropriate government agencies. | 1) Unbound*<br>2) None<br>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million is maintained.<br>Prior notification of cessation of operation.<br>Foreign nationals may also establish | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Foreign nationals may also establish branches provided that the minimum paid in capital of US$ 830,000.00 per restaurants are complied.<br><br>Limitations listed in the horizontal section also apply. | additional branches provided that the minimum paid in capital of US$830,000.00 per restaurant are maintained.<br><br>Prior notification for opening and closing of branches/stores.<br><br>Provided further that 30% local inventory requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied.<br><br>Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports:<br><br>(a) A general information sheet in the prescribed form showing, among others, the accredited stores of the enterprise and the status of operations of the entity; | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | (b) An audited financial statement and income tax return;<br><br>(c) Certification by responsible officer of the company showing the maintenance of the required minimum capital unless the foreign investor has notified the SEC and the DTI of its intention to repatriate its capital and cease operations in the Philippines.<br><br>Qualified foreign restaurants are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | Limitations listed in the horizontal section shall apply.<br><br>4) Unbound | |
| | 4) Unbound | | |
| B. Travel Agencies (CPC 74710) | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound | |
| D. Professional Congress Organizers | 1) None<br><br>2) None<br><br>3) 60% foreign equity is allowed<br><br>Limitations listed in the horizontal section also apply<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 11. TRANSPORT SERVICES | | | |
| All Subsectors | 3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.<br><br>Limitations listed in the horizontal section shall also apply.<br><br>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.<br><br>Each employed alien should have at least two (2) Filipino understudies. | | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Limitations listed in the horizontal section shall also apply. | | |
| A. Maritime Transport Services | | | |
| a), b) International Transport (passenger and freight) (CPC 7211 and 7212), except<br>(a) cabotage transport, and<br>(b) government-owned cargoes[5] | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section for transport services<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| d) Maintenance and repair of vessels | 1) Unbound*<br>2) Any repairs, conversion or dry-docking of Philippine-owned or registered vessels are required to be done at domestic ship repair yards registered with the Maritime Industry Authority (MARINA)<br>3) None | 1) Unbound*<br>2) None<br>3) None | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound | 4) Unbound | |
| C. Air Transport Services | | | |
| d) Maintenance and repair of aircraft (CPC 8868) | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated at the horizontal section<br>4) Unbound | |
| e) Selling and marketing of air transport[6]<br><br>General Sales Agent (GSA) and Cargo Sales Agent (CSA) | 1) None<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |

6 Selling and marketing services (in the case of the Philippines) are categorized and defined following existing Philippine laws and rules and regulations of its aeronautical authorities as Off-line Carriers, General Sales Agent (GSA) and Cargo Sales Agent (CSA).

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Off-line carriers | 1) None, except CAB permit is required<br>2) None<br>3) None, except a GSA must be approved by CAB and the appointment of a resident agent<br>4) Unbound | 1) None<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |
| E. Rail Transport Services | | | |
| a), b) Passenger and freight transport (CPC 7111 and 7112) | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |
| d) Maintenance and repair of rail transport equipment (CPC 8868**) | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| F. Road Transport Services | | | |
| a), b)<br>Passenger and freight transport<br>(CPC 7121 and 7123) | 1) Unbound*<br><br>2) None<br><br>3) Provisional authority/certificate of public convenience must be secured from the Land Transportation Franchising and Regulatory Board (LTFRB)<br><br>New entrants are subject to economic needs test, as follows:<br><br>(a) the need to provide protection to investments of operators in unserved areas/development routes; and<br><br>(b) the route measured capacity test for number of vehicles<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) None, except as indicated in the horizontal section<br><br>4) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| d) Maintenance and repair of road vehicles (CPC 6112) | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| G. Pipeline Transport (CPC 713) | 1) Unbound*<br>2) None<br>3) Up to 40 percent foreign equity participation is allowed<br>Limitations listed in the horizontal section also apply.<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |
| H. Services Auxiliary to All Modes of Transport | | | |
| a) Cargo handling services (CPC 741)<br>b) Storage and warehouse services<br>Container yard and depot services | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE PHILIPPINES

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Freight forwarding services | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except as indicated in the horizontal section<br>4) Unbound | |

Schedule of the Republic of Singapore

Explanatory Notes

A. The classification of service sectors in this revised offer is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office unless otherwise indicated by the absence of a CPC number. The ordering reflects the services sectoral classification list as used in the GATT document MTN.GNS/W/120 dated 10 July 1991.

B. The use of "**" against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code. The entry "Unbound*" means unbound due to lack of technical feasibility.

C. Singapore's commitments on the Movement of Natural Persons are found under Chapter 6bis (Movement of Natural Persons.

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | | |
| 1. BUSINESS SERVICES | | | | |
| A. Professional Services | | | | |
| b) 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<br>2) None<br>3) As in mode 1<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| c) Taxation services, except for other taxation services (CPC 863**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Architectural services (CPC 8671) | | 1) None | 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 | 2) None | |
| | | 3) Limited Corporations<br>(a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate;<br>(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 | 3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | corporation who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.<br><br><u>Unlimited Corporations</u><br><br>(a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate; and<br><br>(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 | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | resident in Singapore and who has in force a valid practising certificate.<br><br><u>Partnership</u><br><br>(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;<br><br>(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 resident in Singapore and who | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | has in force a valid practising certificate.<br><br>Limited Liability Partnership<br><br>(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;<br><br>(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 | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | valid practising certificate.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| e) Engineering services (CPC 8672**) | | 1) None<br><br>2) None<br><br>3) <u>Limited Corporations</u><br><br>(a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practicing certificate;<br><br>(b) the business of the corporation, | 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<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 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<br><br><u>Unlimited Corporation</u><br><br>(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<br><br>(b) the business of the corporation, so far as it relates to professional engineering work | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 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.<br><br><u>Multi-Disciplinary Partnership</u><br><br>(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<br><br>(b) the business of the partnership, so far as it relates to professional engineering work | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 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.<br><br><u>Limited Liability Partnership</u><br><br>(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;<br><br>(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 | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | management of a partner who is a registered professional engineer who has in force a valid practicing certificate.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| f) Integrated engineering services (CPC 8673) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| g) Landscaping services (CPC 86742**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| h) Medical services, specifically general medical services (CPC 93121)<br><br>h) Specialised medical services (CPC 93122) | | 1) Unbound*<br><br>2) None<br><br>3) None, other than the number of new foreign doctors registered each year may be limited depending on the total supply of doctors<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| h) Dental services (CPC 93123) | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| i) Veterinary services (CPC 932 / 9320) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| B. Computer and Related Services | | | | |
| a) Consultancy services related to the installation of computer hardware (CPC 84100) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| b) Software implementation services (CPC 842) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| c) Data processing | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| d) Database services (CPC 84400) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| C. Research and Development Services | | | | |
| a) R&D services on natural sciences, specifically biotechnology services and industrial research (CPC 85102 - 85103) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| b) R&D services on social sciences and humanities specifically economic and behavourial research (CPC 852**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| c) Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| D. Real Estate Services<br><br>b) 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<br>2) None<br>3) None, except that only | 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<br>2) None<br>3) None, except that only | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore<br><br>4) Unbound, except as indicated in the horizontal section | the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore<br><br>4) Unbound | |
| E. Rental and Leasing Services without Operators | | | | |
| a) Relating to ships (CPC 83103) | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| d) Leasing or rental services concerning construction machinery and equipment services without an operator (CPC 83107) | | 1) None<br><br>2) None<br><br>3) Maximum foreign equity participation should not exceed 30%<br><br>4) Unbound, except as | 1) None<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | indicated in the horizontal section | | |
| d) Rental and leasing of studio recording equipment (CPC 83109) | | 1) None<br>2) None<br>3) Maximum foreign equity participation should not exceed 51%<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| e) Leasing or rental services concerning personal and household goods (CPC 832) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| F. Other Business Services | | | | |
| a) Advertising services (CPC 8711, 8712, 8719) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | indicated in the horizontal section | | |
| b) Commercial market research services (CPC 86401) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| c) Management consulting services (CPC 865) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| e) Technical testing and analysis services, excluding testing and analysis services of automobiles (CPC 8676**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| e) Testing and Analysis of services of automobiles (CPC 86763**) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| f), g), h) Professional, advisory and consulting services relating to agriculture, forestry, fishery and mining, including oilfield services (CPC 881**, 882**, 883**, 5115**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| o) Building cleaning services (CPC 874) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| p) Photographic services (CPC 875) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| q) Packaging services (CPC 876) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| s) Convention services and exhibition management services (CPC 87909**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| t) Translation/ interpretation services (CPC 87905) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| t) Interior design services, excluding architecture (CPC 87907**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 2. COMMUNICATION SERVICES | | | | |
| B. Courier Services<br><br>Courier Services in respect of documents and parcels, excluding letters and postcards | | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| C. Telecommunication Services<br><br>General conditions statement<br><br>Commitments undertaken in this schedule are subject to the following conditions:<br><br>1. The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum.<br><br>2. This excludes services regulated under the Broadcasting Act. | | | | |
| Basic Telecommunication services (facilities-based)<br><br>a) Public switched services[1] (local and international)<br><br>b) Leased circuit services (local and international) | | 1) Subject to commercial arrangements with licensed operator(s)<br><br>2) None<br><br>3) Up to two additional operators will be licensed in 1998 for the provision of these services commencing 1 | 1) None<br><br>2) None<br><br>3) None | As annexed. |

1 This includes voice, data facsimile, telex and telegraph services.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | April 2000. Thereafter, additional licences will be granted.<br><br>A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| Mobile services[2]<br><br>a) Public mobile data service (PMDS)<br><br>b) Public trunked radio service (PTRS)<br><br>c) Public radio paging service (PRTS)<br><br>d) Public cellular mobile telephone service (PCMTS) | | 1) Subject to commercial arrangements with licensed operator(s)<br><br>2) None<br><br>3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | As annexed. |

2 Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services.

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Resale basis:<br><br>a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network)<br><br>b) Leased Circuit Services (local and international) (without connection to the public switched network)<br><br>c) Public cellular mobile telephone services<br><br>d) Public radio paging services | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Value-added network (VAN) services[3]<br><br>These services covered are:<br><br>- Store-and-retrieve VAN services (S&R)<br><br>- Store-and-forward VAN services (S&F)<br><br>- Electronic mail<br><br>- Voice mail<br><br>- On-line information and data base retrieval<br><br>- Electronic data interchange<br><br>- On-line information and/or data processing | | 1) Provision of VAN services is subjected to licence from the Infocomm Media Development Authority of Singapore (IMDA)<br><br>The basic requirements for VAN licence are:<br><br>- 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.<br><br>- VAN does not carry traffic which resembles any of the basic | 1) None | |

3 Provision of VAN services is subject to registration for store and retrieve VAN services from the Infocomm Media Development Authority of Singapore (IDA). Note: for the purpose of Singapore's commitments, the services under CPC 7523 are included within Singapore's offer for VAN services.

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | telecommunication services<br><br>2) None<br><br>3) Same as Mode 1<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| D. Audiovisual services | | | | |
| i) The services covered are production, distribution and public display of<br><br>- motion pictures<br><br>- video recordings<br><br>- sound recordings, except where excluded under (ii) (CPC9611,CPC9612)<br><br>ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being<br><br>- Free-to-air broadcasting | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| - Cable and pay television<br><br>- Direct broadcasting by satellite<br><br>- Teletext | | | | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | | |
| Construction services (CPC 511 – 518)<br><br>Consisting of:<br><br>A. General Construction for Buildings (CPC 512)<br><br>B. General Construction for Civil Engineering (CPC 513)<br><br>C. Installation and Assembly Work (CPC 514 + 516)<br><br>D. Building Completion and Finishing Work (CPC 517)<br><br>E. Other (CPC 511 + 515 + 518) | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 4. DISTRIBUTION SERVICES<br><br>Horizontal limitations on Market Access and National Treatment<br><br>Unless otherwise specified, distribution services of any product subject to import prohibition or non-automatic import licensing shall be excluded from the scope of these commitments.<br><br>Singapore reserves the right and flexibility to modify and / or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import prohibition or non-automatic import licensing regime. | | | | |
| A. Commission Agents' Services except for pharmaceutical and medical goods and cosmetics (CPC 621**) | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| B. Wholesale Trade Services except for pharmaceutical and medical goods and surgical and orthopaedic instruments (CPC 622**) | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Franchising Services (CPC 8929**) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| 5. EDUCATION SERVICES<br><br>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. | | | | |
| D. Adult Education Services (CPC 924) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| 6. ENVIRONMENTAL SERVICES | | | | |
| c. Sanitation and Similar Services (CPC 9403) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | indicated in the horizontal section | | |
| D. Other | | | | |
| Cleaning of exhaust gases (CPC 9404) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| Noise abatement services(CPC 9405) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| 7. FINANCIAL SERVICES | | | | |
| A. All Insurance and Insurance-Related Services<br><br>All commitments in this Schedule are subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case maybe, which are consistent with Article 50.5 (Domestic Regulation) of Chapter 6 (Trade in Services) and Article A.4 (Domestic Regulation) of Annex A on Financial Services of Chapter 6 (Trade in Services) of the AJCEP Agreement. | | | | |

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| a) Life insurance including annuity, disability income, accident and health insurance services | | 1) Unbound<br><br>2) None<br><br>3) These measures are also limitations on National Treatment<br><br>Foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder.<br><br>Unbound for licensing of new insurance companies and establishment of new representative offices and activities relating to the use including via Investment of monies from any social security, public retirement or statutory savings scheme.<br><br>4) Unbound, except as indicated in the | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | horizontal section | | |
| b) Non-life Insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee | | 1) Unbound<br><br>2) None, except that compulsory Insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore.<br><br>3) Foreign parties can only acquire equity stakes of up to 49% in aggregate in locally owned insurance companies provided the acquisition does not result in any foreign party being the largest share holder.<br><br>Unbound for licensing of new insurance companies and establishment of new representative offices.<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| c) Reinsurance and retrocession | | 1) None<br>2) None<br>3) None, except reinsurance companies must be established as branches or subsidiaries<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| d) Insurance intermediation comprising broking and agency services | | 1) Unbound<br>2) These measures are also limitations on National Treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risk outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of ship owners insured by protection and | 1) Unbound<br>2) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | indemnity clubs.<br><br>3) These measures are also limitations on National Treatment<br><br>Unbound, except for admission of direct[4] insurance and reinsurance brokers as locally incorporated subsidiaries.<br><br>4) Unbound, except as indicated in the horizontal section | 3) Unbound<br><br>4) Unbound | |
| d) Services auxiliary to insurance, comprising actuarial, loss adjustors, average adjustors and consultancy services | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Banking and Other Financial Services<br><br>All commitments in this Schedule are subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of MAS or any other relevant authority or body in Singapore, as the case maybe, which are consistent with Article 50.5 (Domestic Regulation) of Chapter 6 (Trade in Services) and Article A.4 (Domestic Regulation) of Annex A on Financial Services of Chapter 6 (Trade in Services) of the AJCEP Agreement. | | | | |
| a) Acceptance of deposits and other repayable funds from the public | | 1) Unbound<br><br>2) None<br><br>3) These measures are also limitations on national treatment<br><br>Only institutions licensed or approved as banks, merchant bank and finance companies can accept deposits.<br><br>Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-a-vis the home country depositors in receivership or winding-up | 1) Unbound<br><br>2) None<br><br>3) <u>Commercial Banks</u><br><br>Foreign banks can operate from only one office (excluding back-office operations).<br><br>They cannot establish off-premise ATMs and ATM networking and new sub-branches. Unbound for provision of all electronic banking services.<br><br>Location of banks and relocation of banks and sub-branches require prior approval from MAS.<br><br>Wholesale banks can only accept foreign currency fixed | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore Law.<br><br>Establishment and operation of foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B (l) and the following limitations:<br><br><u>Commercial Banks</u><br><br>No new full and wholesale banks. New foreign banks may only establish as offshore bank branches or representative | deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S$250,000 or more per deposit.<br><br>Offshore banks can accept foreign currency fixed deposits from residents and non-residents.<br><br>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.[5]<br><br><u>Merchant Banks</u><br><br>Merchant banks can operate from only one office (excluding back-office operations). Location | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | offices.<br>Representative offices cannot conduct businesses or act as agents.<br><br>Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents.<br><br>A single/related group of foreign shareholders can only hold up to 5% of a local bank's shares.<br><br><u>Merchant Banks</u><br><br>Foreign Banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.<br><br><u>Finance Companies</u><br><br>No new finance companies. No foreign person shall, acting alone or in concert with other persons, assume control of any finance company. A foreign person that | and relocation of merchant banks require MAS' prior approval.<br><br>Merchant banks can, with MAS' authorisation, raise foreign currency funds from residents and non-residents, operate foreign currency savings accounts for non-residents, and raise Singapore dollar funds from their shareholders, banks, other merchant banks and finance companies.<br><br><u>Financial Companies</u><br><br>Location of finance companies and relocation of sub-branches require MAS' approval.<br><br>Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches. | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | is:<br><br>(a) In the case of a natural person, not a citizen of Singapore and<br><br>(b) in the case of a corporation, not controlled by citizens of Singapore<br><br>Approval from MAS is required before a person (together with associated persons) is allowed to acquire shareholdings or voting control in a finance company of or exceeding 5%, 12% and 20%, and before he obtains effective control of the finance company. In approving applications to exceed the threshold limits, MAS may impose conditions it considers necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system. | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | All finance companies, local and foreign-owned, can only conduct Singapore dollar business. With MAS' prior approval, eligible finance companies can also deal in foreign currencies, gold or other precious metals, and acquire foreign currency stocks, shares or debts/convertible securities.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction | | 1) Unbound. Measures taken are also measures on National Treatment.<br><br>2) None<br><br>3) These measures are also limitations on National Treatment.<br><br>(i) Other than in-house credit cards, credit and charge cards may | 1) None<br><br>2) None<br><br>3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S$200m in aggregate.<br><br>Offshore banks should not use their related | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | be issued by card issuers approved by MAS subject to MAS' guidelines.<br><br>(ii) Financial institutions extending Singapore dollar (S$) credit facilities exceeding S$5 million per entity to non-resident financial entities or arranging S$ equity or bond issues for non-residents, shall ensure that where the S$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.<br><br>Financial entities shall not extend S$ credit facilities to non-resident financial entities if there is reason to | merchant banks to circumvent the S$200m lending limit.<br><br>Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers. | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | believe that S$ proceeds may be used for currency speculation.<br><br>(iii) Establishment of credit companies which do not conduct activities requiring MAS' approval is allowed.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| c) Financial leasing | | 1) None<br><br>2) None<br><br>3) None, except as indicated for activity B(b) above<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except as indicated for activity B(b) above<br><br>4) Unbound | |
| d) Payment and money transmission services, including credit, charge and debit cards, | | 1) Unbound<br><br>2) None<br><br>3) These measures are also limitations on | 1) Unbound<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| travellers cheques and bankers drafts | | National Treatment<br><br>Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens and are required to be licensed by MAS.<br><br>Bankers' drafts can only be issued by banks.<br><br>Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS.<br><br>The limitations indicated in B(b)(3) above also apply to the activities listed in B (d).<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| e) Guarantees and commitments | | 1) None, except for limitations indicated in activity A(b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee<br><br>2) None<br><br>3) None, except for the limitations indicated in activity A(b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee, and B(b)(3)(ii) above<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| f) Trading for own account or for account of customers, whether on an exchange, in an over the counter market or otherwise, the following:<br><br>- money market instruments (including cheques, bills, certificates of deposits) | | 1) Unbound, except for trading in products listed in B(f) for own account. Trading in money market instruments, foreign exchange, as well as exchange rate and interest rate instruments can be conducted with financial institutions only. Measures taken are also measures on National Treatment. | 1) None | |
| - foreign exchange | | 2) None | 2) None | |
| - derivative products, including financial futures and options<br><br>- exchange rate and interest rate instruments, including swaps and forward rate agreements<br><br>- transferable securities | | 3) These measures are also measures on National Treatment. Banks and merchant banks are required to set up separate subsidiaries to trade financial futures for customers.<br><br>Financial futures brokers can establish as branches or subsidiaries.<br><br>The offer of derivative products by both local and | 3) None, except as indicated in activity B(b) above | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| - other negotiable instruments and financial assets, including bullion | | foreign-owned financial institutions is allowed provided:<br><br>- the product has been offered by the financial institution in other internationally-reputable financial centres and the supervisory authorities of these centres agree to the offer of such products in their markets;<br><br>- The financial institution's parent supervisor and its head office must be aware and have no objection to the offer of such products in the Singapore branch/ subsidiary, and<br><br>- MAS is satisfied that the financial institution has and continues to have the financial | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | strength and adequate internal controls and risk management systems to trade in these products.<br><br>The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B(b)(3) (iii).<br><br>Money changers, except where the money changing business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of services related to such issues | | 1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stock broking companies, banks or merchant banks in Singapore. Measures taken are also limitations on National Treatment.<br><br>2) None<br><br>3) Measures taken are also limitations on National Treatment<br><br>Singapore Exchange Securities Trading Ltd (SGX-ST) will admit new trading members. New members will be able to trade directly in S$ denominated securities of Singapore incorporated companies with resident investors for a minimum value of S$200,000.<br><br>Representative offices | 1) None<br><br>2) None<br><br>3) None, except as indicated for activity B(b) above | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interest in SGX-ST member companies.<br><br>Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries.<br><br>Unbound for new Primary and Registered dealers of Singapore Government Securities.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| h) Money broking | | 1) Unbound<br><br>2) None<br><br>3) Unbound for new money brokers. Measures taken are also limitations on National Treatment<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| i) Asset Management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services | | 1) Unbound<br><br>2) None<br><br>3) These measures are also limitations on National Treatment. Asset management companies, custodial depositories, and trust services companies can establish as branches or subsidiaries.<br><br>Only the Central Depositary Pte Ltd is authorised to provide securities custodial depository services under the scripless | 1) Unbound<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | trading system.<br><br>Unbound for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory saving scheme.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br><br><br><br><br><br><br>4) Unbound | |
| j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments | | 1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only<br><br>2) None<br><br>3) These measures are also limitations on National Treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository | 1) Unbound<br><br><br><br><br><br>2) None<br><br>3) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | (Pte) Limited and SGX-DT respectively.<br><br>Only one clearing house established under the Banking Act may provide clearing services for Singapore dollar cheques and interbank fund transfer.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy | | 1) Commercial presence is required for provision of investment and portfolio research and advice to the public<br><br>2) None<br><br>3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.<br><br>4) Unbound, except as indicated in the | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | horizontal section | | |
| 1) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services | | 1) Unbound, except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment.<br><br>The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper controls exist, the integrity and confidentiality of the data/ information are safeguarded, and MAS is allowed on-site access to the data / information at the place where the data / information is processed.<br><br>2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on | 1) None for the provision of financial information by providers such as Reuters and Bloomberg<br><br>2) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | national treatment.<br><br>3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>3) None<br><br>4) Unbound | |
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | | |
| B. Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193**) | | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Social Services<br><br>Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments. | | | | |
| Guidance and counselling services not elsewhere classified related to children (CPC 93322) | | 1) Unbound<br><br>2) None, except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore<br><br>3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore<br><br>3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded<br><br>4) Unbound | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | | |
| A. Hotels and Restaurants | | | | |
| Hotel lodging services (CPC 64110) | | 1) Unbound*<br><br>2) None<br><br>3) None | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound, except as indicated in the horizontal section | 4) Unbound | |
| Restaurant and catering services (CPC 64210 / 64230) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| Beverage serving services for consumption on the premises[6] (CPC 643**) | | 1) None<br>2) None<br>3) Unbound, except up to 70% equity participation permitted<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

