

◎包括的な経済上の連携に関する日本国及び東南アジア諸国連合構成国の間の協定を改正する第一議定書

(略称) 日・ASEAN包括的経済連携協定第一改正議定書

二〇一九年 二月 二七日	東京で署名
二〇一九年 三月 二日	シエムリアップで署名
二〇一九年 四月 二四日	ハノイで署名
二〇二〇年 五月 一三日	国会承認
二〇二〇年 六月 一二日	通告の閣議決定
二〇二〇年 六月 一五日	ASEAN各国に対する通告
二〇二〇年 六月 一九日	公布(条約第二号)
二〇二〇年 六月 一九日	告示(外務省告示第二二三号)
二〇二〇年 八月 一日	我が国について効力発生

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日本国並びに東南アジア諸国連合（以下「ASEAN」という。）構成国であるブルネイ・ダルサラーム国、カンボジア王国、インドネシア共和国、ラオス人民民主共和国、マレーシア、ミャンマー連邦共和国、フィリピン共和国、シンガポール共和国、タイ王国及びベトナム社会主義共和国の政府は、

二千八年十二月一日に効力を生じた包括的な経済上の連携に関する日本国及び東南アジア諸国連合構成国の間の協定（以下「AJCEP協定」という。）を想起し、

特に経済分野における四十年を超える日本国とASEANとの間の関係における成果に励まされ、

AJCEP協定を主要な手段として用いることにより日本国及びASEANの構成国（以下「ASEAN構成国」という。）の競争力を一層強化することを希望し、

さらに、日ASEAN友好協力四十周年を記念して日本国及びASEAN構成国の元首又は政府の長によって採択された日ASEAN友好協力に関するビジョン・ステートメント（共に描き、共に生き、共に歩む）において、これらの元首又は政府の長が、特に、物品の貿易、サービスの貿易及び投資に関する双方の関心分野における協力を強化すること（AJCEP協定の活用及び日ASEAN十箇年戦略的経済協力ロードマップの実施を促進することを含む。）を通じて、包括的な経済上の連携を更に強化する約束を表明したことを想起し、

サービスの貿易及び投資に関する規定について討議し、及び交渉し、並びにその交渉の結果をAJCEP協定に組み込むという日本国及びASEAN構成国の意図を反映しているAJCEP協定第五十条及び第五十一条の規定に留意し、

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

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;

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AJCEP協定にサービスの貿易、自然人の移動及び投資に関する確固とした章を組み込むことを希望し、また、これらの章を組み込むことが日本国とASEANとの間の連携を強化し、及び東アジア地域における経済的な統合を支えることを確信し、

さらに、AJCEP協定第七十七条においてAJCEP協定の改正が全締約国の合意によることを定めていることに留意して、

次のとおり協定した。

第一条 シャンマー連邦の記載

AJCEP協定の規定中「シャンマー連邦」とあるのは、「シャンマー連邦共和国」と読み替えるものとする。

第二条 新たな附属書の組み込み及びAJCEP協定の目次の改正

1 この議定書の付録一から付録五までは、この議定書の不可分の一部を成す。

2 AJCEP協定の目次をこの議定書の付録一に掲げる新たな目次に改める。

3 この議定書の付録二から付録五までは、それぞれAJCEP協定附属書六から附属書九までとしてAJCEP協定に組み込まれる。

第三条 AJCEP協定第一章（総則）の改正

1 AJCEP協定第八条を次のように改める。

第八条 安全保障のための例外

1 この協定の適用上、この協定のいかなる規定も、次のいずれかの事項を定めるものと解してはならない。

(a) 締約国に対し、その開示が自国の安全保障上の重大な利益に反すると当該締約国が認める情報の提供を要求すること。

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;