6 Excluding food serving services in air and maritime transport services.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Travel Agencies and Tour Operators (CPC 7471) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| C. Tourist Guides Services (CPC 7472) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services) | | | | |
| A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619) | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Library services | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| 11. TRANSPORT SERVICES | | | | |
| A. Maritime Transport Services | | | | |
| a), b) International maritime passenger and freight transport (CPC 7211** and CPC 7212**) less cabotage | | 1) None<br>2) None<br>3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act<br>4) Unbound | When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii)of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions:<br>- pilotage;<br>- towing and tug assistance;<br>- provisioning fuelling and watering; |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | | - garbage collecting and ballast;<br><br>- waste disposal;<br><br>- port captain's services;<br><br>- navigation aids emergency;<br><br>- repair facilities;<br><br>- anchorage; and<br><br>- other shorebased operational services essential to ship operations, including communications, water and electrical suppliers. |
| H. Services Auxiliary to All Modes of Transport | | | | |
| c) Maritime auxiliary services:<br>Shipping agency services | | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Shipping brokerage services | | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| 12. OTHER SERVICES NOT INCLUDED ELSEWHERE | | | | |
| Washing, cleaning and dyeing services (CPC 9701) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| Hairdressing and other beauty services (CPC 97030**) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE REPUBLIC OF SINGAPORE

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards (CPC 97030**) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

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[7] 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 With Accommodation for the following types of clients (CPC 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).

7 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 education institution. Young offenders are detained in an 'approved school' for rehabilitation rather than for formal education.

Reference Paper

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

(a) control over essential facilities; or

(b) use of its position in the market.

1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

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

1.2. Safeguards

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

(a) engaging in anti-competitive cross-subsidization;

(b) using information obtained from competitors with anti-competitive results; and

(c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

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

2.2. Interconnection to be ensured

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

(a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

(b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3. Public availability of the procedures for interconnection negotiations

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

2.4. Transparency of interconnection arrangements

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

2.5. Interconnection: dispute settlement

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

(a) at any time or

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

3. Universal service

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

4. Public availability of licencing criteria

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

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

(b) the terms and conditions of individual licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

Schedule of the Kingdom of Thailand

Explanatory Notes

1. The classification of service sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) and CPC Version 1.1 of the United Nations Statistical Office unless otherwise indicated by the absence of a CPC number. The ordering reflects the services sectoral classification list as used in the GATT document MTN.GNS/W/120 dated 10 July 1991. The scheduling of specific commitments follows the guidelines stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164/Add.1 dated 30 November 1993.

2. The use of "**" against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code. The entry "Unbound*" means unbound due to lack of technical feasibility.

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | | |
| ALL SECTORS INCLUDED IN THE SCHEDULE | | 3) Only a limited liability company, or a type of legal entity as specified in this schedule, incorporated and registered in Thailand pursuant to Thai laws and regulations permitted<br><br>3.1. Foreign equity participation must not exceed 49 per cent or unless otherwise specified in the sector-specific commitments, of the registered capital; and the number of foreign shareholders must be less than half of the total number of shareholders.<br><br>3.2. Foreign equity participation must not exceed 70 per cent of the registered capital or unless otherwise specified in the | 3) Any type of legal entity which is owned or controlled by foreigner(s) must meet the requirements as stipulated by laws and regulations regarding foreign investment<br><br>For 3.1, legal entity incorporated pursuant to Thai laws and regulations with foreign equity participation not exceeding 49 per cent of the registered capital: None<br><br>For 3.2, a limited liability company or legal entity of another Party must apply for a certificate of business operation as stipulated by the | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | sector-specific commitments, owned, or controlled by foreigner(s) must meet the following conditions:<br><br>a. Shall operate through joint-venture with juridical person of Thai national;<br><br>b. 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.<br><br>c. a minimum capital requirement rate referred to applicable laws and regulations of | Section XI of the Foreign Business Act B.E. 2542 and the Ministerial Regulation Prescribing Rules and Procedures Pertaining to the Application for a Foreign Business certificate B.E. 2546.<br><br>Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, and nationality requirement.<br><br>Other than additionally indicated in the specific commitments, the criteria and requirements stipulated by the Article XIV and XIV bis of the GATS and Section V of the Foreign Business Act B.E. 2542 and as stipulated by any other law and regulation regarding foreign investment law shall be applied. | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | Thailand shall be applied to limited liability company or the legal entity of another party;<br><br>d. a board of director including administrative and executive position or alike in a limited liability company or the legal entity must be of Thai national and have a domicile in Thailand;<br><br>e. a person or representative of the limited liability company or the legal entity who apply for a license must be of Thai national; and<br><br>f. The number of foreign | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | shareholders must be less than half of the total number of shareholders of the company concerned.<br><br>4) Temporary movement of natural persons is unbound except in the following categories:<br><br>I. Short-term Business Visitor:<br><br>II. Intra-corporate transferee (ICT):<br><br>- Manager<br>- Executive<br>- Specialist<br><br>A natural person shall meet criteria[1] stipulated by Ministry of Labour and relevant authorities in obtaining a license or permission in any sector or subsector where it is required by specific laws or | 4) Unbound, except as provided in the Market Access column | |

1 The criteria may be included but not limited to: size of fully paid-up capital, employment creation, extent of foreign investment, export promotion, transfer of technology, and special of management.

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | regulations.<br><br>3), 4) 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.<br><br>A natural person or a juridical person who receives other special privileges or incentives from Thai authorities to supply services may not claim benefits under this agreement. | 3), 4) A natural person or juridical person of another Party are not allowed to purchase or own land in Thailand.<br><br>The Land Code of Thailand B.E. 2497 shall be applied to acquisition and usage of land of a natural person, a limited liability company, or a type of legal entity as specified in this schedule. | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | | |
| 1. BUSINESS SERVICES | | | | |
| A. Professional Services | | | | |
| a) Legal services (CPC 86111 + 86119 + 86120 + 86130 + 86190) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| b) Accounting, auditing and bookkeeping (CPC 86211 to 86213 + 86219 + 86220) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| d) Architectural services (CPC 86711 to 86714 + 86719) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| e) Engineering services (CPC 86721 to 86727 + 86729) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| g) Urban planning and landscape architectural services (CPC 86741 to 86742) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| k) Other professional services<br>Weather forecasting and meteorological services (CPC 1.1: 83550) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Computer and Related Services | | | | |
| a) Consultancy services related to the installation of computer hardware (CPC 84100) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Hardware consultancy services (CPC 1.1: 83141**) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| b) Software implementation services (CPC 842) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Software consultancy services<br>(CPC 1.1: 83142**) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| c) Data processing services (excluding those provided over public telecommunications network)<br>(CPC 84310 + 84320 + 84330 + 84390) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Data processing services (excluding those provided over public telecommunications network)<br>(CPC 1.1: 85960) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Data base services (excluding those provided over public telecommunications network) (CPC 84400) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| e) Other computer services:<br>Maintenance and repair services of office machinery and equipment including computers (CPC 84500) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| C. Research and Development Services | | | | |
| b) Research and experimental development services in linguistics and languages (CPC 1.1: 81240**) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) unbound<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Real Estate Services | | | | |
| Residential condominium management services on a fee or contract basis (CPC 1.1:72211**) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| E. Rental and Leasing Services without Operators | | | | |
| d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106 - 83109) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| F. Other Business Services | | | | |
| a) Advertising services (CPC 871) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| b) Market research and public opinion polling services (CPC 86401 to 86402) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| c) Management consulting services<br>General management consulting services (CPC 86501) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontals section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for legal and auditing consultants | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Human resources management consulting services (CPC 86504) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| e) Technical testing and analysis services<br><br>Composition and purity test and analysis services and technical testing and analysis services (CPC 86761 + 86769) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| f) Services incidental to agriculture (CPC 881)<br><br>Consultancy services on agricultural extension<br>- soil preparation<br>- seed production<br>- plant protection<br>- harvesting<br>- grading<br>- packing<br>- storaging | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Soil analysis laboratory | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Soil survey and land use planning | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Cover crop seed multiplication | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| f) Services incidental to forestry (CPC 881):<br><br>Forestry consultant services | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| g) Services incidental to fishing (CPC 882):<br><br>Intentional trading, exporting products services (broker) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Quality analysis services | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Canning process analysis services | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Technical services<br>- Consulting<br>- Research on marketing<br>- Quality control | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| h) Services incidental to mining at oil and gas fields | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| m) Related scientific and technical consulting services<br>Oil and gas exploration (CPC 8675**) | | 1) Unbound*<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Scientific consulting services form mathematicians and statisticians (CPC 1.1:83139**) | | 1) Unbound*<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| p) Photographic services:<br><br>Specialty photography services except aerial photography | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| q) Packaging services (CPC 87600) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| r) Publishing and printing services excluding publishing newspaper (CPC 88442) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| s) Convention services<br><br>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 | | 1) Unbound*<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 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) | | | | |
| t) Other<br><br>Translation and interpretation services (CPC version 1.1: 83910) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Duplicating services (CPC 87904) | | 1) Unbound*<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 2. COMMUNICATION SERVICES | | | | |
| c. Telecommunication services<br><br>Commitments undertaken in this offer are subject to the following general conditions:<br><br>- Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a license from the designated national authority (s)<br><br>- 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.<br><br>- The service provider shall operate for public use through existing facilities licensed by the designated national authority (s)<br><br>- 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.<br><br>- 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:<br><br>a) Fixed-line voice telephone services | | 1) None, other than<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>2) None, other than<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Telex services (CPC 7523**)<br><br>e) Telegraph services<br><br>f) Facsimile services (CPC 7521** + 7529**) | | 1) None, other than<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>2) None, other than<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>3) As indicated in 3.2 in the horizontal section<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| j) Data base access services (Part of CPC 7523) | | 1) Service providers must use networks operated by suppliers duly licensed<br><br>2) None<br><br>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital<br><br>(b) Must use networks operated by suppliers duly licensed<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