ミャンマー連邦の記載

新たな附属書の組み込み及びAJCEP協定の目次の改正

AJCEP協定第一章（総則）の改正

- (b) 締約国が自国の安全保障上の重大な利益の保護のために必要であると認める次のいずれかの措置をとることを妨げる。①
- (i) 武器、弾薬及び軍需品の取引並びに軍事施設に供給するため直接若しくは間接に行われるその他の貨物及び原料の取引に関する措置又は軍事施設のため直接若しくは間接に行われるサービスの提供に関する措置
- (ii) 戦時、国内における緊急時又は他の国際関係における緊急時にとる措置
- (iii) 核分裂性物質若しくは核融合性物質又はこれらの生産原料である物質に関する措置
- (iv) 通信、電力及び水道の基盤を含む中枢的な公共基盤を使用不能にし、又は破壊することを意図した計画的な企てから、当該公共基盤を防護するためにとる措置
- (c) 締約国が国際の平和及び安全の維持のため国際連合憲章に基づく義務に従って措置をとることを妨げる。②
- 2 合同委員会は、1 (b)及び(c)の規定に基づいてとられる措置並びにその終了について最大限に可能な範囲で通報を受ける。
- 2 AJCEP協定第十一条2 (e)を次のように改める。
- (e) 次のものを採択すること。
- (i) 附属書四規則十一に規定する運用上の規則
- (ii) 附属書二が改正された場合の同附属書③の全締約国による実施に関する手続規則であつて、第三十七条に規定する原産地規則に関する小委員会の勧告に基づくもの(当該手続規則は、特に、改正された附属書二が附属書四の規定による原産地証明書の申請及び発給について適用される日に関して対象とする。)

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- (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 fusible 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

ASEAN  
JCEP  
協定第  
六章(サ  
ービス  
貿易)の  
改正

(iii) 第七十七条5の規定に基づくこの協定の改正

(iv) 必要な決定

第四条 AJCEP協定第六章（サービスの貿易）の改正

AJCEP協定第六章を次のように改める。

第六章 サービスの貿易

第五十・一条 定義

この章の規定の適用上、

(a) 「政府の権限の行使として提供されるサービス」とは、商業的な原則に基づかず、かつ、「又は」以上のサービス提供者との競争を行うことなく提供されるサービスをいう。

(b) 「航空機の修理及び保守のサービス」とは、航空機がサービスを提供していない間に当該航空機又はその一部に対して行われる活動をいい、いわゆるライン・メンテナンスを含まない。

(c) 「業務上の拠点」とは、業務を行うため又は自由職業のための事業所をいい、これらの事業所には、サービスの提供を目的として締約国の領域において行われる次のいずれかの行為により置かれるものを含む。

(i) 法人の設立、取得又は維持

(ii) 支店又は代表事務所の設置又は維持

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

(d) 「コンピュータ予約システムのサービス」とは、航空機の発着予定、空席状況、運賃及び運賃規則に関する情報が組み込まれたコンピュータ・システムを通じて予約を受け付け、又は発券を行うことにより提供されるサービスをいう。

(e) 「直接税」とは、所得若しくは財産の全部又は所得若しくは財産の要素に対する全ての租税（財産の譲渡によって生ずる収益に対する租税、遺産、相続及び贈与に対する租税、企業が支払う賃金又は給与の総額に対する租税並びに財産の価額の上昇に対する租税を含む。）をいう。

(f) 「法人」とは、営利目的であるか否かを問わず、また、民間の所有であるか政府の所有であるかを問わず、関係の法律に基づいて適正に設立され、又は組織される法定の事業体（社団、信託、組合、合併企業、個人企業及び団体を含む。）をいう。

(g) 「他の締約国の法人」とは、次のいずれかの法人をいう。

(i) 他の締約国の法律に基づいて設立され、又は組織される法人であつて、当該他の締約国又は当該他の締約国以外の締約国の領域において実質的な事業活動に従事しているもの

(ii) 業務上の拠点を通じてサービスの提供が行われる場合には、次のいずれかの者が所有し、又は支配する法人

(A) 他の締約国の自然人

(B) (i)に規定する他の締約国の法人

(h) (i) 法人が締約国の者によって「所有」されるときは、当該者が当該法人の五十パーセントを超える持分を受益者として所有する場合をいう。

(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) 法人が締約国の者によって「支配」されるとは、当該者が当該法人の役員の過半数を指名し、又は当該法人の活動につき法的に指示する権限を有する場合をいう。
- (iii) 法人が他の者と「提携」するとは、当該法人が当該他の者を支配し、若しくは当該他の者によって支配される場合又は当該法人及び当該他の者の双方が同一の者によって支配される場合をいう。
- (i) 「措置」とは、締約国による措置（法令、規則、手続、決定、行政上の行為その他のいずれの形式であるかを問わない。）をいう。
- 注釈 「措置」には、サービス貿易一般協定が対象とする範囲内の租税に係る課税措置を含める。
- (j) 「締約国による措置」とは、次の措置をいう。
- (i) 締約国の中央、地域又は地方の政府及び機関がとる措置
- (ii) 非政府機関が、締約国の中央、地域又は地方の政府又は機関によって委任された権限を行使するに当たってとる措置
- (k) 「サービスの貿易に影響を及ぼす締約国による措置」には、次の措置を含む。
- (i) サービスの購入、支払又は利用に係る措置
- (ii) サービスの提供に関連して、締約国が公衆一般に提供されることを要求しているサービスへのアクセス及び当該サービスの利用に係る措置
- (iii) 締約国の領域におけるサービスの提供のための他の締約国の者の存在（業務上の拠点を含む。）に係る措置
- (l) 「独占的なサービス提供者」とは、締約国が自国の領域の関連市場におけるサービスの唯一の提供者として法令上又は事実上許可し、又は設立する者（公私を問わない。）をいう。

- (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

(m) 「他の締約国の自然人」とは、他の締約国の領域に居住しているか否かを問わず、当該他の締約国の法律の下で次のいずれかの要件を満たす自然人をいう。

(i) 当該他の締約国の国民であること。

(ii) 当該他の締約国において永住する権利を有すること（当該他の締約国が、包括的な経済上の連携に関する日本国及び東南アジア諸国連合構成国との間の協定を改正する第一議定書（以下「第一議定書」という。）が効力を生じた後に他の全ての締約国に通報するところにより、自国の永住者に対し、サービスの貿易に影響を及ぼす措置に関し自国民に与える待遇と実質的に同一の待遇を与える締約国である場合に限る。）。ただし、いずれの締約国も、当該他の締約国の永住者に対し、当該他の締約国が当該永住者に与えることとなる待遇よりも有利な待遇を与える義務を負うものではない。その通報には、当該他の締約国が自国の法令に従い自国民に対して負う責任と同一の責任を自国の永住者に対して負うことの保証を含む。

注釈

カンボジア王国、インドネシア共和国、ラオス人民民主共和国、マレーシア、ミャンマー連邦共和国、フィリピン共和国、タイ王国、ベトナム社会主義共和国及び日本国については、他の締約国の自然人は、当該他の締約国の法律の下で当該他の締約国の国民である自然人（当該他の締約国の領域に居住しているか否かを問わない。）に限る。したがって、この章の規定は、相互主義の原則に従い、カンボジア王国、インドネシア共和国、ラオス人民民主共和国、マレーシア、ミャンマー連邦共和国、フィリピン共和国、タイ王国、ベトナム社会主義共和国及び日本国の永住者については、適用しない。これらの締約国のうちいずれかの締約国が他の締約国又は非締約国の永住者の待遇に関する法律を制定した場合には、当該締約国に関し、この章の規定に基づく自然人の対象範囲に永住者を含めるか否かの問題について全締約国間で交渉を行う。

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

- (n) 「者」とは、自然人又は法人のいずれかをいう。
- (o) サービスの「分野」とは、次のいずれかのものをいう。
- (i) 特定の約束については、締約国の特定の約束に係る表に記載する当該サービスの「若しくは」以上の又は全ての小分野
- (ii) 当該サービスの分野の全体（当該サービスの分野の全ての小分野を含む。）
- (p) 「航空運送サービスの販売及びマーケティング」とは、関係する航空運送人が自己の航空運送サービスの販売及びマーケティング（市場調査、広告、流通その他のマーケティングの全ての側面を含む。）を自由に行う機会をいう。これらの活動には、航空運送サービスの価格の決定及び航空運送サービスに適用される条件を含まない。
- (q) 「サービス」には、政府の権限の行使として提供されるサービス以外の全ての分野における全てのサービスを含む。
- (r) 「サービス消費者」とは、サービスを受け、又は利用する者をいう。

- (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;
- 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.