| | | | | |
|---|---|---|---|---|
| h) Electronic mail (CPC 7523**)<br><br>i) Voice mail (CPC 7523**) | | 1) None, other than<br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>2) None, other than<br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>3) As indicated in 3.2 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| j) On-line information and data base retrieval (CPC 7523**)<br><br>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<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>2) None, other than<br><br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br><br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br><br>3) (a) Shall be a Thai registered company with foreign equity | 1) None<br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | participation not exceeding 25 per cent of the registered capital<br><br>(b) Must use networks operated by suppliers duly licensed<br><br>4) As indicated in the horizontal section | <br><br><br><br><br><br>4) As indicated in the horizontal section | |
| o) Other:<br><br>Telecommunications terminal equipment leasing services (CPC 75410) | | 1) None, subject to commercial arrangement with licensed operators<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) (a) As indicated in the horizontal section<br><br>(b) Unbound for civil engineer | 1) None<br><br><br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Telecommunications equipment sales services (Part of CPC 75420) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Telecommunication consulting services (CPC 75440) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Dedicated network services<br>(CPC 75222) | | 1) None, other than<br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br>2) None, other than<br>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;<br>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.<br>3) (a) Shall be a Thai registered company with foreign equity | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | participation not exceeding 25 per cent of the registered capital<br><br>(b) Must use networks operated by suppliers duly licensed<br><br>4) As indicated in the horizontal section | <br><br><br><br><br><br>4) As indicated in the horizontal section | |
| Videotext<br><br>Teleconference<br><br>Domestic leased circuits | | 1) (a) Service providers must use networks operated by suppliers duly licensed<br><br>(b) Radio application service is subject to frequency availability<br><br>2) None<br><br>3) (a) Shall be a Thai Registered company with foreign equity participation not exceeding 40% of the registered capital and the number of foreign shareholders | 1) None<br><br><br><br><br><br>2) None<br><br>3) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | must not exceed 40% of the total number of shareholders of the company<br><br>(b) Must use public telecommunication network under national telecommunication authorities<br><br>(c) Selection of service providers shall be based on open tender<br><br>4) As indicated in the horizontal section | 4) As indicated in the horizontal section | |
| D. Audiovisual services | | | | |
| a) Film/video production and distribution services, excluding promotion or advertising services (CPC 96112** + 96113**) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Video tape production services for scientific education (CPC 1.1: 96121**) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| c) Radio and television services (CPC 9613)<br><br>Radio/television services only for production of radio/TV programmes (CPC 96131** + 96132**) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| e) Sound recording services<br><br>Production of sound recording only (excluding all broadcasting and AV services) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | | |
| A. Construction work for buildings (CPC 512) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| General construction services of mines and industrial plant (CPC 1.1: 54260) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| B. Construction works for civil engineering (CPC 513) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | (b) Unbound for civil engineer | | |
| General construction work of harbours, waterways, dams, irrigation and other water works (CPC 1.1: 54230) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| C. Installation work (CPC 514 + 516) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Assembly and erection of prefabricated constructions (CPC 1.1: 54400) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| D. Building completion and finishing work (CPC 517) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil engineer | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Glazing services (CPC 1.1: 54710) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Other:<br><br>Pre-erection work at construction sites (CPC 511)<br><br>Special trade construction work (CPC 515)<br><br>Renting services related to equipment for construction or demolition of building or civil engineering work, with operator (CPC 518) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) (a) As indicated in the horizontal section<br><br>(b) Unbound for civil engineer | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |
| 4. DISTRIBUTION SERVICES | | | | |
| A. Commission agents' services (CPC 62111 to 62118) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Wholesale trade services<br><br>Wholesale trade services of sport goods (CPC 62266) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| D. Franchising services<br><br>Other non-financial intangible assets (CPC 8929) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) Unbound | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| 5. EDUCATION SERVICES<br><br>Commitments undertaken in this offer are subject to the following general conditions:<br><br>- 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<br><br>- Services suppliers may be subject to notification or registration with the authority concerned. | | | | |
| A + B. International and national school education services (excluding adult and other | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) - The person or the representative of | GATS with some modification on M3 NT to reflect Education Act |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| education services) (CPC 9219**+ CPC 9221** +9222**) | | | the juridical person who apply for a license must be of Thai national<br><br>- The school director and deputy director must be Thai nationals<br><br>- The school manager/executive manager must be Thai nationals | |
| | | 4) Unbound | 4) Unbound | |
| B. Technical and vocational education services (CPC 9223 + 9224) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section | 1) None<br><br>2) None<br><br>3) - The person or the representative of the juridical person who apply for a license must be of Thai national<br><br>- The school director and deputy director must be Thai nationals | GATS with some modification on M3 NT to reflect current Education Act. |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | - The school manager/executive manager must be Thai nationals<br><br>4) Unbound | |
| | | 4) Unbound | | |
| C. Higher education services<br><br>Higher education services provided by universities (CPC 9239**) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>At least half of the Members of the University Council must have Thai nationality and that service suppliers in this sector must comply with the Private Higher Education Institution Act B.E. 2546 (2003).<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) At least half of the Members of the University Council must have Thai nationality and that service suppliers in this sector must comply with the Private Higher Education Institution Act<br><br>4) Unbound | GATS with some modification on M3 NT to reflect current Education Act. |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Professional and/or short courses education (CPC 92400) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) - The person or the representative of the juridical person who apply for a license must be of Thai national<br><br>- The school director and deputy director must be Thai nationals<br><br>- The school manager/executive manager must be Thai nationals<br><br>4) Unbound | GATS with some modification on M3 NT to reflect current Education Act. |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Other education services<br><br>Foreign language tuition services (CPC 92900**) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) - The person or the representative of the juridical person who apply for a license must be of Thai national<br><br>- The school director and deputy director must be Thai nationals<br><br>- The school manager/executive manager must be Thai nationals<br><br>4) Unbound | GATS with some modification on M3 NT to reflect current Education Act. |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 6. ENVIRONMENTAL SERVICES | | | | |
| A. Sewage services<br><br>Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401**)<br><br>Environmental protection and environmental abatement services (CPC 9401**)<br><br>Sewage services (including industrial waste water treatment system) (CPC 9401**) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | horizontal section | horizontal section | |
| C. Sanitation and similar services (CPC 9403) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Beach cleaning services and drain unblocking services (CPC 1.1: 94390**) | | 1) Unbound*<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | |
| D. Other<br><br>Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Noise abatement services<br>(CPC 9405) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Nature and landscape protection services<br>(CPC 9406) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Other environmental protection services<br>(CPC 9409) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 7. FINANCIAL SERVICES<br><br>- With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or subsector of banking and other financial services only to the extent that their respective governing legislation permit them to do so.<br><br>- All commitments in this sector are subject to horizontal commitments in Thailand's AJCEP schedule of specific commitments. | | | | |
| A. Insurance including reinsurance and retrocession<br><br>a) Life insurance services (CPC 81211) | | 1) None<br><br>2) None<br><br>3) (a) Foreign equity participation limited to 25 per cent of registered share capital<br><br>(b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet | 1) None<br><br>2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies<br><br>3) None, other than that indicated in the MA column | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner | 4) None | |
| b) Non-life insurance services (CPC 8129) | | 1) Unbound, except for international marine, aviation and transit and all classes of reinsurance<br><br>2) None<br><br>3) (a) Foreign equity Participation limited to 25 per cent of registered share capital<br><br>(b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet<br><br>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner | 1) Unbound<br><br>2) None<br><br>3) None, other than that indicated in the MA column<br><br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Services auxiliary to insurance (excluding pension funding services)<br><br>Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts) | | 1) Unbound<br><br>2) Unbound<br><br>3) Foreign equity participation not to exceed 25 per cent<br><br>4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner<br><br>(b) Unbound for individual broker and agent | 1) Unbound<br><br>2) Unbound<br><br>3) No limitation as long as foreign equity participation does not exceed 25 per cent<br><br>4) None | |
| Insurance consultancy services excluding pension consulting services (CPC 81402) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) Only senior managerial personnel, specialists and technical | 1) None<br><br>2) None<br><br>3) No limitation as long as foreign equity participation does not exceed 49 per cent<br><br>4) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | assistants with the approval of the Insurance Commissioner | | |
| Average and loss adjustment services (CPC 81403) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner | 1) None<br>2) None<br>3) No limitation as long as foreign equity participation does not exceed 49 per cent<br>4) None | |
| Actuarial services (CPC 81404) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner | 1) None<br>2) None<br>3) No limitation as long as foreign equity participation does not exceed 49 per cent<br>4) None | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Banking and other financial services (excluding insurance)<br><br>a) Acceptance of deposits and other repayable funds from the public<br><br>b) Lending of all types, including consumer credit, mortgage credit, factoring and financing commercial transactions<br><br>c) Financial leasing<br><br>d) Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts<br><br>e) Guarantees and commitments<br><br>f) Trading for own account, or for account of customers in the following:<br><br>- money market instruments | | 1) None for financial advisory and financial data processing. Unbound for all other services<br><br>2) None for financial advisory and financial data processing. Unbound for all other services<br><br>3) (a) Representative office of banks: None<br><br>(b) Foreign bank branches:<br><br>I. None for existing foreign bank branches under present shareholding structure. New establishment is subject to licence approved by the Minister of Finance with the consent of the Cabinet<br><br>II. ATM operations permitted under the following | 1) None<br><br>2) None<br><br>3) (a) Representative office of banks: None<br><br>(b) Foreign bank branches: None, except as indicated in the market access column | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| - foreign exchange<br><br>- exchange rate and interest rate instruments<br>- transferable securities<br><br>g) Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues<br><br>i) Assets management as follows:<br><br>- cash or portfolio management<br><br>- collective investment management<br><br>- custodian and depository services<br><br>k) Advisory, intermediation and | | conditions only:<br><br>(i) joining ATM pools operated by Thai banks; or<br><br>(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand<br><br>III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.<br><br>IV. None for participation in cheque clearing and settlement system. | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| other auxiliary financial services<br><br>l) Provision and transfer of financial information, and financial data processing and related software | | (c) Locally incorporated banks:<br><br>I. Market access limited to the acquisition of shares of existing banks.<br><br>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.<br><br>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may | (c) Locally incorporated banks:<br><br>None, except as indicated in market access column | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:<br><br>- the relaxation is deemed necessary to improve the condition or business of the commercial bank;<br><br>- such equity participation will be authorized | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | for a period of up to 10 years, with foreign shareholders who enter in this period being granfathered thereafter with respect to the absolute amount of their equity holding.<br><br>III. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | conditions as stated in II (ii) above.<br><br>(d) Securities companies: security brokerage, securities dealing, investment advisory services and securities underwriting:<br><br>I. None for representative offices<br><br>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.<br><br>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital<br><br>IV. At least one-half of the directors of a locally incorporated | (d) Securities companies: None, except as indicated in the market access column | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | securities firm must be Thai national.<br><br>(e) Assets management companies:<br><br>I. None for representative offices.<br><br>II. Market access limited to share acquisition of existing companies.<br><br>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per cent of paid-up registered capital and at least three-fourths of the directors must be Thai national.<br><br>IV. After five years, maximum foreign equity participation is limited to 49 per | (e) Assets management companies:<br><br>None, except as indicated in market access column | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | cent of paid-up registered capital and at least one-half of the directors must be Thai national.<br><br>(f) Financial leasing services:<br><br>Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital.<br><br>(g) Factoring services:<br><br>Can only be provided by factoring companies which are subject to | (f) Financial leasing services: None<br><br>(g) Factoring services: None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital.<br><br>(h) Credit, charge and debit cards:<br><br>Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital or locally incorporated banks and foreign bank branches.<br><br>The conduct of businesses under f), g) and h) will be subject to | (h) Credit, charge and debit cards: None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | licensing and regulations to be announced.<br><br>4) Limitations on the number of foreign personnel per foreign bank office:<br><br>(a) two persons for banks operating as representative office;<br><br>(b) six persons for each full-licensed branch;<br><br>For securities companies and asset and management companies:<br><br>two persons for a representative office. | 4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Services auxiliary to financial intermediation other than to insurance and pension funding services<br><br>Credit card services (CPC 81133)<br>(Mobilizing funds from the public is prohibited, unless licensed under a financial law) | | 1) None<br><br>2) None<br><br>3) (a) As indicated in B(3)(h)<br><br>(b) Financial institutions must obtain prior approval from the Bank of Thailand<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) No limitations as long as foreign equity participation does not exceed 49 per cent<br><br>4) As indicated in the horizontal section | |
| Financial consultancy services<br>(CPC 81332) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) No limitations as long as foreign equity participation does not exceed 49 per cent<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | | |
| A. Hotel lodging services (CPC 64110) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Meal serving services with full restaurant services (CPC 64210) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Catering services (CPC 64230) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Beverage serving services without entertainment (CPC 64310) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| B. Travel agencies and tour operator services (CPC 74710) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>Not less than half of the board of directors of the company must be Thai nationals<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Outbound travel information services (excluding accommodation and travel reservation services) (CPC 1.1: 67813**) | | 1) Unbound<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Other<br><br>Hotel management services<br>(CPC 1.1: 61130*) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.2 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | | |
| A. Amusement parks<br>(CPC 1.1: 96910**) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.2 in the horizontal section<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |
| C. Private library services<br>(CPC 96311**) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.2 in the horizontal section<br><br>4) Unbound | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Sporting and other recreational services (CPC 964)<br><br>Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Recreation park and beach services (CPC 96491) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 11. TRANSPORT SERVICES | | | | |
| A. Maritime Transport Services | | | | |
| a) Passenger transportation (CPC 7211 excluding cabotage transport: as defined below - 3.1) | | 1) None<br>2) None<br>3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand<br>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in 3.1 in the horizontal section<br>4) (a) Ships' crew: Unbound<br>(b) Other personnel: As indicated in | 1) None<br>2) None<br>3) (a) Unbound<br>(b) None<br>4) (a) Unbound<br>(b) Unbound, except as provided in the | The following services at the port provided by the government or government enterprise are made available, to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:<br>1. Pilotage[2]<br>2. Towing and tug assistance<br>3. Provisioning, fuelling and watering<br>4. Garbage collecting and ballast waste disposal<br>5. Port captain's service<br>6. Navigation aids<br>7. Shore-based operational services essential to ship operations, water and |

2 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.

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | the horizontal section | horizontal section | electrical supplies<br><br>8. Emergency repair facilities<br><br>9. Anchorage, berth and berthing services<br><br>10. Inland transports services (internal waterways transport services, rail transport services and road transport services) |
| b) Freight transportation (CPC 7212 excluding cabotage transport: as defined below - 3.1) | | 1) None<br><br>2) None<br><br>3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand<br><br>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - | 1) None<br><br>2) None<br><br>3) (a) Unbound<br><br>(b) None, other than:<br><br>(i) Shareholders of Thai maritime transport companies with ownership of Thai flag | 1) See Note to the Schedule below<br><br>3) (b) See Note to the Schedule below |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3.2) except branch office: As indicated in 3.1 in the horizontal section | vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies<br><br>(ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax | |
| | | 4) (a) Ships' crew: Unbound | 4) (a) Unbound | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | (b) Other personnel: As indicated in the horizontal section | (b) Unbound, except as provided in the horizontal section | |
| Transoceanic water transport services of refrigerated freight by refrigerator vessels (CPC 1.1: 65121**) | | 1) None<br>2) None<br>3) As indicated in 3.2 in the horizontal section<br>4) Unbound | 1) None<br>2) None<br>3) None<br>4) Unbound | |
| e) International towing (CPC 7214) | | 1) None<br>2) None<br>3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand<br>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – | 1) None<br>2) None<br>3) (a) Unbound<br>(b) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3.2) except branch office: As indicated in 3.1 in the horizontal section<br><br>4) (a) Ships' crew: Unbound<br><br>(b) Other personnel: As indicated in the horizontal section | 4) (a) Unbound<br><br>(b) As indicated in the horizontal section | |
| f) Supporting services for maritime transport (CPC 745)<br><br>Shore reception facilities (collection of water/oily water from ships) | | 1) None<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Port captain's services attached to specific foreign vessels | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels | | 1) None, other than those under regulations stipulated by the Marine Department<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| Freight forwarding services (as defined below – 3.4) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Air Transport Services | | | | |
| d) Aircraft repair and maintenance services (CPC 8868) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| e) Supporting services for air transport<br><br>Selling and marketing of air transport services (CPC 746**) | | 1) None<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) Unbound<br>3) None<br>4) Unbound | |
| E. Rail Transport Services | | | | |
| d) Maintenance and repair of rail transport equipment (CPC 8868) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) (a) As indicated in the horizontal section<br>(b) Unbound for civil | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | engineer | | |
| e) Supporting services for rail transport services<br><br>Passenger and freight car cleaning services under the contract of railway authority | | 1) Unbound*<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) As indicated in horizontal section | |
| Security services at railway station | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| F. Road Transport Services | | | | |
| Other non-scheduled passenger transportation<br><br>b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality.<br><br>4) As indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |
| c) Rental services of passenger cars with operator (CPC 71222) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality. | 1) Unbound<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) As indicated in the horizontal section | 4) As indicated in the horizontal section | |
| c) Rental services of buses and coaches with operator (CPC 71223) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>Not less than half of the board of directors of the company must have Thai nationality.<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |
| H. Services Auxiliary to All Modes of Transport | | | | |
| a) Maritime cargo handling services (as defined below – 3.4) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>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 | 1) Unbound<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | Authority of Thailand Act B.E. 2494.<br><br>4) As indicated in the horizontal section | <br><br>4) As indicated in the horizontal section | |
| b) Storage and warehousing services (CPC 742) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |
| c) Maritime freight forwarding services (as defined below - 3.6) | | 1) Unbound<br><br>2) None<br><br>3) As indicated in 3.1 in the horizontal section<br><br>4) As indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) As indicated in the horizontal section | |

SCHEDULE OF THE KINGDOM OF THAILAND

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Maritime agency services (as defined below – 3.7) | | 1) Unbound<br>2) None<br>3) As indicated in 3.1 in the horizontal section<br>4) As indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) As indicated in the horizontal section | |

Note to the Schedule

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this Schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to and use of these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

2. "Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

3. Definitions:

   3.1 "cabotage": for the purpose of this Schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

   3.2 "Other forms of commercial presence for the supply of international maritime transport services": for the purpose of this Schedule, means the ability for international maritime transport service suppliers of other Parties 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; or

      (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 "Maritime cargo handling services" means activities exercise 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:

(a) the loading/discharging of cargo to/from a ship;

(b) the lashing/ unlashing of cargo;

(c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

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 complement of it main activity. (Missing part from AANZFTA, ASEAN China, ASEAN HK)

3.6 “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.

3.7 “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.

SCHEDULE OF THE SOCIALIST REPUBLIC OF VIET NAM

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| I.HORIZONTAL COMMITMENTS | | | |
| All Sectors Included In This Schedule | 3) None, except:<br><br>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.<br><br>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].<br><br>Unless otherwise | 3) None, except:<br><br>Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities. | |

1 Business co-operation contract is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Viet Nam without creating a legal entity.

2 Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.<br><br>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Protocol.<br><br>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 | | |

SCHEDULE OF THE SOCIALIST REPUBLIC OF VIET NAM

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.<br><br>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise’s chartered capital unless otherwise provided by Viet Nam’s laws or authorized by Viet Nam’s competent authority.<br><br>For the other sectors and sub-sectors committed in this | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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.<br><br>4) Unbound, except as provided for in Viet Nam's Specific Commitments for the Movement of Natural Persons under Annex 9 | 4) Unbound, except as indicated in market access column | |

SCHEDULE OF THE SOCIALIST REPUBLIC OF VIET NAM

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| a) Legal services (CPC 861, excluding:<br><br>- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;<br><br>- legal documentation and certification services of the laws of Viet Nam) | 1) None<br><br>2) None<br><br>3) Foreign lawyers organizations[3] are permitted to establish commercial presence in Viet Nam in the following forms:<br><br>- Branches of foreign lawyers organizations;<br><br>- Subsidiaries of foreign lawyers organizations;<br><br>- Foreign law firms[4];<br><br>- Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. | 1) None<br><br>2) None<br><br>3) None | |

3 A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

4 Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.<br><br>Commercial presences of foreign lawyers organizations are allowed to employ Vietnamese lawyers who meet practicing requirements in accordance with provisions of Vietnamese laws.<br><br>Foreign lawyers who have lawyer practicing licence in Viet Nam, issued by Vietnamese competent authority, are allowed to practice in Vietnamese law firms to make consultations on foreign law and international law.<br><br>4) Unbound, except as | 4) Unbound, except as | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | indicated in the horizontal section | indicated in the horizontal section | |
| b) Accounting and auditing and bookkeeping services (CPC 862) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| c) Taxation services (CPC 863) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| d) Architectural services (CPC 8671) | 1) None<br>2) None<br>3) None, except:<br>Foreign enterprises have to be juridical persons of another Party. | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| e) Engineering services (CPC 8672)<br><br>f) Integrated engineering services (CPC 8673) | 1) None<br><br>2) None<br><br>3) None, except:<br><br>Foreign enterprises have to be juridical persons of another Party.<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None, except:<br><br>The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam[5].<br><br>4) Unbound, except as indicated in the horizontal section | |

5 For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| g) Urban planning and urban landscape architectural services (CPC 8674) | 1) None | 1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam | |
| | 2) None | 2) None | |
| | 3) None, except:<br><br>Foreign enterprises have to be juridical persons of another Party. | 3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized by the Government of Viet Nam.<br><br>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 | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | this service[6]. | |
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| h) Medical and dental services (CPC 9312) | 1) None<br>2) None<br>3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract<br><br>The minimum investment capital for a commercial presence in hospital services must be at least US$20 million for a hospital, US$2 million for a policlinic unit and US$200,000 for a specialty unit. | 1) None<br>2) None<br>3) None | |

6 For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| i) Veterinary services (CPC 932)[7] | 1) None<br>2) None<br>3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| B. Computer and Related Services (CPC 841-845, CPC 849) | 1) None<br>2) None<br>3) None<br>Branching is allowed.<br>4) Unbound, except as indicated in the | 1) None<br>2) None<br>3) None, except that the chief of the branch has to be a resident in Viet Nam<br>4) Unbound, except as indicated in the | |

7 Excluding keeping micro-organism strain for veterinary.

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | horizontal section | horizontal section | |
| C. Research and Development Services | | | |
| a) R&D services on natural sciences (CPC 851) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| E. Rental/Leasing Services without Operators | | | |
| b) Relating to aircraft (CPC 83104) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| d) Related to other machinery and equipment (CPC 83109) | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| F. Other Business Services | | | |
| a) Advertising services (CPC 871, excluding advertising for cigarettes) | 1) None<br>2) None<br>3) None, except:<br>Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>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. |
| b) Market research services (CPC 864, excluding 86402) | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| c) Management consultant services<br>(CPC 865) | 1) None<br>2) None<br>3) None<br>Branching is allowed.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except that the chief of the branch has to be a resident in Viet Nam<br>4) Unbound, except as indicated in the horizontal section | |
| d) Services related to management consulting<br>- CPC 866, except CPC 86602<br>- Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**) | 1) None<br>2) None<br>3) None<br>Branching is allowed.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except that the chief of the branch has to be a resident in Viet Nam<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles) | 1) Unbound<br><br>2) None<br><br>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.<br><br>Access to certain geographic areas may be restricted for national security reasons.<br><br>4) Unbound, except as indicated in the | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | horizontal section | horizontal section | |
| f) Services incidental to agriculture, hunting and forestry (CPC 881)[8] | 1) None<br>2) None<br>3) None, except:<br>Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except:<br>Access to certain geographical areas may be restricted[9].<br>4) Unbound, except as indicated in the horizontal section | |

8 Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

9 For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| h) Services incidental to mining (CPC 883)<br><br>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.<br><br>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS. | | | |
| | 1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.<br><br>2) None<br><br>3) None, except:<br><br>Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted. | 1) None, except as indicated in market access column<br><br>2) None<br><br>3) None, except as indicated in the market access column | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| i) Services incidental to manufacturing (CPC 884 and 885) | 1) None<br>2) None<br>3) None, except:<br>Only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. 100% foreign-invested enterprises shall be permitted.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) Unbound<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| m) Related scientific and technical consulting services[10] (CPC 86751, 86752 and 86753 only) | 1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) None, except as indicated in the market access column<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633) | 1) None<br>2) None<br>3) None, except:<br>Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be | 1) None<br>2) None<br>3) None, except as indicated in the market access column | |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | permitted.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>4) Unbound, except as indicated in the horizontal section | |
| 2. COMMUNICATION SERVICES | | | |
| B. Courier Services (CPC 7512**)<br><br>*Express delivery services[11], i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:<br><br>(a) Written communication[12], on any kind of physical medium, including:<br><br>- Hybrid mail services;<br><br>- Direct mail<br><br>Except for the handling | 1) None[13]<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities. |

11 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.