- (s) 「他の締約国のサービス」とは、次のいずれかのサービスをいう。
- (i) 他の締約国の領域から又はその領域において提供されるサービス。海上運送については、他の締約国の法律に従って登録されている船舶が提供するサービス又は他の締約国の者が船舶を運航し、若しくは船舶の全体若しくは一部を利用することを通じて提供するサービスをいう。
- (ii) 業務上の拠点又は自然人の存在を通じてサービスの提供が行われる場合には、他の締約国のサービス提供者が提供するサービス
- (t) 「サービス提供者」とは、サービスを提供する者をいう。
- 注釈 法人がサービスを直接ではなく、支店、代表事務所その他の形態の業務上の拠点を通じて提供する場合には、サービス提供者（すなわち、当該法人）に対し、この協定に基づいてサービス提供者に与えられる待遇が当該業務上の拠点を通じて与えられる。当該待遇は、当該業務上の拠点に及ぼされるものとし、サービスが提供される領域の外に所在する当該サービス提供者の部分に及ぼされる必要はない。
- (u) 「サービスの提供」には、サービスの生産、流通、マーケティング、販売及び納入を含める。
- (v) 「サービスの貿易」とは、次に規定する態様によるサービスの提供をいう。
- (i) いずれかの締約国の領域から他の締約国の領域へのサービスの提供（越境の態様による提供）
- (ii) いずれかの締約国の領域におけるサービスの提供であって他の締約国のサービス消費者に対して行われるもの（海外消費の態様による提供）

- (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");

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- (iii) いずれかの締約国のサービス提供者によるサービスの提供であつて他の締約国の領域内の業務上の拠点を通じて行われるもの（業務上の拠点を通ずる態様による提供）
- (iv) いずれかの締約国のサービス提供者によるサービスの提供であつて他の締約国の領域内の当該締約国の自然人の存在を通じて行われるもの（自然人の存在を通ずる態様による提供）
- (v) 「運輸権」とは、いずれかの締約国の領域内の地点を出発地若しくは目的地として又は当該締約国の領域若しくはその上空において、運輸し、又は有償若しくは貸切りで旅客、貨物若しくは郵便物を運送する定期又は不定期の航空運送サービスに係る権利（運航地点、運営路線、運送するものの種類、提供する輸送力、運賃及びその条件並びに数、所有、支配その他航空企業を指定するための基準を含む。）をいう。

第五十・二条 適用範囲

- 1 この章の規定は、サービスの貿易に影響を及ぼす締約国による措置について適用する。
- 2 この章の規定は、次の事項については、適用しない。
  - (a) 政府調達
  - (b) 海上運送サービスのうち内航海運に係るもの
  - (c) 航空運送サービスに関し、運輸権（いかなる方法で与えられるものであるかを問わない。）に影響を及ぼす措置又は運輸権の行使に直接関係するサービスに影響を及ぼす措置。ただし、次に掲げる事項に影響を及ぼす措置を除く。
    - (i) 航空機の修理及び保守のサービス
    - (ii) 航空運送サービスの販売及びマーケティング
    - (iii) コンピュータ予約システムのサービス
  - (d) 締約国の雇用市場へのアクセスを求める他の締約国の自然人に影響を及ぼす当該締約国による措置及び国籍、市民権又は永続的な居住若しくは雇用に関する措置

- (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
- (v) "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;
  - (d) measures by a Party affecting natural persons of another Party seeking access to the employment market of the former Party,

- 3 この章の附属書Aは、金融サービスに関して、この章の補足規定（適用範囲及び定義を含む。）を定める。
- 4 この章の附属書Bは、電気通信サービスに関して、この章の補足規定（適用範囲及び定義を含む。）を定める。

#### 第五十・三条 最恵国待遇

- 1 各締約国は、他の締約国のサービス及びサービス提供者に対し、その他のいずれかの締約国又は非締約国の同種のサービス及びサービス提供者に与える待遇よりも不利でない待遇を与える。
- 2 1の規定は、附属書七に記載する分野、小分野又は活動に関する締約国による措置については、適用しない。
- 3 1及び2の規定にかかわらず、附属書八に掲げる締約国は、1及び2の規定の適用を免除されるものとし、他の締約国のサービス及びサービス提供者に対し、その他のいずれかの締約国又は非締約国の同種のサービス及びサービス提供者に与える待遇よりも不利でない待遇を与えることを考慮するよう努める。第九章に定める紛争解決手続は、この3の規定に関する締約国のいかなる決定についても、適用しない。

#### 第五十・四条 透明性

- 1 全締約国は、相互の市場にアクセスして業務を行うサービス提供者の能力を向上させる上でサービスの貿易を規律する透明性のある措置が重要であることを認識する。各締約国は、サービスの貿易における規制の透明性を促進する。

#### 公表

- 2 各締約国は、次の措置及び国際協定を速やかに、かつ、緊急の場合を除くほか遅くとも当該措置及び国際協定が効力を生ずる時までに公表する。
- (a) 一般に適用される全ての関連する措置であって、サービスの貿易に影響を及ぼすもの

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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

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- (b) サービスの貿易に関連を有し、又は影響を及ぼす全ての国際協定であつて、自国が当事国であるもの
- 3 各締約国は、可能な限り、2に規定する種類の措置及び国際協定について、インターネット上で利用可能なものとする。
- 4 2及び3に規定する措置及び国際協定の公表が実行可能でない場合には、当該措置及び国際協定に関する情報は、他の方法により公に利用可能なものとする。
- 5 各締約国は、サービスの貿易に影響を及ぼす一般に適用される規制であつて、自国が設定し、改正し、又は廃止しようとするものについて、可能な限り、かつ、自国の法令により必要とされる範囲内で、その設定、改正又は廃止の前に全締約国の利害関係を有する者による意見提出のための合理的な機会を与え、並びに公衆から受領した意見及び当該意見に対する検討結果を公表する。

注釈 締約国は、当該意見及び当該意見に対する検討結果を取りまとめ、並びに最終的な規制案を定める文書とは別の文書において当該意見及び当該検討結果を公表することができ。

### 連絡部局

- 6 各締約国は、この章の規定の対象となる事項について全締約国間の連絡を円滑にするため、連絡部局を指定する。連絡部局は、他の締約国の要請があつた場合には、次のことを行う。
- (a) 関連する事項について責任を有する事務所又は職員を特定すること。
- (b) 当該事項に関して、要請を行った締約国との連絡を円滑にする必要に応じて支援すること。
- 7 各締約国は、次の事項に関する特定の情報についての他の締約国の全ての要請に対して速やかに応ずる。
- (a) 2(a)に規定する措置又は2(b)に規定する国際協定

- (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) この章の規定に基づく自国の特定の約束の対象となるサービスの貿易に対して著しく影響を及ぼす法令又は行政上の指針の導入又は変更（当該他の締約国に対し、導入し、又は変更した法令又は行政上の指針を事前に通報したか否かを問わない。）

8 各締約国は、自国の一般に適用される関連する措置であって、この章の規定の対象となる事項に関するものに関し、全締約国の利害関係を有する者からの照会に、可能な限り、かつ、自国の法令により必要とされる範囲内で応ずる。

9 各締約国は、前条、第五十・十七条及び第五十・十八条の規定に基づく義務に適合しない法律及び中央政府の他の措置について法的拘束力のない表（透明性に係る表）を作成する（中央政府の他の措置については、可能な限り作成する）。当該表は、(i) この協定において特定の約束が行われた分野又は第一議定書が効力を生ずる日において効力を有する他の協定（サービスの貿易に関連を有し、又は影響を及ぼすもの）であって、当該表を作成する締約国が当事国であるものにおいて特定の約束が行われた分野及び(ii)可能な限り(i)に規定する分野に含まれない他の分野を対象とするものとし、新規ASEAN構成国については第一議定書が効力を生ずる日から六年以内に、その他の締約国については当該効力を生ずる日から四年以内に、全締約国間で交換され、及び公表されるものとし、また、必要に応じて、将来の見直し及び改定の対象とすることができ。当該表は、この協定の不可分の一部を成すものではなく、また、第九章に定める紛争解決手続の対象とはならない。当該表には、次の要素を含める。

- (a) 分野及び小分野又は事項
- (b) 適合しない規定（最恵国待遇、市場アクセス又は内国民待遇に係るもの）の種類
- (c) 措置の法的根拠その他の根拠
- (d) 措置の簡潔な説明

(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.