12 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.

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| of items of written communication the price of which is less than:<br><br>- 10 times the tariff for the handling of standard domestic letter in the first weight level for domestic shipments;<br><br>- US$ 9 for international shipments;<br><br>provided that the gross weight of these items is less than 2,000 grams<br><br>(b) Parcels[14] and other goods<br><br>*Handling of non-addressed items | | | |
| C. Telecommunication Services<br><br>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). | | | |

14 Books, catalogues are included hereunder.

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Basic telecommunication services<br><br>a) Voice telephone services (CPC 7521)<br><br>b) Packet-switched data transmission services (CPC 7523**)<br><br>c) Circuit-switched data transmission services (CPC 7523**)<br><br>d) Telex services (CPC 7523**)<br><br>e) Telegraph services (CPC 7523**)<br><br>f) Facsimile services (CPC 7521** + 7529**)<br><br>g) Private leased circuit services (CPC 7522** + 7523**)<br><br>o*) Other services<br><br>- Videoconference services (CPC 75292)<br><br>- Video transmission services, excluding | 1) None, except:<br><br>*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.<br><br>*Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:<br><br>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international | 1) None | 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 and international VPN and IXP service suppliers licensed in Viet Nam. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| broadcasting[15]<br><br>- Radio based services includes:<br><br>+ Mobile telephone (terrestrial and satellite)<br><br>+ Mobile data (terrestrial and satellite)<br><br>+ Paging<br><br>+ PCS<br><br>+ Trunking<br><br>- Internet Exchange Services (IXP)[16] | organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;<br><br>- Multinational companies[17], which are licensed to use satellite-earth stations.<br><br>2) None<br><br>3) None, except:<br><br>*Non facilities-based services:* Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the | 2) None<br><br>3) None | |

15 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.

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

17 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.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | joint ventures.<br><br>*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.<br><br>51% gives management control of the joint venture.<br><br>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.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Basic telecommunication services<br><br>o*) Other services<br><br>- Virtual Private Network (VPN)[18] | 1) None, except:<br><br>*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.<br><br>*Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: | 1) None | 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 and international VPN and IXP service suppliers licensed in Viet Nam. |

18 Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;<br><br>- Multinational companies[17], which are licensed to use satellite-earth stations.<br><br>2) None<br><br>3) None, except:<br><br>*Non facilities-based services:* Joint ventures shall be | 2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.<br><br>*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.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| Value-added services<br><br>h) Electronic mail (CPC 7523**)<br><br>i) Voice mail (CPC 7523**)<br><br>j) On-line information and database retrieval (CPC 7523**) | 1) None, except:<br><br>*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 | 1) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| k) Electronic data interchange (EDI) (CPC 7523**)<br><br>l) Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)<br><br>m) Code and protocol conversion<br><br>n) On-line information and data processing (incl. transaction processing) (CPC 843**) | services.<br><br>*Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:<br><br>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;<br><br>- Multinational companies[17], which | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | are licensed to use satellite-earth stations.<br><br>2) None<br><br>3) None, except:<br><br>*Non facilities-based services*: Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.<br><br>*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.<br><br>Fifty-one % gives management control of the joint venture. | 2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| Value-added services<br><br>o) Other<br><br>- Internet Access Services IAS[19] | 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.<br><br>*Satellite-based services:* Subject to commercial arrangements with Vietnamese | 1) None | |

19 Services providing internet access to the end users.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:<br><br>- Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;<br>- Multinational companies[17], which are licensed to use satellite-earth stations.<br><br>2) None<br><br>3) *Non facilities-based* | 2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | *services:* 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.<br><br>*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.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Audiovisual services<br><br>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<br><br>2) Unbound<br><br>3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) Unbound<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| - Motion picture distribution (CPC 96113, excl. video tape) | 1) Unbound<br><br>2) None<br><br>3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to | 1) Unbound<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| b) Motion picture projection service (CPC 96121) | 1) Unbound<br><br>2) None<br><br>3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.<br><br>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 | 1) Unbound<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | service suppliers.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>4) Unbound, except as indicated in the horizontal section | |
| e) Sound recording | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) Unbound<br><br>4) Unbound, except as indicated in the horizontal section | |
| 3. CONSTRUCTION AND RELATED ENGINERING SERVICES | | | |
| A. General Construction Work for Building (CPC 512)<br><br>B. General Construction Work for Civil Engineering (CPC 513)<br><br>C. Installation and Assembly Work (CPC 514, 516)<br><br>D. Building Completion and Finishing Work | 1) Unbound*<br><br>2) None<br><br>3) None, except:<br><br>Foreign enterprises have to be juridical persons of another Party.<br><br>Branching is allowed.<br><br>4) Unbound, except as indicated in the | 1) Unbound*<br><br>2) None<br><br>3) None, except that the chief of the branch has to be resident in Viet Nam.<br><br>Branching is allowed.<br><br>4) Unbound, except as indicated in the | |

* Due to lack of technical feasibility.

* Due to lack of technical feasibility.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| (CPC 517)<br><br>E. Other<br>(CPC 511, 515, 518) | horizontal section | horizontal section | |
| 4. DISTRIBUTION SERVICES | | | |
| Measures applicable to all sub-sectors in Distribution Services:<br><br>Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs[20], explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments. | | | |
| A. Commission Agents' Services<br>(CPC 621, 61111, 6113, 6121)<br><br>B. Wholesale Trade Services<br>(CPC 622, 61111, 6113, 6121)<br><br>C. Retailing Services<br>(CPC 631 + 632, 61112, 6113, 6121)[21] | 1) Unbound, except none for:<br><br>- Distribution of products for personal use;<br><br>- Distribution of legitimate computer software for personal and commercial use.<br><br>2) None<br><br>3) None, except: | 1) Unbound, except as indicated in Mode 1, market access column<br><br>2) None<br><br>3) None | |

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

21 For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 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.<br><br>The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)[22]<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

22 Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Franchising Services (CPC 8929) | 1) None<br>2) None<br>3) None<br>Branching is allowed.<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None, except that the chief of the branch has to be a resident in Viet Nam<br>4) Unbound, except as indicated in the horizontal section | |
| 5. EDUCATIONAL SERVICES<br><br>Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.<br><br>With regard to point (B1), (B2), (C), (D), (E) below, the following additional fields of study are allowed: agriculture, architecture, building, business administration, management, computer science, construction, information systems, dental services, economics, education, engineering, environmental, surveying, health, community services, land and marine resources, animal husbandry, language studies, law, legal studies, life sciences, manufacturing, mathematics, medical science, medicine, multi-field education, nursing, pharmacy, physical sciences, science, services, culinary and hospitality, transport, veterinary science, visual and performing arts.<br><br>With regard to points (B), (B1), (B2), (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), excluding B1, B2 | 1) Unbound<br>2) None<br>3) Unbound | 1) Unbound<br>2) None<br>3) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| B1. Higher secondary education services (CPC 9222) only for students who have completed 9 years of general education as specified by Vietnamese relevant laws and regulations | 1) Unbound<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br>2) None<br>3) Unbound, except foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and have their qualifications recognized by the competent authority<br>4) Unbound, except as indicated in the horizontal section | |
| B2. Technical and vocational secondary education services (CPC 9223), only for students who have completed 9 years of general education as specified by Vietnamese relevant laws and regulations | 1) Unbound<br>2) None<br>3) None | 1) Unbound<br>2) None<br>3) Unbound, except foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and have their | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | qualifications recognized by the competent authority<br><br>4) Unbound, except as indicated in the horizontal section | |
| | 4) Unbound, except as indicated in the horizontal section | | |
| C. Higher Education Services (CPC 923) | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) Foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and their qualifications shall be recognized by the competent authority<br><br>4) Unbound, except as indicated in the horizontal section | After the entry into force of Chapter on Trade in Services, if Viet Nam and all other ASEAN Member States enter into any agreement on trade in services between ASEAN, as a region, and a non-Party and in such future agreement on trade in services Viet Nam accords treatment in mode 1 in higher education services (CPC 923) to that non-Party which go beyond the level of treatment she has made under AJCEP, Viet Nam shall extend to the services or service suppliers of Japan treatment no less favourable than that Viet Nam accords to like services or service-suppliers of that non-Party. |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| D. Adult Education Services (CPC 924) | 1) Unbound<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br>2) None<br>3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority<br>4) Unbound, except as indicated in the horizontal section | |
| E. Other Education Services (CPC 929 including foreign language training) | 1) Unbound<br>2) None<br>3) None<br>4) Unbound, except as | 1) Unbound<br>2) None<br>3) Foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and their qualifications shall be recognized by the competent authority<br>4) Unbound, except as | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | indicated in the horizontal section | indicated in the horizontal section | |
| 6. ENVIRONMENTAL SERVICES<br><br>Access to certain geographic areas may be restricted for national security reasons[23]. | | | |
| A. Sewage Services (CPC 9401) | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None, except:<br><br>Confirming that services supplied in the exercise of governmental authority as defined in Article 50.1(a) may be subject to public monopolies or exclusive rights granted to private operators.<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None<br><br>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). |

23 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.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Refuse Disposal Services (CPC 9402)[24] | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None, except:<br><br>Confirming that services supplied in the exercise of governmental authority as defined in Article 50.1(a) may be subject to public monopolies or exclusive rights granted to private operators.<br><br>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.<br><br>4) Unbound, except as | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as | Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO). |

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

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | indicated in the horizontal section | indicated in the horizontal section | |
| D. Other Services<br><br>- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050) | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None, except:<br><br>Confirming that services supplied in the exercise of governmental authority as defined in Article [50.1](a) may be subject to public monopolies or exclusive rights granted to private operators.<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound, except related consulting services<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| - Environmental impact assessment services (CPC 94090*) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

SCHEDULE OF THE SOCIALIST REPUBLIC OF VIET NAM

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| 7. FINANCIAL SERVICES | | | |
| A. Insurance and Insurance-Related Services<br><br>a) Direct insurance<br><br>(a) Life insurance, excl. health insurance services<br><br>(b) Non-life insurance services<br><br>b) Reinsurance and retrocession<br><br>c) Insurance intermediation (such as brokerage and agency)<br><br>d) Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement) | 1) None, for:<br><br>- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;<br><br>- Reinsurance services;<br><br>- Insurance services in international transportation, including insurance of risks relating to:<br><br>+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the | 1) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | goods and any liability arising there-from; and<br><br>+ goods in international transit;<br><br>- Insurance broking and reinsurance broking services;<br><br>- Consultancy, actuarial, risk assessment and claim settlement services.<br><br>2) None<br><br>3) None<br><br>Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.<br><br>4) Unbound, except as indicated in the horizontal section | 2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| B. Banking and Other Financial Services<br><br>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services of the GATS.<br><br>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements. | | | |
| a) Acceptance of deposits and other repayable funds from the public<br><br>b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction<br><br>c) Financial leasing<br><br>d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts<br><br>e) Guarantees and commitments<br><br>f) Trading for own account or for account of customers, whether on an exchange, in an | 1) Unbound, except B(k) and B(l)<br><br>2) None<br><br>3) None, except:<br><br>(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:<br><br>(i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital | 1) Unbound, except B(k) and B(l)<br><br>2) None<br><br>3) None, except:<br><br>(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:<br><br>- The parent bank has total assets of more than US$20 billion at the end of the year prior to application. | |

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| over-the-counter market or otherwise, the following:<br><br>- Money market instrument (including cheques, bills, certificates of deposits);<br><br>- Foreign exchange;<br><br>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;<br><br>- Bullion<br><br>h) Money broking<br><br>i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services<br><br>j) Settlement and clearing services for financial assets, including securities, derivative | contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company, and 100% foreign-owned banks.<br><br>(ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company. | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| products, and other negotiable instruments<br><br>k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services<br><br>l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy | (iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.<br><br>(b) Equity participation:<br><br>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.<br><br>(ii) For capital contribution in the form of | (b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:<br><br>- The parent bank has total assets of more than US$10 billion at the end of the year prior to application. | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority.<br><br>(c) A branch of foreign commercial bank:<br><br>- is not allowed to open other transaction points outside its branch office. | (c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company:<br><br>- The foreign credit institution has total assets of | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | | more than US$10 billion at the end of the year prior to application. | |
| | (d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| C. Securities<br><br>f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:<br><br>- Derivative products incl. futures and options;<br><br>- Transferrable securities;<br><br>- Other negotiable instruments and | 1) Unbound, except services C(k) and C(l)<br><br>2) None<br><br>3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%<br><br>Securities service suppliers with 100% foreign-invested | 1) Unbound<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| financial assets, excluding bullion<br><br>g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues<br><br>i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services<br><br>j) Settlement and clearing services for securities, derivative products, and other securities-related instruments<br><br>k) Provision and transfer of financial information, and related software by suppliers of securities services<br><br>l) Advisory, | capital shall be permitted.<br><br>For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector) | | | |
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| A. Hospital Services (CPC 9311) | 1) None<br><br>2) None<br><br>3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract<br><br>The minimum investment capital for a commercial presence in hospital services must be at least US$20 | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | million for a hospital, US$2 million for a policlinic unit and US$200,000 for a specialty unit.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br><br><br>4) Unbound, except as indicated in the horizontal section | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotel and restaurant including<br><br>- Lodging services (CPC 64110)<br>- Catering food (CPC 642) and drink services (CPC 643) | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| B. Travel Agencies and Tour Operator Services (CPC 7471) | 1) None<br><br>2) None<br><br>3) None, except that:<br><br>Foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital | 1) None<br><br>2) None<br><br>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 | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | contribution.<br><br>4) Unbound, except as indicated in the horizontal section | integral part of inbound services.<br><br>4) Unbound, except as indicated in the horizontal section | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619) | 1) Unbound<br>2) None<br>3) Unbound, except joint ventures with foreign capital contribution not exceeding 49% are permitted<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| D. Other<br>- Electronic game business (CPC 964**) | 1) Unbound<br>2) None<br>3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution | 1) Unbound<br>2) None<br>3) None | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | shall not exceed 49% of the legal capital of the joint ventures.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>4) Unbound, except as indicated in the horizontal section | |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | | | |
| a) Passenger transportation less cabotage (CPC 7211)<br><br>b) Freight transportation less cabotage (CPC 7212) | 1) Unbound, except international freight transportation: None<br><br>2) None<br><br>3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:<br><br>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 | 1) Unbound, except international freight transportation: None<br><br>2) None<br><br>3) None | The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:<br><br>1. Pilotage;<br><br>2. Towing and tug assistance;<br><br>3. Provisioning, fuelling and watering;<br><br>4. Garbage collecting and ballast waste disposal;<br><br>5. Port Captain's/Harbour Master's services;<br><br>6. Navigation aids;<br><br>7. Shore-based operational services essential to |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | in 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.<br><br>(b) Other forms of commercial presence for the supply of international maritime transport services[25]: Foreign shipping companies can establish 100% foreign-invested enterprises. | | ship operations, including communication, water and electrical supplies;<br><br>8. Emergency repair facilities;<br><br>9. Anchorage, berth and berthing services;<br><br>10. Access to maritime agency services.[26] |



25 "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.

26 With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:<br><br>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;<br><br>2. Acting on behalf of the cargo owners;<br><br>3. Provision of required business information;<br><br>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and<br><br>5. Provision of maritime transport services including cabotage services | | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | by Vietnamese flagged vessels for the supply of integrated transport services.<br><br>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;<br><br>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| Maritime Auxiliary Services<br><br>- Container handling services (CPC 7411)[27] | 1) Unbound<br><br>2) None<br><br>3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| - Customs Clearance Services[28] | 1) Unbound*<br><br>2) None<br><br>3) None, except that joint ventures can be established with no foreign ownership limitation<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>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.

28 "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

* Due to lack of technical feasibility.

* Due to lack of technical feasibility.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| - Container Station and Depot services[29] | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| B. Internal Waterways Transport | | | |
| a) Passenger transport (CPC 7221)<br>b) Freight transport (CPC 7222) | 1) Unbound<br>2) None<br>3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital<br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

29 "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

* Due to lack of technical feasibility.

* Due to lack of technical feasibility.

SCHEDULE OF THE SOCIALIST REPUBLIC OF VIET NAM

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| C. Air Transport Services | | | |
| d) Maintenance and repair of aircraft (CPC 8868**) | 1) None<br>2) None<br>3) 100% foreign-invested enterprises shall be allowed<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| e) Sales and marketing air products services | 1) None<br>2) None<br>3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| e) Computer reservation services | 1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority<br>2) None, except as indicated in Mode 1<br>3) None, except as indicated in Mode 1<br>4) Unbound, except as indicated in the horizontal section | 1) None<br>2) None<br>3) None<br>4) Unbound, except as indicated in the horizontal section | |
| E. Rail Transport Services | | | |
| a) Passenger transportation (CPC 7111)<br>b) Freight transportation (CPC 7112) | 1) Unbound<br>2) None<br>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 | 1) Unbound<br>2) None<br>3) Unbound | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | side not exceeding 49% of the total legal capital.<br><br>4) Unbound, except as indicated in the horizontal section | <br><br>4) Unbound, except as indicated in the horizontal section | |
| F. Road Transport Services | | | |
| a) Passenger transportation (CPC 7121 + 7122)<br><br>b) Freight transportation (CPC 7123) | 1) Unbound<br><br>2) None<br><br>3) None, except:<br><br>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%.<br><br>Subject to the needs of the market[30], joint-ventures with foreign capital contribution not exceeding 51% may | 1) Unbound<br><br>2) None<br><br>3) None | |

30 The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | be established to provide freight transport services.<br><br>One hundred % of joint-venture's drivers shall be Vietnamese citizen.<br><br>4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| H. Services Auxiliary to All Modes of Transport | | | |
| a) Container handling services, except services provided at airports (part of CPC 7411) | 1) Unbound<br><br>2) None<br><br>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%<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| b) Storage and warehouse services (CPC 742)<br><br>c) Freight transport agency services (CPC 748)[31] | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |
| d) Other (part of CPC 749)[32] | 1) Unbound, except freight brokerage services: None<br><br>2) None<br><br>3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners<br><br>4) Unbound, except as indicated in the horizontal section | 1) Unbound, except freight brokerage services: None<br><br>2) None<br><br>3) None<br><br>4) Unbound, except as indicated in the horizontal section | |



31 Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

* Due to lack of technical feasibility.

32 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.

Schedule of Japan

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991) and 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) (hereinafter referred to in this Annex as "CPC"). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated March 28, 2001). The Guidelines shall not, however, be construed as being legally binding.

3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (v)(i), (v)(ii), (v)(iii) and (v)(iv) of Article 50.1.

4. The entry "Unbound*" means unbound due to lack of technical feasibility. The entry of "SS" in sectors or sub-sectors under paragraph 2 of Article 50.20 shall not prevent Japan from adopting or maintaining any measure with respect to the modes where "Unbound*" is entered.

5. Measures affecting (a) passenger transport services by air; (b) freight transport services by air; and (c) rental/leasing services of aircraft with crew/operator are not listed in this Schedule, as these are measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights to which Chapter 6 does not apply. The commitment for freight transport agency services does not include freight forwarding services by air transport services.

6. The use of "**" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| SECTOR SPECIFIC COMMITMENTS | | | | |
| 1. BUSINESS SERVICES | | | | |
| A. Professional Services | | | | |
| a) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law (CPC 861) | SS | 1) None, except that: services must be supplied by a natural person or by a Legal Profession Corporation[1]; and commercial presence is required | 1) None | |
| | | 2) None, except that: services must be supplied by a natural person or by a Legal Profession Corporation; and commercial presence is required | 2) None | |
| | | 3) None, except that services must be supplied by a natural person or by a Legal Profession Corporation | 3) None | |
| | | 4) None, except that commercial presence is required | 4) None | |

1 A Legal Profession Corporation under Japanese law is composed of one or more partners who are lawyers qualified as "Bengoshi" under Japanese law and who have the right and obligation to execute activities of the Legal Profession Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (CPC 861**)<br><br>(a) Legal advisory services on law does not include:<br><br>(i) legal representational services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;<br><br>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service | SS | 1) None, except that: services must be supplied by a natural person; and commercial presence is required<br><br>2) None<br><br>3) None, except that services must be supplied by a natural person<br><br>4) None, except that commercial presence is required | 1) None, except that a service supplier is required to stay in Japan not less than 180 days in a year<br><br>2) None<br><br>3) None<br><br>4) None, except that a service supplier is required to stay in Japan not less than 180 days in a year | 3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.<br><br>Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning the law of that country). |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| supplier is qualified as a lawyer (hereinafter referred to as the "jurisdiction" in this sector);<br><br>(iii) legal representatio-nal services for the entrustment of the preparation of notarial deeds; and<br><br>(iv) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or | | | | Practice of Japanese law is not permitted.<br><br>(b) Association with "Bengoshi" is permitted.<br><br>Employment of "Bengoshi" is permitted.<br><br>(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikokuho-Jimu-Bengoshi Jimusho".<br><br>(d) Representation in international arbitration is permitted. |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| other rights arising upon registration thereof with government agencies in Japan<br><br>(b) A service supplier shall be required to cooperate with “Bengoshi” or to ask for his or her advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with | | | | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| government agencies in Japan, as long as the above objective is not the primary one | | | | |
| Note to the Specific Commitment in the Sector of Legal Advisory Services on Law of Jurisdiction Where the Service Supplier is a Qualified Lawyer<br><br>A service supplier must be recognised as “Gaikokuho-Jimu-Bengoshi” by the Minister of Justice and register with the Japan Federation of Bar Associations.<br><br>The conditions for granting recognition by the Minister of Justice are as follows:<br><br>(a) The service supplier is qualified as a lawyer in that jurisdiction.<br><br>(b) The service supplier has been engaged as a lawyer for at least 3 years in that jurisdiction.<br><br>(c) The service supplier is not subject to such conditions of disqualification in that jurisdiction which, if applied to “Bengoshi”, would disqualify the “Bengoshi”.<br><br>(d) The service supplier possesses the intention to undertake the profession in good faith.<br><br>(e) The service supplier possesses plans, residence and financial basis to perform his or her functions properly and steadily.<br><br>(f) The service supplier possesses capability to compensate for damages caused to the client, if any. | | | | |
| a) Legal services supplied by a judicial scrivener | SS | 1) None, except that: services must be supplied by a natural | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| qualified as "Shiho-Shoshi" under Japanese law (CPC 861**) | | person or by a Judicial Scrivener Corporation[2]; and commercial presence is required<br><br>2) None, except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required<br><br>3) None, except that services must be supplied by a natural person or by a Judicial Scrivener Corporation<br><br>4) None, except that commercial presence is required | <br><br>2) None<br><br>3) None<br><br>4) None | |
| a) Legal services supplied by an administrative scrivener qualified as "Gyosei-Shoshi" under Japanese law | SS | 1) None, except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation[3]; | 1) None | |

2 A Judicial Scrivener Corporation under Japanese law is composed of two or more partners who are judicial scriveners qualified as "Shiho-Shoshi" under Japanese law and who have the right and obligation to execute activities of the Judicial Scrivener Corporation.

3 An Administrative Scrivener Corporation under Japanese law is composed of two or more partners who are administrative scriveners qualified as "Gyosei-Shoshi" under Japanese law and who have the right and obligation to execute activities of the Administrative Scrivener Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 861**) | | and commercial presence is required<br><br>2) None, except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation; and commercial presence is required<br><br>3) None, except that services must be supplied by a natural person or by an Administrative Scrivener Corporation<br><br>4) None, except that commercial presence is required | <br><br>2) None<br><br>3) None<br><br>4) None | |
| a) Legal services supplied by a certified social insurance and labour consultant qualified as a "Shakai-Hoken-Romushi" under Japanese law | SS | 1) None, except that: services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation[4]; and commercial presence | 1) None | |

4 A Certified Social Insurance and Labour Consultant Corporation under Japanese law is composed of one or more certified social insurance and labour consultants who are qualified as "Shakai-Hoken-Romushi" under Japanese law and who have the right and obligation to execute activities of the Certified Social Insurance and Labour Consultant Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 861**) | | is required<br><br>2) None, except that: services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation; and commercial presence is required<br><br>3) None, except that services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation<br><br>4) None, except that commercial presence is required | <br><br>2) None<br><br>3) None<br><br>4) None | |
| a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (CPC 86119, 8612, 8613, 8619) | SS | 1) None, except that: services must be supplied by a natural person or by a Patent Business Corporation[5]; and commercial presence is required for a Patent Business | 1) None | |

5 A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and who have the right and obligation to execute activities of the Patent Business Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | Corporation<br><br>2) None, except that: services must be supplied by a natural person or by a Patent Business Corporation; and commercial presence is required for a Patent Business Corporation<br><br>3) None, except that services must be supplied by a natural person or by a Patent Business Corporation<br><br>4) None | <br><br>2) None<br><br>3) None<br><br>4) None | |
| a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law (CPC 861**) | SS | 1) None, except that services must be supplied by a natural person<br><br>2) None, except that services must be supplied by a natural person<br><br>3) None, except that services must be supplied by a natural person<br><br>4) None | 1) None<br><br>2) None<br><br>3) None<br><br>4) None | |

SCHEDULE OF JAPAN

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| a) Legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under Japanese law (CPC 861**) | SS | 1) None, except that: services must be supplied by a natural person or by a Land and House Surveyor Corporation[6]; and commercial presence is required | 1) None | |
| | | 2) None, except that: services must be supplied by a natural person or by a Land and House Surveyor Corporation; and commercial presence is required | 2) None | |
| | | 3) None, except that services must be supplied by a natural person or by a Land and House Surveyor Corporation | 3) None | |
| | | 4) None, except that commercial presence is required | 4) None | |
| b) Accounting, auditing and bookkeeping | SS | 1) None, except that: provision of the | 1) None | |

6 A Land and House Surveyor Corporation under Japanese law is composed of two or more partners who are land and house surveyors qualified as "Tochi-Kaoku-Chosashi" under Japanese law and who have the right and obligation to execute activities of the Land and House Surveyor Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| services (CPC 862) | | services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation[7] under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation | | |
| | | 2) None, except that: provision of the services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation | 2) None | |
| | | 3) None, except that provision of the services that must be supplied by an accountant qualified as | 3) None | |

7 An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and who have the right and obligation to execute activities of the Audit Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation<br><br>4) None | <br><br>4) None | |
| c) Taxation services (CPC 863) | SS | 1) None, except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law (Law No. 237 of 1951): services must be supplied by a natural person or by a Certified Tax Accountant Corporation[8]; and commercial presence is required<br><br>2) None, except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law: services must be supplied by a natural person or by a Certified Tax | 1) None<br><br>2) None | |

8 A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and who have the right and obligation to execute activities of the Certified Tax Accountant Corporation.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | Accountant Corporation; and commercial presence is required<br><br>3) None, except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, services must be supplied by a natural person or by a Certified Tax Accountant Corporation<br><br>4) None, except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial presence is required | 3) None<br><br>4) None | |
| d), e) Architectural services which must be supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi" (CPC 86712, 86713, | SS | 1) None, except that commercial presence is required<br><br>2) None, except that commercial presence is required<br><br>3) None<br><br>4) None, except that | 1) None<br><br>2) None<br><br>3) None<br><br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 86714[9]) (CPC 86722, 86723, 86724[9], 86725[9], 86727[9]) | | commercial presence is required | | |
| d), e), g) Architectural services which may be supplied by a service supplier not qualified as "Kenchikushi" under Japanese law, or by a service supplier not using "Kenchikushi" (CPC 8671, 8672[10], 86742[10]) | SS | 1) None[11]<br>2) None[11]<br>3) None<br>4) None[11] | 1) None<br>2) None<br>3) None<br>4) None | |
| e), f) Engineering services and integrated engineering services (CPC 8672[12], 8673[12]) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| e), g) F.e), F.m) Civil engineering | SS | 1) None<br>2) None | 1) None<br>2) None | |

9 Limited to services necessary for building construction excluding post-construction services.
10 Limited to services necessary for building construction.
11 In the case where the services are supplied by a service supplier who is qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.
12 Excluding architectural services and civil engineering consulting services.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| consulting services (CPC 86721[13], 86724[13], 86727[13], 86729[13]) (CPC 86741[13], 86742[13]) (CPC 86761[13]) (CPC 86751[13], 86752[13]) | | 3) None<br>4) None | 3) None<br>4) None | |
| g) Urban planning and landscape architectural services (CPC 8674[12]) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| h) Medical and dental services (CPC 9312) | | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | |
| i) Veterinary services (CPC 932) | SS | 1) Unbound*<br>2) None<br>3) None | 1) Unbound*<br>2) None<br>3) None | |

13 Limited to services necessary for civil engineering excluding engineering design services for building.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None | 4) None | |
| j) Services supplied by midwives, nurses and para-medical personnel (CPC 93191**) | | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | |
| j) Services supplied by physiotherapists qualified as "Rigaku-ryohoshi", or by dietitians qualified as "Eiyoshi", under Japanese law (CPC 93191**) | | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | 1) Unbound*<br>2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) None | |
| k) Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| B. Computer and Related | SS | 1) None | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Services (excluding air transport services: computer reservation system) (CPC 841, 842, 843, 844, 845, 849) | | 2) None<br>3) None<br>4) None | 2) None<br>3) None<br>4) None | |
| C. Research and Development Services | | | | |
| a) Research and development services on natural sciences (CPC 851)<br>b) Research and development services on social sciences and humanities (CPC 852)<br>c) Interdisciplinary research and development services (CPC 853) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| D. Real Estate Services | | | | |
| a) Real estate services involving own or leased property (for property in Japan) (CPC 821**) | SS | 1) None, except that commercial presence is required<br>2) None, except that commercial presence is required<br>3) None | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None, except that commercial presence is required | 4) None | |
| a) Real estate services involving own or leased property (for property outside Japan) (CPC 821**) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| b) Real estate services on a fee or contract basis (for property in Japan) (CPC 822**) | SS | 1) None, except that commercial presence is required<br>2) None, except that commercial presence is required<br>3) None<br>4) None, except that commercial presence is required | 1) None<br>2) None<br>3) None<br>4) None | |
| b) Real estate services on a fee or contract basis (for property outside Japan) (CPC 822**) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Rental and Leasing Services without Operators | | | | |
| a) Rental and leasing services, without operators, relating to ships[14] (CPC 83103) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None, except that prior notification is required for coastwise ship leasing services in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949)<br>4) None | |
| b) Rental and leasing services, without operators, relating to aircraft[15] (CPC 83104) | | 1) None<br>2) None<br>3) None | 1) None<br>2) None<br>3) None | |

14 In the case that services are supplied through the use of ship flying the flag of Japan, the ship must be owned by:
(a) a natural person having Japanese nationality; or
(b) a juridical person established under Japanese law, with all representatives (“daihyosha”) and not less than two-thirds of executives administering the affairs of the juridical person (“gyomu-wo-shikkosuru yakuin”) having Japanese nationality.

15 In the case that services are supplied through the use of aircraft registered as a Japanese aircraft, the aircraft must be owned by:
(a) a natural person having Japanese nationality; or
(b) a juridical person established under Japanese law, with all representatives (“daihyosha”) and not less than two-thirds of executives (“yakuin”) having Japanese nationality and with not less than two-thirds of voting share held by Japanese persons.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound | 4) Unbound | |
| c) Rental and leasing services, without operators, relating to transport equipment other than vessels and aircraft (CPC 83101, 83102, 83105) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| d), e) Rental and leasing services, without operators, relating to machineries and equipment other than transport equipment, and personal and household goods (CPC 83106-83109) (CPC 832) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| F. Other Business Services | | | | |
| a) Advertising services (CPC 871) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| b) Market research and | SS | 1) None | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| public opinion polling services (CPC 864) | | 2) None<br>3) None<br>4) None | 2) None<br>3) None<br>4) None | |
| c) Management consulting services (CPC 865) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| d) Services related to management consulting (CPC 86601, 86609) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| d) Arbitration and conciliation services (CPC 86602) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| e) Technical testing and analysis services | | | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (a) for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (CPC 8676**) | | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| (b) covered by the Measurement Law as follows: (CPC 86763**)<br>(i) periodic inspection of specified measuring instruments;<br>(ii) verification of specified measuring instruments;<br>(iii) measurement certification business, including specified measurement certification business;<br>(iv) inspection of specified | SS | 1) None, except that commercial presence is required<br>2) None, except that commercial presence is required<br>3) None<br>4) None, except that commercial presence is required | 1) None<br>2) None<br>3) None<br>4) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| measuring instruments used for the measurement certification;<br><br>(v) accreditation for a person engaged in specified measurement certification business; and<br><br>(vi) calibration of the measuring instruments and other services | | | | |
| (c) other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| f) Services incidental to agriculture, hunting and forestry (CPC 881) | SS | 1) Unbound*<br>2) None<br>3) None | 1) Unbound*<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | | Exchange and Foreign Trade Law | |
| | | 4) None | 4) None | |
| g) Services incidental to fishing (CPC 882) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| h) Services incidental to mining (CPC 883, 5115) | SS | 1) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law (Law No. 289 of 1950)<br>2) None<br>3) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in | 1) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law<br>2) None<br>3) None, except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | accordance with the Mining Law | accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law | |
| | | 4) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law | 4) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law | |
| i) Services incidental to manufacturing (CPC 884**, 885) | | | | |
| (a) related to aircraft industry, explosives manufacturing industry, leather and leather products manufacturing industry, arms industry, space industry and biological preparation | | 1) Unbound*<br>2) None<br>3) None, except that the number of licences conferred on service suppliers may be limited<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| manufacturing industry | | | | |
| (b) related to tailoring services | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| (c) other | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| j) Services incidental to energy distribution (CPC 887)<br>(a) transmission services on a fee or contract basis of electricity | | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |
| (b) transmission | SS | 1) None | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| services on a fee or contract basis of steam and hot water | | 2) None<br>3) None<br>4) None | 2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) None | |
| (c) other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers): | SS | 1) None, except that commercial presence is required<br>2) Unbound*<br>3) None<br>4) None, except that commercial presence is required | 1) None<br>2) Unbound*<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (a) port transport services;<br><br>(b) construction work; and<br><br>(c) work which is stipulated in the Ministry of Health, Labour and Welfare Ordinance as having a possibility of hindering worker's protection (CPC 87201, 87202) | | | | |
| k) Supply services of personnel within Japan[16] except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is | SS | 1) None, except that commercial presence is required<br><br>2) Unbound*<br><br>3) None<br><br>4) None, except that commercial presence is required | 1) None<br><br>2) Unbound*<br><br>3) None<br><br>4) None | |

16 The dispatched worker may not be supplied from outside of Japan through intra-corporate transfer.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| maintained):<br><br>(a) port transport services;<br><br>(b) construction work;<br><br>(c) guarding; and<br><br>(d) other work stipulated in Cabinet Order after consulting the Labour Policy Council (such as medical-related work)<br>(CPC 87203, 87209) | | | | |
| k) Supply services of domestic help personnel, other commercial or industrial workers and nursing personnel (CPC 87204, 87205, 87206) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| l) Investigation services (CPC 87301) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| l) Security guard services (CPC 873, except 87301) | | 1) None, except that commercial presence is required<br>2) None<br>3) None<br>4) Unbound | 1) None<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) Unbound | |
| m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral and surveying) (CPC 86751**, 86752**) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| m) Related scientific and technical consulting services related to petroleum, petroleum products, gas and mineral[17] | SS | 1) None<br>2) None<br>3) None | 1) None<br>2) None<br>3) None | |

17 Excluding services requiring mining rights or mining lease rights in accordance with the Mining Law.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 86751**, 86752**) | | 4) Unbound | 4) Unbound | |
| m) Surveying services for the land in Japan (CPC 86753**, 86754**) | SS | 1) None, except that commercial presence is required except for surveys conducted without the use of Basic Survey[18] data or Public Survey[19] data, and where the survey is for small areas, or where the survey does not require high accuracy | 1) None | |
| | | 2) None, except that commercial presence is required except for surveys conducted without the use of Basic Survey data or Public Survey data, and where the survey is for small areas, or where the survey does not require high accuracy | 2) None | |

18 The term "Basic Survey" means a primary or fundamental survey, conducted by the Geospatial Information Authority of Japan of the Ministry of Land, Infrastructure, Transport and Tourism, for all surveys.