注釈 この9の規定は、締約国に対し、当該表に関連する事項に関して他の締約国と交渉を行う義務を課するものと解してはならない。当該表は、透明性のためにのみ作成されるものであり、この章の規定に基づく締約国の権利及び義務に影響を及ぼすものと解してはならない。また、当該表に含まれる情報は、締約国が新たな措置を導入すること又は変更を行うことを妨げるものではない。この9の規定に基づく見直し又は改定については、当該表の更新のみを目的とする。

10 締約国は、9に規定する表の作成について、他の締約国の要請があった場合には、利用可能な資源の範囲内で、要請を行った締約国に対して技術援助を与えることができる。

第五十・五条 国内規制

1 各締約国は、第五十・十七条から第五十・二十三条までの規定に基づいて特定の約束を行った分野において、一般に適用される全ての措置であってサービスの貿易に影響を及ぼすものが合理的、客観的かつ公平な態様で実施されることを確保する。

2 (a) 各締約国は、サービスの貿易に影響を及ぼす行政上の決定について、当該影響を受けたサービス提供者の要請に基づき速やかに当該決定を審査し、及び正当とされる場合には当該決定に関して適当な救済を与える司法裁判所、仲裁裁判所若しくは行政裁判所又は司法上の、仲裁による若しくは行政上の手続を維持し、又は実行可能な限り速やかに設定する。締約国は、当該手続が当該決定について責任を有する当局から独立したものでない場合には、当該手続において実際に客観的かつ公平な審査が行われることを確保する。

(b) (a)の規定は、締約国に対し、その憲法上の構造又は法制の性質に反することとなる裁判所又は手続の設定を要求するものと解してはならない。

Note: Nothing in this paragraph shall be construed to obligate 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 purpose 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 各締約国の権限のある当局は、この章の規定に基づく特定の約束が行われたサービスの提供のために許可が必要な場合には、次のことを行う。

(a) 不備がある申請の場合には、申請者の要請に基づき、申請を不備がないものとするために必要な全ての追加の情報を実行可能なときは特定し、合理的な期間内に不備を是正する機会を与える<sup>(a)</sup>。

(b) 申請者の要請に基づき、申請の処理状況に関する情報を不当に遅滞することなく提供する<sup>(a)</sup>。

(c) 申請を終了させ、又は拒否する場合には、可能な限り、かつ、自国の法令により必要とされる範囲内で、申請者に対して、その終了又は拒否の理由を書面により遅滞なく通知すること。申請者は、任意に、新たな申請を再提出することができる。

4 締約国の権限のある当局は、自国の法令に従い、提出された申請に対して行政上の決定を行う<sup>(a)</sup>についての基準を定めるよう努めるものとし、また、次の事項を行うよう努める。

(a) 当該基準をできる限り具体的なものとすること。

(b) 当該基準を公に利用可能なものとする<sup>(a)</sup>（公に利用可能なものとして当該締約国<sup>(a)</sup>の行政上特別の支障を来すこととなる場合を除く<sup>(a)</sup>）。

5 締約国の権限のある当局は、自国の法令に従って、次の事項を行うよう努める。

(a) 当該権限のある当局による申請の受理と提出された申請に対して行う行政上の決定との間の標準的な期間を定めること。

(b) (a)に規定する標準的な期間が定められたときは、当該期間を公に利用可能なものとする<sup>(a)</sup>。

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 各締約国は、他の締約国のサービス提供者についての資格要件、資格の審査に係る手続、技術上の基準及び免許要件に関連する措置がサービスの貿易に対する不必要な障害とならないことを確保するため、これらの要件が、特に、次の基準に適合することを確保するよう努める。