19 The term "Public Survey" means a survey, other than Basic Survey, which:
(a) does not include (i) surveying for small areas and (ii) surveying where high accuracy is not required; and
(b) is conducted with the expenses borne or subsidised, in part or in full, by the Government or other public entities.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br><br>4) None, except that commercial presence is required except for surveys conducted without the use of Basic Survey data or Public Survey data, and where the survey is for small areas, or where the survey does not require high accuracy | 3) None<br><br>4) None | |
| m) Surveying services for the land outside Japan (CPC 86753**, 86754**) | SS | 1) None<br><br>2) None<br><br>3) None<br><br>4) None | 1) None<br><br>2) None<br><br>3) None<br><br>4) None | |
| n) Maintenance and repair of equipment (excluding vessels, aircraft and other transport equipment) (CPC 633, 8861-8866) | SS | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None | |
| o) Building-cleaning services (CPC 87401, 87402, 87403, 87409) | SS | 1) Unbound*<br><br>2) None | 1) Unbound*<br><br>2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br>4) None | 3) None<br>4) None | |
| p) Photographic services (CPC 875) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| q) Packaging services (CPC 876) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| r) Printing and publishing services (CPC 88442) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| s) Convention services (CPC 87909**) | SS | 1) None<br>2) None<br>3) None | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None | 4) None | |
| t) Credit reporting services<br>(CPC 87901) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Collection agency services:<br>(CPC 87902**) | | | | |
| (a) which do not constitute the practice of law in respect of legal cases | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| (b) which constitute the practice of law in respect of legal cases[20] | SS | 1) None, except that: services must be supplied by a natural person[21], by a Legal Profession Corporation or by a juridical person established | 1) None | |

20 Excluding taking over and recovery of credits except for those stipulated in the Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998).

21 In this sector, the term “natural person” means a lawyer qualified as “Bengoshi” under Japanese law.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | under the Special Measures Law Concerning Credit Management and Collection Business; and commercial presence is required<br><br>2) None<br><br>3) None, except that services must be supplied by a natural person, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business<br><br>4) None, except that commercial presence is required | <br><br>2) None<br><br>3) None<br><br>4) None | |
| t) Telephone answering services (CPC 87903) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Telephone call centre services | SS | 1) None | 1) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 87903**, 87909**) | | 2) None<br>3) None<br>4) None | 2) None<br>3) None<br>4) None | |
| t) Duplicating services (CPC 87904) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Translation and interpretation services (CPC 87905) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Mailing list compilation and mailing services (CPC 87906) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Specialty design services (CPC 87907) | SS | 1) None<br>2) None | 1) None<br>2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br>4) None | 3) None<br>4) None | |
| t) Trade fair and exhibition organisation services (CPC 87909**) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| t) Services incidental to energy manufacturing<br>(a) related to heat supply industry and oil industry | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) None | |
| (b) other | | 1) Unbound<br>2) Unbound | 1) Unbound<br>2) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) Unbound<br>4) Unbound | 3) Unbound<br>4) Unbound | |
| t) Other business services not elsewhere classified | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| 2. COMMUNICATION SERVICES | | | | |
| A/B. Postal/Courier Services[22] | | | | |
| Correspondence-delivery services supplied by Special Correspondence Delivery Business<br><br>Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |

22 Suppliers of postal/courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in postal/courier services, other than correspondence-delivery services including printed matter, parcels, goods or other items, are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Delivery Provided by Private-Sector Operators (Law No. 99 of 2002):<br><br>(a) mail items that have dimensions totaling more than 73 cm or weight over 4 kg;<br><br>(b) mail items that are to be delivered within three hours of being mailed; and<br><br>(c) mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Internal Affairs and Communications and is not less than 800 yen | | | | |
| Other postal/courier services | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Telecommunications Services | | | | |
| Basic telecommunications services:<br><br>a) Voice telephone services (CPC 7521)<br><br>b) Packet-switched data transmission services (CPC 7523**)<br><br>c) Circuit-switched data transmission services (CPC 7523**)<br><br>d) Telex services (CPC 7523**)<br><br>f) Facsimile services (CPC 7521**, 7529**)<br><br>g) Private leased circuit services (CPC 7522**, 7523**)<br><br>o) Other | SS | 1) None<br><br>2) None<br><br>3) None, except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT)[23] must be less than one-third<br><br>4) None | 1) None<br><br>2) None<br><br>3) None, except that: foreign capital participation, direct and/or indirect, in NTT[23] must be less than one-third; and board members and auditors in NTT and the Regional Companies are required to have Japanese nationality<br><br>4) None | |
| e) Telegraph services (CPC 7522) | | 1) Unbound<br><br>2) None<br><br>3) Unbound | 1) Unbound<br><br>2) None<br><br>3) Unbound | |

23 NTT must own all the shares issued by the Regional Companies.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound | 4) Unbound | |
| Value-added services:<br><br>h) Electronic mail services (CPC 7523**)<br><br>i) Voice mail services (CPC 7523**)<br><br>j) On-line information and data base retrieval services (CPC 7523**)<br><br>k) Electronic data interchange (EDI) services (CPC 7523**)<br><br>l) Enhanced/value-added facsimile services including store and forward, store and retrieve (CPC 7523**)<br><br>m) Code and protocol conversion services<br><br>n) On-line information and/or data processing services (including | SS | 1) None<br><br>2) None<br><br>3) None, except that foreign capital participation, direct and/or indirect, in NTT[23] must be less than one-third<br><br>4) None | 1) None<br><br>2) None<br><br>3) None, except that: foreign capital participation, direct and/or indirect, in NTT[23] must be less than one-third; and board members and auditors in NTT and the Regional Companies are required to have Japanese nationality<br><br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| transaction processing) (CPC 843**)<br><br>o) Other | | | | |
| D. Audiovisual Services | | | | |
| a) Motion picture and video tape production and distribution services (CPC 9611) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| b) Motion picture projection services (CPC 9612) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| c) Radio and television services (CPC 9613) | | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |
| d) Radio and television transmission services | | 1) Unbound | 1) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 7524) | | 2) None<br>3) Unbound<br>4) Unbound | 2) None<br>3) Unbound<br>4) Unbound | |
| e) Sound recording services | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| f) Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| E. Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | | |
| A. General Construction Work for Buildings | | | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 512)<br><br>B. General Construction Work for Civil Engineering (CPC 513)<br><br>C. Installation and Assembly Work (CPC 514, 516)<br><br>D. Building Completion and Finishing Work (CPC 517)<br><br>E. Other (CPC 511, 515, 518) | | | | |
| (a) These services indicated above excluding those related to mining | SS | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None, except that commercial presence is required | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None | |
| (b) These services related to mining | SS | 1) Unbound*<br><br>2) None<br><br>3) None, except that services requiring mining rights or mining lease rights must be | 1) Unbound*<br><br>2) None<br><br>3) None, except that: services requiring mining rights or mining lease rights must be | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law | supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law | |
| | | 4) None, except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and commercial presence is required | 4) None, except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law | |
| 4. DISTRIBUTION SERVICES | | | | |
| A. Commission Agents' Services (CPC 621, 61111, 61130, 61210)<br><br>B. Wholesale Trade Services (CPC 622, 61111, 61130, 61210) | | | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Retailing Services (CPC 631, 632, 61112, 61130, 61210)<br><br>D. Franchising Services (CPC 8929) | | | | |
| (a) These services indicated above excluding those related to petroleum, petroleum products, alcoholic beverages, and those supplied at Public Wholesale Market[24] | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| (b) These services related to petroleum and petroleum products | | 1) None<br>2) None<br>3) None | 1) None<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law | |

24 Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers, with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of aforementioned goods, which is operated on a permanent basis.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None | 4) Unbound | |
| (c) These services related to alcoholic beverages | SS | 1) None<br>2) None<br>3) None, except that the number of licences conferred to service suppliers may be limited<br>4) None, except that the number of licences conferred to service suppliers may be limited | 1) None<br>2) None<br>3) None<br>4) None | |
| (d) These services supplied at Public Wholesale Market | SS | 1) Unbound*<br>2) Unbound*<br>3) None, except that: the number of licences conferred to service suppliers may be limited; and a service supplier at Central Public Wholesale Market must be a juridical person established under Japanese law, in accordance with the Public Wholesale Market Law (Law No. 35 of | 1) Unbound*<br>2) Unbound*<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 1971)<br><br>4) None, except that: the number of licences conferred to service suppliers may be limited; and a service supplier at Central Public Wholesale Market must be a juridical person established under Japanese law, in accordance with the Public Wholesale Market Law | 4) None | |
| E. Other<br><br>(a) Wholesale trade and retailing services of steam and hot water | SS | 1) None<br><br>2) None<br><br>3) None<br><br>4) None | 1) None<br><br>2) None<br><br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br><br>4) None | |
| (b) Other | | 1) Unbound<br><br>2) Unbound | 1) Unbound<br><br>2) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) Unbound<br>4) Unbound | 3) Unbound<br>4) Unbound | |
| 5. EDUCATIONAL SERVICES | | | | |
| A. Primary Education Services | | | | |
| Pre-school education services supplied by nursery services (CPC 92110**)<br>Child day-care services (CPC 93321) | | 1) Unbound*<br>2) None<br>3) None<br>4) Unbound | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| Primary education services[25,26], supplied as formal education (CPC 92110**, 9219) | | 1) Unbound<br>2) Unbound<br>3) None, except that Formal Education Institutions must be established by school juridical persons[27] | 1) Unbound<br>2) Unbound<br>3) None | |

25 These Educational Services supplied as fomal education in Japan are supplied by Formal Education Institutions. “Formal Education Institutions” means elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, special support schools, kindergartens and integrated centres for early childhood education and care.

26 Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialised training colleges (Senshu-Gakko) and miscellaneous schools (Kakushu-Gakko) under Japanese law.

27 The term “school juridical person” means a non-profit juridical person established for the purposes of supplying educational services under Japanese law.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound | 4) Unbound | |
| B. Secondary Education Services | | | | |
| (a) Secondary education services[25,26], supplied as formal education (CPC 9221, 9222, 9223) | | 1) Unbound<br>2) Unbound<br>3) None, except that Formal Education Institutions must be established by school juridical persons<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) None<br>4) Unbound | |
| (b) Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| C. Higher Education Services[25,26] (CPC 9231, 9239) | SS | 1) None<br>2) None<br>3) None, except that Formal Education Institutions must be established by school juridical persons | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None | 4) None | |
| D. Adult Education Services[26,28] (CPC 924)<br><br>E. Other Education Services[26,28] (CPC 929) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| 6. ENVIRONMENTAL SERVICES | | | | |
| A. Sewage Services (CPC 9401) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| B. Refuse Disposal Services (CPC 9402) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |

28 Formal Education Institutions must be established by school juridical persons. Specialised training colleges and miscellaneous schools may be required to be established by school juridical persons. Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialised training colleges and miscellaneous schools supply educational services other than formal education.

SCHEDULE OF JAPAN

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| C. Sanitation and Similar Services (CPC 9403) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| D. Other | | | | |
| Cleaning services of exhaust gases (CPC 9404)<br>Noise abatement services (CPC 9405)<br>Nature and landscape protection services (CPC 9406)<br>Other environmental protection services (CPC 9409) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| 7. FINANCIAL SERVICES | | | | |

For the purposes of this Schedule, the Understanding on Commitments in Financial Services (hereinafter referred to as the "Understanding") which is included in Japan's Schedule of Specific Commitments of the GATS (WTO Document GATS/SC/46/Suppl.3) is incorporated into and made a part of this Schedule.

Japan undertakes its specific commitments with respect to Financial Services in accordance with Chapter 6, Annex A to Chapter 6, and the Understanding.

For prudential reasons within the context of paragraph 1 of Article A.4 of Annex A to Chapter 6, Japan shall

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, financial instruments business operators are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.<br><br>With respect to specific commitments in the sectors of Financial Services, services supplied in ASEAN Member States to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (v)(ii) of Article 50.1. | | | | |
| A. Insurance and Insurance-Related Services | | Specific commitments in the market access column with respect to the supply of a service under subparagraphs (v)(i) and (v)(ii) of Article 50.1 are unbound except for obligations under paragraphs B3 and B4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 50.17, 50.18 and 50.19 and Annex A to Chapter 6, subject to conditions and qualifications set out below.<br><br>1) None, except that: commercial presence is in principle required for insurance contracts on the following items | 1) None | |

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | and any liability arising therefrom:<br><br>(a) goods being transported within Japan; and<br><br>(b) ships of Japanese registration which are not used for international maritime transport; and<br><br>commercial presence is required for insurance intermediation services in Japan.<br><br>2) None, except that: commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:<br><br>(a) goods being transported within Japan; and<br><br>(b) ships of Japanese registration which are not used for international maritime transport; and | 2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | commercial presence is required for insurance intermediation services in Japan.<br><br>3) None[29]<br><br>4) Unbound | <br><br><br><br>3) None<br><br>4) Unbound | |
| B. Banking and Other Financial Services (excluding insurance and insurance-related services) | | Specific commitments in the market access column with respect to the supply of a service under subparagraphs (v)(i) and (v)(ii) of Article 50.1 are unbound except for obligations under paragraphs B3 and B4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 50.17, 50.18 and 50.19 and Annex A to Chapter 6, subject to conditions and qualifications set out below.<br><br>1) None<br><br>2) None | <br><br><br><br><br><br><br><br><br><br>1) None<br><br>2) None | |

29 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br><br>4) Unbound | 3) None, except that the deposit insurance system does not cover deposits taken by branches of foreign banks<br><br>4) Unbound | |
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | | |
| A. Hospital Services (CPC 9311) | | 1) Unbound*<br><br>2) None<br><br>3) Unbound, except that there is no limitation on the participation of foreign capital<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) Unbound, except that there is no limitation on the participation of foreign capital<br><br>4) Unbound | |
| B. Other Human Health Services (CPC 9319, except 93191) | | 1) Unbound*<br><br>2) None<br><br>3) Unbound, except that there is no limitation on the participation of foreign capital<br><br>4) Unbound | 1) Unbound*<br><br>2) None<br><br>3) Unbound, except that there is no limitation on the participation of foreign capital<br><br>4) None | |
| C. Social Services (including services | | 1) Unbound* | 1) Unbound* | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| supplied by certified careworker, excluding child day-care services)<br>(CPC 933, except 93321) | | 2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) Unbound | 2) None<br>3) Unbound, except that there is no limitation on the participation of foreign capital<br>4) None | |
| D. Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | | |
| A. Hotels and Restaurants | | | | |
| Hotels and restaurants services<br>(CPC 641–643) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| Hotel management services | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. Travel Agencies and Tour Operators Services (CPC 7471) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| C. Tourist Guides Services (CPC 7472) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| D. Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services) | | | | |
| A. Entertainment Services (CPC 9619) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| B. News Agency Services (CPC 962) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| C. Libraries, Archives, Museums and Other Cultural Services | | | | |
| Libraries and archives services (CPC 96311, 96312) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| Museum services including preservation services of historical sites and buildings (CPC 9632) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| Other cultural services (CPC 9633) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| D. Sporting and Other Recreational Services | | | | |
| Sporting services (CPC 9641)<br><br>Recreation parks and beach services (CPC 96491) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| Gambling and betting services (CPC 96492) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| Other recreational services (CPC 96499) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| E. Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 11. TRANSPORT SERVICES | | | | |
| A. Maritime Transport Services | | | | |
| a), b) International maritime transport services (including services of passenger transportation and freight transportation) (CPC 7211, 7212) | SS | 1) (a) Liner Shipping: None[30]<br>(b) Bulk, tramp, and other international shipping, including passenger transportation: None[30]<br>2) None<br>3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: None, except that there is a nationality requirement[31] for a ship to fly the flag of Japan. | 1) (a) Liner Shipping: None[30]<br>(b) Bulk, tramp, and other international shipping, including passenger transportation: None[30]<br>2) None<br>3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: None, except that there is a nationality requirement[31] for a ship to fly the flag of Japan. | The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:<br>(a) Pilotage services;<br>(b) Pushing and towing services;<br>(c) Provisioning, fuelling and watering services;<br>(d) Garbage collecting and refuse disposal services;<br>(e) Port captain's services; |

30 Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.

31 In this sector, the term "nationality requirement" means that the ship must be owned by:
(a) a natural person having Japanese nationality; or
(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkosuru yakuin") having Japanese nationality.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None<br><br>4) (a) Ships' crews: None, except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.<br><br>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b) above: None | (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None<br><br>4) (a) Ships' crews: None, except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.<br><br>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b) above: None | (f) Navigation aids services;<br><br>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;<br><br>(h) Emergency repair services; and<br><br>(i) Anchorage, berths and berthing services. |
| c) Rental of vessels with crew (excluding vessels flying the Japanese flag) (CPC 7213) | SS | 1) None<br><br>2) None<br><br>3) None | 1) None<br><br>2) None<br><br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None | 4) None | |
| A. Maritime Auxiliary Transport Services | | | | |
| d) Maintenance and repair of vessels (CPC 8868**) | SS | 1) Unbound*<br>2) None<br>3) None, except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| e) Pushing and towing services (CPC 7214) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| f) Salvaging and refloating services, watering services, fueling services and garbage collecting services | SS | 1) None<br>2) None<br>3) None | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| (CPC 7454**, 7459**) | | 4) None | 4) None | |
| f) Pilotage services (CPC 7452) | | 1) Unbound*<br>2) None<br>3) Unbound<br>4) Unbound | 1) Unbound*<br>2) None<br>3) Unbound<br>4) Unbound | |
| f) Port and waterway operation services (excluding cargo handling services) (CPC 7451) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| f) Navigation aid services (CPC 7453) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| Maritime cargo handling services (as defined in paragraph 2 of Note below) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| Container station and depot services (as defined in paragraph 3 of Note below) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| Maritime agency services (as defined in paragraph 4 of Note below) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| Maritime freight forwarding services (as defined in paragraph 5 of Note below) | SS | 1) None, except that: commercial presence is required; and an operation permit or governmental registration will be granted on reciprocal basis<br>2) None<br>3) None, except that an operation permit or governmental registration will be granted on reciprocal basis | 1) None, except that an operation permit or governmental registration will be granted on reciprocal basis<br>2) None<br>3) None, except that an operation permit or governmental registration will be granted on reciprocal basis | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) None, except that: commercial presence is required; and an operation permit or governmental registration will be granted on reciprocal basis | 4) None, except that an operation permit or governmental registration will be granted on reciprocal basis | |

Note to the Specific Commitments in the Sectors
of Maritime Transport Services and Maritime Auxiliary Transport Services

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(Note 1) 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(Note 2) for the purpose of carrying out multimodal transport operations.