- (a) 客観的な、かつ、透明性のある基準（サービスを提供する能力等）に基づくこと。
- (b) サービスの質を確保するために必要な範囲を超えて負担とならないこと。
- (c) 免許に係る手続については、それ自体がサービスの提供に対する制限とならないこと。

7 (a) 締約国は、自国が特定の約束を行った分野であって、当該特定の約束において定める条件又は制限に従うことを条件としたものについては、この章の規定に基づく自国の義務を次に掲げる態様により無効にし、又は侵害するような免許要件、資格要件及び技術上の基準を適用してはならない。

- (i) 6 (a) から (c) までは規定する基準に適合しない態様
- (ii) 当該分野において特定の約束が行われた時に、当該締約国について合理的に予想され得なかった態様

(b) 締約国が (a) の規定に基づく義務を遵守しているか否かの決定については、当該締約国が適用する関係国際機関の国際的基準を考慮する。

注釈 「関係国際機関」とは、少なくとも全締約国の関係機関が参加することができると国際機関をいう。

8 各締約国は、自由職業サービスに関する特定の約束を行った分野において、他の締約国の自由職業家の能力を確認するための適当な手続を定める。

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 サービス貿易一般協定第六条 4 の規定に関する交渉の結果が効力を生ずる場合において、当該交渉の結果がこの協定の下で効力を生ずるものとするため、適当なときは、全締約国間での協議の後、この条を改正する。

#### 第五十・六条 行政指導

1 締約国の中央政府の権限のある当局は、この章の規定の対象となる事項に関して行政指導を行う場合には、当該行政指導が自らの権限の範囲を超えないことを確保することが奨励される。また、当該権限のある当局は、当該行政指導が関係者に対してその任意の協力によらないで当該行政指導に従うことを要求しないことを確保することが奨励される。

2 1 に規定する権限のある当局は、自国の法令に従い、関係者が行政指導に従わないことのみを理由として不利に扱われないことを確保することが奨励される。

3 1 に規定する権限のある当局は、関係者の要請があった場合には、自国の法令に従って、当該関係者に対して行政指導の目的及び内容を書面により提供することが奨励される。

4 この条の規定の適用上、「行政指導」とは、締約国の中央政府の権限のある当局による指導、勧告又は助言であって、行政上の目的を達成するため、ある者に対して一定の作為又は不作为を要求するものであるが、当該者の権利及び義務を創設し、当該者の権利及び義務に制限を課し、又はいかなる意味においても当該者の権利及び義務に影響を及ぼすものではないものという。

#### 第五十・七条 承認

1 締約国は、サービス提供者に対して許可、免許又は資格証明を与えるための自国のそれぞれの基準の全部又は一部を適用する上で、また、4 に規定する要件に従い、他の締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明を承認することができ。その承認は、措置の調和その他の方法によって行うことができるものとし、関係締約国との協定若しくは取決めに基づいて又は一方的に与えることができる。

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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

2 二以上の締約国は、サービス提供者に対して許可、免許又は資格証明を与えるための自国のそれぞれの基準を適用する上で、資格要件、資格の審査に係る手続、免許に係る手続若しくは登録に係る手続の承認についての交渉を開始することができる。又は自国の関係する権限のある機関に対して当該交渉の開始を奨励することができる。

3 1に規定する協定又は取決めの当事国である締約国は、当該協定又は取決めが現行のものであるか将来のものであるかを問わず、利害関係を有する他の締約国が当該協定若しくは取決めへの自国の加入について交渉し、又はこれと同等の協定若しくは取決めについて交渉するための機会を十分に与える。締約国は、承認を一方的に与える場合には、他の締約国に対し、当該他の締約国の領域において得られた教育、経験、免許若しくは資格証明又は満たされた要件が承認されるべきであることを明らかにするための機会を十分に与える。

4 締約国は、サービス提供者に対して許可、免許又は資格証明を与えるための自国の基準を適用するに当たって国の間で差別する手段又はサービスの貿易に対する偽装した制限となることとなる態様で承認を与えてはならない。