(Note 1) "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.

(Note 2) "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.

Definitions

1. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of an ASEAN Member State to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken in respect of services supplied under subparagraph (v)(i) of Article 50.1.)

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| These activities include, but are not limited to:<br><br>(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;<br><br>(b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;<br><br>(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;<br><br>(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications to the GATS);<br><br>(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the commitments provided for in Chapter 6 *bis*) with any locally established shipping agency; and<br><br>(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.<br><br>2. "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:<br><br>(a) the loading/discharging of cargo to/from a ship;<br><br>(b) the lashing/unlashing of cargo; and<br><br>(c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.<br><br>3. "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. | | | | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 4. "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:<br><br>(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; and<br><br>(b) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.<br><br>5. "Maritime freight forwarding services" means an activity 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. Maritime freight forwarding services include those provided by a person on whose behalf the bill of lading or any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage. | | | | |
| B. Internal Waterways Transport | | | | |
| d) Maintenance and repair of vessels (CPC 8868**) | SS | 1) Unbound*<br><br>2) None<br><br>3) None, except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test<br><br>4) None | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None | |
| e) Pushing and towing services (CPC 7224) | SS | 1) Unbound*<br><br>2) None | 1) Unbound*<br><br>2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br>4) None | 3) None<br>4) None | |
| f) Salvaging and refloating services, watering services, fuelling services and garbage collecting services (CPC 7454**, 7459**) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| f) Pilotage services (CPC 7452) | | 1) Unbound*<br>2) Unbound*<br>3) Unbound<br>4) Unbound | 1) Unbound*<br>2) Unbound*<br>3) Unbound<br>4) Unbound | |
| f) Port and waterway operation services (excluding cargo handling services) (CPC 7451)<br><br>f) Navigation aid services (CPC 7453) | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| C. Air Transport Services | | | | |
| d) Aircraft repair and | SS | 1) Unbound* | 1) Unbound* | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| maintenance services defined in subparagraph (b) of Article 50.1 | | 2) None<br>3) None, except that the number of licences conferred to service suppliers may be limited<br>4) None | 2) None<br>3) None<br>4) None | |
| e) Selling and marketing of air transport services defined in subparagraph (p) of Article 50.1 | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| e) Computer reservation system services defined in subparagraph (d) of Article 50.1 | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| D. Space Transport (CPC 733) | | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| E. Rail Transport Services | | | | |
| a) Passenger transportation (CPC 7111) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) None | |
| b) Freight transportation (CPC 7112) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) None | |
| c) Pushing and towing services (CPC 7113) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| d) Maintenance and repair services of rail transport equipment (CPC 8868**) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| d) Rental of rail transport equipment with operator | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| e) Supporting services for rail transport services (CPC 743) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br>4) None | |
| F. Road Transport Services | | | | |
| a) Passenger transportation (CPC 71211-71214, | SS | 1) Unbound*<br>2) None | 1) Unbound*<br>2) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 71221) | | 3) None, except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis<br><br>4) None, except that: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required | 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law<br><br>4) None | |
| a) Other scheduled passenger transportation (CPC 71219)<br><br>a) Rental services of passenger cars with operator (CPC 71222)<br><br>a) Rental services of | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| buses and coaches with operator (CPC 71223)<br><br>a) Passenger transportation by man- or animal-drawn vehicles (CPC 71224)<br><br>a) Other non-scheduled passenger transportation (CPC 71229) | | | | |
| b) Freight transportation services (CPC 7123) | SS | 1) Unbound*<br><br>2) None<br><br>3) None, except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis<br><br>4) None, except that: limitations on the number of service suppliers, on the number of service operations or on the | 1) Unbound*<br><br>2) None<br><br>3) None<br><br>4) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required | | |
| c) Rental of commercial vehicles with operator (CPC 7124) | SS | 1) None<br>2) None<br>3) None<br>4) None | 1) None<br>2) None<br>3) None<br>4) None | |
| d) Maintenance and repair services of road transport equipment (including services supplied by mechanic) (CPC 6112, 8867) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None, except that commercial presence is required | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| e) Supporting services for road transport services (CPC 744) | SS | 1) None<br>2) None<br>3) None, except that the number of licences conferred to services suppliers may be limited for motorway | 1) None<br>2) None<br>3) None | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | businesses[32]<br><br>4) None, except that the number of licences conferred to services suppliers may be limited for motorway businesses | 4) None | |
| G. Pipeline Transport | | | | |
| a) Transportation of fuels (CPC 7131)<br><br>(a) transportation services of natural gas on a fee or contract basis | | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) None<br>3) Unbound<br>4) Unbound | |
| (b) transportation services of petroleum on a fee or contract basis | | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | 1) Unbound<br>2) None<br>3) None<br>4) Unbound | |
| b) Transport services of goods other than | SS | 1) None | 1) None | |

32 The term “motorway business” means services of operating motorways, on a fee basis.

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| fuels<br>(CPC 7139) | | 2) None<br>3) None<br>4) None | 2) None<br>3) None<br>4) None | |
| H. Services Auxiliary to All Modes of Transport | | | | |
| a) Cargo-handling services (excluding services relating to maritime transport services)<br>(CPC 741) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| b) Storage and warehouse services (excluding services relating to petroleum and petroleum products)<br>(CPC 742) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| b) Storage and warehouse services relating to petroleum and petroleum products<br>(CPC 742) | SS | 1) Unbound*<br>2) None<br>3) None | 1) Unbound*<br>2) None<br>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 4) Unbound | 4) Unbound | |
| c) Freight transport agency services (excluding services relating to maritime freight forwarding services) (CPC 748) | SS | 1) None, except that commercial presence is required<br>2) None<br>3) None<br>4) None, except that commercial presence is required | 1) None<br>2) None<br>3) None<br>4) None | |
| d) Other<br>(a) Customs clearance agent services related to Japanese Customs | SS | 1) None, except that commercial presence is required<br>2) None, except that commercial presence is required<br>3) None<br>4) None, except that commercial presence is required | 1) None<br>2) None<br>3) None<br>4) None | |
| (b) Other | | 1) Unbound<br>2) Unbound | 1) Unbound<br>2) Unbound | |

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) Unbound<br>4) Unbound | 3) Unbound<br>4) Unbound | |
| I. Other Transport Services | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |
| 12. OTHER SERVICES NOT INCLUDED ELSEWHERE | | | | |
| Washing, cleaning and dyeing services (excluding laundry collection services) (CPC 9701, except 97011) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| Laundry collection services (CPC 97011) | SS | 1) Unbound*<br>2) None<br>3) None<br>4) None | 1) Unbound*<br>2) None<br>3) None<br>4) None | |
| Hairdressing and other beauty services (CPC 97021, 97022) | SS | 1) Unbound*<br>2) None | 1) Unbound*<br>2) None | |

SCHEDULE OF JAPAN

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

| Sector or Sub-sector | SS | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | | 3) None<br>4) None | 3) None<br>4) None | |
| Other | | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | 1) Unbound<br>2) Unbound<br>3) Unbound<br>4) Unbound | |

Appendix 3

Annex 7

Lists of Most-Favoured-Nation Treatment Exemptions

List of Japan

| Sector or Sub-sector | Description of Measure Indicating its Inconsistency with Article 50.3 | Intended Duration | Conditions Creating the Need for the Exemption[1] |
|---|---|---|---|
| Maritime freight forwarding services | An operation permit or governmental registration for maritime freight forwarding services (including services related to multimodal transport services[2]) is granted only to those firms of the countries in which Japanese firms are eligible for such permit or qualified for such registration. | Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation. | Need to ensure that Japanese persons have satisfactory access to the supply of maritime freight forwarding services (including services related to multimodal transport services) in an ASEAN Member State. |
| International shipping services (including passenger transportation and freight transportation services) | Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be | Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation. | Need to ensure favourable treatment for Japanese vessels operators in an ASEAN Member State. |

1 Description in this column shall be construed as information provided for reference purposes that does not form a part of commitments.

2 "Multimodal transport services" means freight transport services combining international maritime transport and road/railroad transport, provided on 'door to door' basis by a multimodal transport operator (as defined in Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services in the Schedule of Specific Commitments of Japan in Annex 6).

| Sector or Sub-sector | Description of Measure Indicating its Inconsistency with Article 50.3 | Intended Duration | Conditions Creating the Need for the Exemption[1] |
|---|---|---|---|
| | substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country. | | |
| Energy services | With respect to the supply of services in the Electricity Utility Industry, Gas Utility Industry and Nuclear Energy Industry, excluding services supplied under subparagraph (v) (iii) of Article 50.1, preferential treatment may be accorded to the service suppliers of a non-Party. | Indefinite | Need to secure an efficient and stable supply of energy. |
| Fisheries related services | With respect to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan, including the following fisheries related services, | Indefinite | Need to ensure conservation and management of fishery resources. |

| Sector or Sub-sector | Description of Measure Indicating its Inconsistency with Article 50.3 | Intended Duration | Conditions Creating the Need for the Exemption[1] |
|---|---|---|---|
| | preferential treatment may be accorded to the service suppliers of a non-Party:<br><br>(a) investigation of aquatic resources without taking such resources;<br><br>(b) luring of aquatic resources;<br><br>(c) preservation and processing of fish catches;<br><br>(d) transportation of fish catches and fish products; and<br><br>(e) provision of supplies to other vessels used for fisheries. | | |

Appendix 4

Annex 8
List of the Parties in relation
to paragraph 3 of Article 50.3

1. Brunei Darussalam

2. Kingdom of Cambodia

3. Republic of Indonesia

4. Lao People’s Democratic Republic

5. Malaysia

6. Republic of the Union of Myanmar

7. Republic of the Philippines

8. Republic of Singapore

9. Kingdom of Thailand

10. Socialist Republic of Viet Nam

Appendix 5

Annex 9
Specific Commitments
for the Movement of Natural Persons

## Schedule of Brunei Darussalam

Brunei Darussalam may require a natural person of Japan seeking entry and temporary stay under the terms set out in each Section of this Specific Commitments of Brunei Darussalam to obtain an appropriate visa or its equivalent prior to entry.

### Section 1
### Short-term Business visitors of Japan

Entry and temporary stay of a period not exceeding ninety (90) days, which may be extended, shall be granted to a short-term business visitor of Japan.

### Section 2
### Intra-corporate Transferees

Entry and temporary stay for intra-corporate transferees is limited to three (3) year period that may be extended for up to two additional years for a total term not to exceed five (5) years for the following categories:

Managers:

Definition: Natural persons within the organisation who primarily directs the organisation/department/subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff. It does not include first line supervisors unless employees supervised are professionals; and it does not include employees who primarily perform tasks necessary for the provision of the service.

Executives:

Definition: 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 stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organisation.

Specialists:

Definition: Natural persons within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.

Section 3
Investors

Entry and temporary stay shall be granted to an investor of another Party for up to three (3) months which can be extended for up to twelve (12) months.

Investors in Brunei Darussalam is defined as a business person who seeks to make an investment or has made investments in Brunei Darussalam and seeking entry and temporary stay for the purpose of dealing with any matters concerning to that investment.

Schedule of the Kingdom of Cambodia

1. Cambodia's commitments under the Movement of Natural Persons Chapter, and under Articles 50.18 and 50.17 of the Trade in Services Chapter, in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.

2. In accordance with Articles 50.18, 50.17 and 50.20 of the Trade in Services Chapter, for the categories of persons set out in this Schedule, Cambodia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Cambodia.

Business visitors

Definition: 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.

Conditions: Entry visa for business visitors shall be valid for a period of 90 days for an initial stay of 30 days, which may be extended.

Persons responsible for setting up of a commercial establishment

Definition: 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 Party, that will support employment of persons described in categories a, b, and c of the intra-Corporate Transferees.

Conditions: The subject persons are not subject to a maximum duration of stay.

Intra-Corporate Transferees

Definition: Natural persons who have been employed by a juridical person of another Party for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are:

a) Executives: without requiring compliance with labour market tests, persons within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization.

b) Managers: without requiring compliance with labour market tests, natural persons employed by a juridical entity and who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity product, service, research, equipment, techniques, or management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service.

c) Specialists: Natural persons, within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management.

Conditions: 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.

3. The commitments set out above apply to all services sectors/subsectors specified in the Cambodia's schedule of specific commitments under Annex 6 except Restaurants (CPC 642, 643) and International Transport under Maritime Services (Freight and Passengers) excluding Cabotage.

4. With respect to Tourist Guides Services (CPC 7472), notwithstanding the commitments set out above, Cambodian Nationality is required for Tourist Guides.

5. Cambodia remains unbound in relation to National Treatment Limitations applicable to Subsidies, including for Research and Development.

6. All the commitments in respect of presence of natural persons made in the Cambodia's schedule of specific commitments under Annex 6 including any commitments, regulations and additional commitments, apply to the service suppliers of the other Parties.

Schedule of the Republic of Indonesia

Section 1
Short-term Business Visitors

Entry and temporary stay for a period not exceeding 30 days, which may be extended to a maximum of 60 days, shall be granted to short-term business visitors of another Party who will stay in Indonesia.

Section 2
Intra-corporate Transferees

Entry and temporary stay for a period of one year, which may be extended for not more than two year each time and not more than two times, shall be granted to an inter-corporate transferee of another Party who:

(a) has been employed by a juridical person that supplies services or invests in Indonesia, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Indonesia; and

(b) is being transferred either as executive, manager (except human resource manager) or specialists as defined in Article 50 *bis*.3 of Chapter 6 *bis*.

## Schedule of the Lao People's Democratic Republic

Lao PDR may require a natural person of Japan seeking entry and temporary stay under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

### Section 1
### Short-term Business Visitors

Entry and temporary stay shall be granted to a short-term business visitor of a natural person of Japan. 30 days is for an initial stay and 90 days is the maximum period allowed in accordance with the visa for short-term business visitors.

### Section 2
### Intra-corporate Transferees

Entry and temporary stay shall be granted to an intra-corporate transferee of Japan for 1 year which may be renewed every 6 months for up to 3 years provided that the natural person has been employed by a juridical person of another Party outside Lao PDR for a period of not less than 1 year immediately preceding the request for transfer to Lao PDR the categories defined under intra-corporate transferees.

### Section 3
### Investors

Entry and temporary stay for investors shall be granted 30 days is for an initial stay and can be extended for up to 90 days is the maximum.

Investor in Lao PDR is defined as a business person who seeks to make an investment or has made investments in Lao PDR and seeking temporary entry for purpose of entry for purpose of dealing with any matters concerning to that investment.

## Section 4
## Accompanying spouse and children

1. Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of the parties of Japan who has been granted entry stay pursuant to section (2), in principle for same period as the period of temporary stay granted to the natural person, provided that such spouse and children obtain maintenance from the natural person and engage in daily activities recognised under the status of residence of "Dependant" in accordance with Law on Entry-Exit, And the Management of Foreigners in Lao PDR No: 59/NA. Dated: 26.12.2014 and Labor Law (Amended) of Lao PDR No: 43/NA; Dated 24 December 2013.

2. A spouse who has been granted entry and temporary stay pursuant to para 1 may, upon application, have his or her status of residence change to that under which he or she is allowed to work, subject to the approval of the Government of Lao PDR in accordance with Law on Entry-Exit, And the Management of Foreigners in Lao PDR No:59/NA. Dated: 26.12.2014 and Labor Law (Amended) of Lao PDR No: 43/NA; Dated 24 December 2013.

Note: For the purposes of this section, the term "spouse" or "children" means spouse or children recognised as such in accordance with the Laws and regulation of Lao PDR.

## Schedule of Malaysia

Malaysia may require a natural person of the other Parties seeking entry and temporary stay under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

### Section 1
### Intra-Corporate Transferees

1. Notwithstanding the definitions set out in Article 50 *bis*.3, entry and temporary stay shall be granted to natural persons of the other Parties who are:

a) senior managers being persons within a juridical person having proprietary information of the juridical person and who exercise wide latitude in decision making relating to the establishment, control and operation of the juridical person being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the juridical person; and

b) specialists or experts being persons within the juridical person who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the juridical person's new goods and service products and technology, research equipment and techniques or management:

i) three (3) specialists or experts per juridical person are allowed; and

ii) additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant sector or subsector.

2. Provided that such persons are employees of the foreign juridical person for a period of not less than one (1) year immediately preceding the date of application for a work permit and he is to serve in at least a similar capacity.

3. Entry and temporary stay of natural persons defined in categories 1(a) and 1(b) is up to a period of 10 years.

## Section 2
## Others

1. Entry and temporary stay shall be granted to natural persons of the other Parties who are:

a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the juridical persons' 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 sector or subsector;

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 are carrying out respective professional activities; and

c) business visitors being persons not based within Malaysia, receiving no remuneration from any source within Malaysia, who has been employed for at least one (1) year by a foreign juridical person, whose entry and temporary stay is for the purposes of negotiating for the sale of goods or services or entering into agreements to sell goods or services for that juridical person and who will not engage in direct sales to the general public.

2. Entry and temporary stay of natural persons defined in categories 1(a) and 1(b) is up to a period of 10 years. For category 1(c), the period of stay is up to a period of 90 days.

## Schedule of the Republic of the Union of Myanmar

Myanmar may require a natural person of another Party seeking entry and temporary stay under the terms and conditions set out in the following section of this Annex to obtain an appropriate visa prior to entry.

### Section 1

### Short-term Business Visitors

Entry and temporary stay shall be granted for a period not exceeding seventy (70) days when applied for, to short-term business visitors of another Party.

### Section 2

### Intra-corporate Transferees

In sectors committed in Myanmar’s Schedule of Specific Commitments in Annex 6, entry and temporary stay shall be granted for a period not exceeding seventy (70) days from the date of arrival, which may be extended on application for a further three (3) months, then for a further six (6) months and then for up to one (1) year, subject to a recommendation from concerned Ministries/ authorities and final approval by the Ministry of Immigration and Population. This applies to Intra-corporate transferees of another Party who are executives, managers and specialists.

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| HORIZONTAL COMMITMENTS | | | |
| 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 | 4) (a) Subject to the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies.<br><br>(b) All foreign enterprises and foreign workers shall abide by | 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.<br><br>- 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, The Permanent Residence of a Foreigner Rules and Immigration rules, | |

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | Business Visa<br>Period for Permission of Visa 70 days<br>Period for Permission of Stay Extension<br>- up to 3 months**<br>- over 3 months – up to one year**<br><br>(**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License)<br><br>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)<br><br>(c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for | regulations and procedures of Myanmar<br><br>- Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour, the Ministry of Labour, Immigration and Population.<br><br>- The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission<br><br>- Regarding the recognition of the educational certificates and technical standard certificate, Myanmar only | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|
| | foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission. | determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries. | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | SPECIFIC COMMITMENTS | | | |
| | 1. Business Services | | | |
| | A. Professional Services | | | |
| 1 | Accounting, auditing and bookkeeping Services (CPC 862) | 4) None | 4) As indicated in market access | - Foreign practising accountant holds an Accountancy Certificate or Degree conferred by any foreign country and recognized by the Myanmar Accountancy Council-MAC.<br>- He/she is registered in the list of practising accountants managed by his/her country.<br>- Subject to MAC's licensing requirement.<br>- Not allowed to engage in CPC 8621 Accounting and Auditing Services. |
| 2 | Architectural Services (CPC 8671) | 4) Unbound | 4) Unbound | |
| 3 | Engineering Services (CPC 8672) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 4 | Integrated Engineering Services (CPC 8673) | 4) Unbound | 4) Unbound | |
| 5 | Urban Planning Services (CPC 86741) | 4) Unbound | 4) Unbound | |
| 6 | Landscape Architectural Services (CPC 86742) | 4) Unbound | 4) Unbound | |
| | B. Computer and Related Services | | | |
| 7 | Consultancy services related to the installation of computer hardware (CPC 841) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 8 | Software implementation services (CPC 842)<br><br>(i) System software consulting services (CPC 8421)<br><br>(ii) System analysis services (CPC 8422)<br><br>(iii) System design services (CPC 8423) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | (iv) Programming services (CPC 8424)<br><br>(v) System maintenance services (CPC 8425) | | | |
| 9 | Data processing services (CPC 843)<br><br>(i) Input processing services (CPC 8431)<br><br>(ii) Data-processing and tabulation services (CPC 8432)<br><br>(iii) Time-sharing services (CPC 8433)<br><br>(iv) Other data processing services (CPC 8439) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 10 | Data base services (CPC 844) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 11 | Other (CPC 845-849)<br><br>(i) Maintenance and repair services of | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | office machinery (CPC 845)<br><br>(ii) Other computer services (CPC 849)<br>- Data-processing services (CPC 8491)<br>- Other computer services (CPC 8499)<br>- System integration services<br>- Software development services | | | |
| | E. Rental/Leasing Services without Operator | | | |
| 12 | Rental and Leasing of Studio Recording equipment (CPC 83109) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| | F. Other Business Services | | | |
| 13 | Advertising Services (CPC 871) | 4) Unbound | 4) Unbound | |
| 14 | Printing and Publishing (CPC 88442) | 4) Unbound | 4) Unbound | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 15 | Translation and Interpretation Services (CPC 87905) | 4) Unbound | 4) Unbound | |
| | 2. COMMUNICATION SERVICES | | | |
| | C. Telecommunication Services | | | |
| 16 | Telex Services (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 17 | Telegraph Services (CPC 7522) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 18 | Electronic Mail services (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 19 | Voice Mail Services (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 20 | Electronic Data Interchange (EDI) Services (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 21 | On Line information and data base retrieval (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 22 | Code and protocol conversion (CPC 7523**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 23 | On Line information and /or data base processing (CPC 843**) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 24 | Paging Services (CPC 75291) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 25 | Telecommunication equipment maintenance Services (CPC 75450) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| | D. Audio Visual Services | | | |
| 26 | Motion Picture and Video Tape Production and Distribution Services (CPC 9611) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 27 | Cinema Theatre Services (CPC 9615) | 4) Unbound | 4) Unbound | |
| 28 | Motion Picture Projection Services (CPC 9612) | 4) Unbound | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| 29 | Pre-erection Work at Construction Site (CPC 511) | 4) Unbound | 4) Unbound | |
| 30 | Construction Work for Buildings (CPC 512) | 4) Unbound | 4) Unbound | |
| 31 | Construction Work for Civil Engineering (CPC 513) | 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments | |
| 32 | Assembly and Erection of Prefabricated Construction (CPC 514) | 4) Unbound | 4) Unbound | |
| 33 | Special Trade Construction (CPC 515) | 4) Unbound | 4) Unbound | |
| 34 | Installation Work (CPC 516) | 4) Unbound | 4) Unbound | |
| 35 | Building Completion and Finishing Work (CPC 517) | 4) Unbound | 4) Unbound | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 36 | Renting Services Related to Equipment for Construction or Demolition of Building or Civil Engineering Work with Operator (CPC 518) | 4) Unbound | 4) Unbound | |
| | 5. EDUCATIONAL SERVICES | | | |
| 37 | Primary Education Services (CPC 921)<br><br>- Preschool education services (CPC 9211)<br>- Other primary education services (CPC 9219) | 4) Unbound | 4) Unbound | Due to existing Regulations of education, Primary Education services are to be regulated by Ministry of Education.<br><br>Pre-school Education services are to be regulated by Ministry of Education as well as Ministry of Social Welfare Relief and Resettlement. |
| 38 | Secondary education services (CPC 922)<br><br>- General secondary education services (CPC 9221)<br>- Technical & vocational secondary education services | 4) Unbound | 4) Unbound | Due to existing Regulations of education, General Secondary Education Services and Technical and Vocational Secondary Education Services are to be regulated by Ministry of Education. |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| | (CPC 9223)<br><br>- Technical & vocational secondary school type education services for handicapped students (CPC 9224) | | | Other secondary Education Services are to be regulated by Ministry of Social Welfare Relief and Resettlement |
| 39 | Higher education services (CPC 923)<br><br>- Post-secondary education services (CPC 9231/92310)<br>- Other higher education services (CPC 9239/92390) | 4) Unbound | 4) Unbound | Due to existing Regulations of education, Higher Education Services are to be regulated by Ministry of Education as well as other 4 Concerned Ministries. |
| 40 | Adult education services (CPC 924)<br><br>Professional and / or short courses education services<br><br>- Language courses and training<br>- Business courses | 4) Unbound | 4) Unbound | Due to existing Regulations of education, Language courses and training are to be regulated by Ministry of Education.<br><br>Business courses are to be regulated by concerned Ministries. |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 41 | Other education services (CPC 929/9290/92900)<br><br>- Skills training services covering the provision of training for technical, supervisory & production related functional levels in new and emerging technologies as follows:(1) automated manufacturing technology; (2) advanced materials technology; (3) biotechnology; (4) electronic; (5) Other services information technology; (6) avionics | 4) Unbound | 4) Unbound | Due to existing Regulations of education, other education services are to be regulated by Ministry of Education as well as other Concerned Ministries. |
| | 7. FINANCIAL SERVICES | | | |
| | A. All insurance and insurance related services | | | |
| 42 | Average and loss adjustment services (CPC 81403) | 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board. | 4) None | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 43 | Actuarial Services | 4) None | 4) According to existing laws & regulations and subject to the permission of Insurance Business Regulatory Board. | |
| | B. Banking and other financial services | | | |
| 44 | Foreign Bank’s Representative Offices Services (CPC 811)<br><br>Foreign Bank’s Branches Services(CPC 811) | 4) Subject to CBM's approval | 4) Subject to CBM's approval | |
| 45 | Provision of financial information, and financial data processing and related software by suppliers of other financial services (CPC 8131) | 4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | 4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 46 | Guarantee and Commitments (CPC 81199) | 4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | 4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws. | |
| | 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| 47 | Hotel and Other Lodging Services (CPC 6411/ 64110) | 4) None | 4) Unbound | |
| 48 | Meal serving services with full restaurant services (CPC 6421/64210) | 4) None | 4) Unbound | |
| 49 | Meal serving services in self-service facilities (CPC 6422) | 4) None | 4) Unbound | |
| 50 | Caterer services, providing meals to outside (CPC 6423) | 4) None | 4) Unbound | |

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 51 | Beverage serving services without entertainment (CPC 64310) | 4) None | 4) Unbound | |
| 52 | Beverage serving services with entertainment (CPC 64320) | 4) None | 4) Unbound | |
| 53 | Travel Agencies and Tour Operators Services (CPC 7471) | 4) Unbound | 4) Unbound | |
| | 11. TRANSPORT SERVICES | | | |
| | A. Maritime Transport Services | | | |
| 54 | International Passenger Transport Services (excluding Cabotage) | 4) Unbound | 4) Unbound | |
| 55 | International Freight Transport Services (excluding Cabotage) | 4) Unbound | 4) Unbound | |
| 56 | Classification Societies | 4) Unbound | 4) Unbound | |
| 57 | Cargo Handling Services | 4) Unbound | 4) Unbound | |

SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

| Sr. No. | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|---|---|
| 58 | Maritime Storage and Warehousing Services | 4) Unbound | 4) Unbound | |
| 59 | Maintenance and Repair of Vessels | 4) Unbound | 4) Unbound | |
| 60 | Maritime Freight Forwarding Services (CPC 7480) | 4) Unbound | 4) Unbound | |
| | C. Air Transport Services | | | |
| 61 | Aircraft Repair and Maintenance Services | 4) Unbound | 4) Unbound | |
| 62 | Selling and Marketing of Air Transport Services | 4) Unbound | 4) Unbound | |
| 63 | Computer Reservation System Services | 4) Unbound | 4) Unbound | |

Schedule of the Republic of the Philippines

Notes

1. This schedule applies only to sectors covered in the Philippine Schedule of Commitments under the Trade in Services Chapter of the ASEAN-Japan Comprehensive Economic Partnership (AJCEP).

2. Philippines' commitments under the AJCEP on Movement of Natural Persons, and under National Treatment and Market Access, in relation to the supply of services through presence of natural persons of Japan and ASEAN Member States (AMS) in the Philippine territory, apply only in relation to the categories of persons set out below.

3. In accordance with Article 50 *bis*.4, Schedule of Commitments for the Temporary Entry and Temporary Stay of Natural Persons, Philippines specifies below any terms, conditions, limitations or qualifications in relation to the supply of services through the presence of natural persons of Japan and AMS in the Philippine territory.

   a) Pursuant to the Philippine Immigration Act of 1940, as amended, the Philippines shall require a covered natural person of Japan and AMS seeking entry and temporary stay under the terms and conditions set out in each category below to obtain an appropriate visa prior to entry in the Philippine territory.

   b) Pursuant to the provisions of Article 40 of the Labor Code, as amended and its implementing rules and regulations, non-resident aliens may be admitted to the Philippines 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.

c) Pursuant to Section 14, Article XII of the Philippine Constitution, the practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission (PRC) pursuant to Section 7(j) of Republic Act No. 8981, and obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.

d) For professional services, 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:

1. Requirements for registration/licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;

2. 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.

3. 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.

e) Pursuant to the Constitution and other relevant laws, in activities expressly reserved to citizens of the Philippines or corporation or association where foreign equity participation is limited to a maximum of 40 percent, all executive and managing officers must be citizens of the Philippines. A non-Filipino citizen as officer or assigned to do technical functions shall have two (2) Filipino understudies.

f) For Transport sector, in case of specialized vessels, aliens may be employed as supernumeraries only for a period of six (6) months.

g) All measure relating to permanent residents are unbound.

Business visitor

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services Chapter.

Definition: 1) Business Visitor means a natural person seeking to enter or stay in the territory of another Party temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of that other Party;

i) as a representative of a goods seller/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/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 subparagraphs e(i), e(ii) and e(iii) of Article 3 of the ASEAN Agreement on the Movement of Natural Persons 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; or

iv) for the purpose of establishing an investment or setting up a commercial presence in the territory of another Party.

Conditions and Limitations: (Including Period of Stay) Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of fifty nine (59) days, which may be extended every two (2) months thereafter for a total period of stay of one (1) year pursuant to the Philippine Immigration Act of 1940, as amended.

Intra-Corporate Transferee (ICT)

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services.

Definitions: Intra-Corporate Transferee (ICT) means 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 joint venture, representative office, branch, subsidiary or affiliate) in the territory of another Party, and who has been an employee of the juridical person, and who is:

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 the service or services of the organisation;

ii) a Manager: a natural person within the organisation who primarily directs the organisation/department/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 employees who primarily perform tasks necessary for the provision of the service; or

iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.

Conditions and Limitations (Including Period of Stay): Temporary stay for one (1) year, which may be extended pursuant to the Philippine Immigration Act of 1940, as amended.

Investors

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services

Definition: Investors engaged in the following:

(a) activities to invest in business in the Philippines and manage such business;

(b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or

(c) conduct of business in the Philippines in which a person other than that of the Philippines has invested.

Conditions and Limitations (Including Period of Stay): Temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of each Party who engages in any of these activities.

Schedule of the Republic of Singapore

Singapore's commitments under Chapter 6 *bis*. (Movement of Natural Persons), in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories set out below.

In accordance to Chapter 6 *bis*. (Movement of Natural Persons), for the categories of persons set out in this Schedule, Singapore specifies below any terms, conditions, limitations of qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Singapore.

Section 1
Intra-corporate Transferees

Entry for 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. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provide services within Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following.

(a) Managers - persons within an organization who primarily direct the organization, or a department or sub- division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.

(b) Executives - persons within the organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher- level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organization.

(c) Specialists - persons within an organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions).

Section 2
Other Clarifications

Notwithstanding the above, Singapore remains unbound with respect to National Treatment and ships' crew.

## Schedule of the Kingdom of Thailand

Thailand may require a natural person of another Party seeking entry and temporary stay in the territory of Thailand under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

### Section 1
### Short-term Business Visitors

Entry and temporary stay for a period not exceeding ninety (90) days shall be granted, when applied for, to a short-term business visitor.

### Section 2
### Intra-corporate Transferees

1. Entry and temporary stay for an initial period not exceeding one (1) year from the arrival date shall be granted, when applied for, to an intra-corporate transferee who has been employed by a juridical person concerned outside Thailand for a period of not less than one (1) year immediately preceding the date of his application for admission.

2. Such temporary stay may be extended for a further three (3) terms of not more than one (1) year each.

Schedule of the Socialist Republic of Viet Nam[1]

Section 1
Service sales person

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 supplier 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.

Section 2
Intra-corporate Transferees

1. 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 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.

2. Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.

[1] Viet Nam's Specific Commitments for the Movement of Natural Persons are limited to the sectors/sub-sectors included in the Schedule of Specific Commitments of Viet Nam in Annex 6.

3. Specialists are natural persons working within an organization who possess knowledge at an advanced level of expertise and with knowledge of the organization's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.

Section 3
Other personnel

Managers, executives and specialists, as defined in Section 2, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.

Section 4
Persons responsible for setting up a commercial presence

Managers and executives (as defined in Section 2) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Party when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a Party other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.

Section 5
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:

1. The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract.

2. 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.

3. The number of these persons covered by the service contract shall not be larger than necessary to fulfill the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.

4. These persons have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" in Section 2.

The entry of these persons is allowed for computer and related services (CPC 841-845, 849) and engineering services (CPC 8672).

## Schedule of Japan

Japan may require a natural person of an ASEAN Member State seeking entry and temporary stay under the terms and conditions set out in each Section of this Schedule of Japan to obtain an appropriate visa or its equivalent prior to entry.

### Section 1
### Short-Term Business Visitors of ASEAN Member States

Entry and temporary stay for a period not exceeding 90 days, which may be extended, shall be granted to a natural person of an ASEAN Member State who will stay in Japan without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself or herself, for the purposes of participating in business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in Japan.

### Section 2
### Intra-Corporate Transferees of ASEAN Member States

1. Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who:

(a) has been employed by a public or private organisation that supplies services or invests in Japan, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Japan;

(b) is being transferred to a branch or representative office of that public or private organisation in Japan, or another public or private organisation constituted or organised in Japan owned or controlled by or affiliated with the former public or private organisation; and

(c) will engage in one of the following activities during his or her temporary stay in Japan:

(i) activities to direct the branch or representative office as its head;

(ii) activities to direct the latter public or private organisation as its board member or auditor;

(iii) activities to direct one or more departments of the latter public or private organisation; or

(iv) activities which require technology or knowledge at an advanced level pertinent to natural or human sciences, including physical sciences, engineering, jurisprudence, economics, business management and accounting, or activities which require ideas and sensitivity based on culture of a country other than Japan, recognised under the status of residence of "Engineer/Specialist in Humanities/ International Services" provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951, as amended).

Note: For the purposes of this paragraph, a public or private organisation is "affiliated" with another public or private organisation when the latter can significantly affect the decision making of the former on finance and business policy.

2. The activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(c)(iv) mean the activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.

## Section 3
## Natural Persons of ASEAN Member States Who Engage in Business Activities Which Require Technology or Knowledge at an Advanced Level on the Basis of a Personal Contract with Public or Private Organisations in Japan

1. Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who will engage in the business activities of supplying services during his or her temporary stay in Japan on the basis of a personal contract with a public or private organisation in Japan which correspond to:

(a) activities which require technology or knowledge at an advanced level pertinent to natural or human sciences, including physical sciences, engineering, jurisprudence, economics, business management and accounting; or

(b) activities which require ideas and sensitivity based on culture of a country other than Japan,

under the status of residence of "Engineer/Specialist in Humanities/International Services", whose scope is provided for in the Immigration Control and Refugee Recognition Act.

2. The activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(a) mean the activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.

## Section 4
## Investors of ASEAN Member States

Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who will engage in one of the following activities during his or her temporary stay in Japan:

(a) activities to invest in business in Japan and manage such business;

(b) activities to manage business in Japan on behalf of a person other than that of Japan who has invested in such business; or

(c) conduct of business in Japan in which a person other than that of Japan has invested.

## Section 5
## Natural Persons of ASEAN Member States Who Engage in Professional Services

Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who is a legal, accounting or taxation service supplier qualified as specified in subparagraphs (a) through (j) under the laws and regulations of Japan and who will supply the respective services specified therein during his or her temporary stay in Japan:

(a) legal services supplied by a lawyer qualified as "Bengoshi" under the laws and regulations of Japan;

(b) legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer on condition that the service supplier is qualified as "Gaikokuho-Jimu-Bengoshi" under the laws and regulations of Japan;

(c) legal services supplied by a patent attorney qualified as "Benrishi" under the laws and regulations of Japan;

(d) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under the laws and regulations of Japan;

(e) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under the laws and regulations of Japan;

(f) taxation services supplied by a tax accountant qualified as "Zeirishi" under the laws and regulations of Japan;

(g) legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under the laws and regulations of Japan;

(h) legal services supplied by an administrative scrivener qualified as "Gyosei-Shoshi" under the laws and regulations of Japan;

(i) legal services supplied by a certified social insurance and labour consultant qualified as "Shakai-Hoken-Romushi" under the laws and regulations of Japan; or

(j) legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under the laws and regulations of Japan.

## Section 6
## Accompanying Spouse and Children

1. Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of an ASEAN Member State who has been granted entry and temporary stay pursuant to Sections 2 through 5, in principle for the same period as the period of temporary stay granted to the natural person, provided that such spouse and children obtain maintenance from the natural person and engage in daily activities recognised under the status of residence of "Dependants" provided for in the Immigration Control and Refugee Recognition Act.

2. A spouse who has been granted entry and temporary stay pursuant to paragraph 1 may, upon application, have his or her status of residence changed to that under which he or she is allowed to work, subject to the approval of the Government of Japan in accordance with the Immigration Control and Refugee Recognition Act.

Note: For the purposes of this Section, the term "spouse" or "children" means spouse or children recognised as such in accordance with the laws and regulations of Japan.