5 締約国が、他の締約国又は非締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明を、当該締約国と当該他の締約国若しくは非締約国との間の協定若しくは取決めに基づいて又は一方的に承認する場合には、第五十・三条のいかなる規定も、当該締約国に対し、当該他の締約国以外の締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明に承認を与えることを求めるものと解してはならない。

#### 第五十・八条 独占及び排他的なサービス提供者

1 各締約国は、自国の領域内の独占的なサービス提供者が関連する市場において独占的なサービスを提供するに当たり、第五十・三条の規定及び特定の約束に基づき自国の義務に反する態様で活動しないことを確保する。

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 締約国の独占的なサービス提供者が自己の独占権の範囲外のサービスの提供（当該締約国の特定の約束に従うものに限る。）に当たって直接に又は提携する会社を通じて競争する場合には、当該締約国は、当該独占的なサービス提供者が自国の領域において当該特定の約束に反する態様で自己の独占的地位を濫用して活動することがないことを確保する。

3 締約国は、他の締約国の独占的なサービス提供者が1又は2の規定に反する態様で活動していると信ずるに足りる理由がある場合には、当該独占的なサービス提供者を設立し、維持し、又は許可する当該他の締約国に対し、関連業務に関する特定の情報の提供を要請することができる。

4 この条の規定は、排他的なサービス提供者の場合、すなわち、締約国が法令上又は事実上、(a)少数のサービス提供者を許可し、又は設立し、かつ、(b)自国の領域においてこれらのサービス提供者の間の競争を実質的に妨げる場合についても適用する。

#### 第五十・九条 商慣習

1 全締約国は、サービス提供者の一定の商慣習（前条の規定に該当するものを除く。）が競争を抑制し、及びこれによりサービスの貿易を制限することがあることを認識する。

2 各締約国は、他の締約国の要請があった場合には、1に規定する商慣習を撤廃することを目的として協議を行う。要請を受けた締約国は、当該要請に対して十分かつ好意的な考慮を払うものとし、問題となっている事項に関連する秘密でない情報であって公に利用可能なものを提供することによって協力する。また、要請を受けた締約国は、自国の法律に従い、かつ、要請を行った締約国による情報の秘密の保護に関する適切な協定の締結を条件として、利用可能な他の情報を要請を行った締約国に提供する。

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 a satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Party.

第五十・十条 セーフガード

1 全締約国は、セーフガード措置の問題について、無差別の原則に基づいて、サービス貿易一般協定第十条の規定に従って行われる多角的交渉に留意する。全締約国は、当該多角的交渉が終了した時は、当該多角的交渉の結果を組み込むためのこの章の規定の適当な改正について討議することを目的として見直しを行う。

2 この章の規定に基づいて行われた約束の実施が1に規定する多角的交渉の終了までに締約国のサービスの分野に実質的な悪影響を及ぼす場合には、その影響を受けた締約国は、関係締約国に対して協議を要請することができる。要請を受けた締約国は、実質的な悪影響を及ぼした可能性があると自国が認める約束及び要請を行った締約国が当該悪影響を緩和する措置を採用する可能性に関し、要請を行った締約国との協議を行う。要請を行った締約国は、他の全ての締約国に対し、この2の規定に基づく協議を要請したことを通報する。

3 2の規定に従ってとる措置については、協議を行う締約国が相互に合意する。

4 協議を行う締約国は、他の全ての締約国に対し、協議の終了後、実行可能な限り速やかに、かつ、第五十・二十四条に規定するサービスの貿易に関する小委員会の次の会合までに、その協議の結果を通報する。

第五十・十一条 支払及び資金の移転

1 締約国は、次条に規定する場合を除くほか、自国の特定の約束に関連する經常取引のための資金の国際的な移転及び支払に対して制限を課してはならない。

2 この章のいかなる規定も、国際通貨基金協定（以下「IMF協定」という。）に適合する為替の利用を含め、IMF協定に基づく国際通貨基金（以下「IMF」という。）の加盟国としての全締約国の権利及び義務に影響を及ぼすものではない。ただし、締約国は、次条の規定に基づく場合又はIMFの要請による場合を除くほか、資本取引に関する自国の特定の約束に反する制限を資本取引に対して課して

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

はならない。

#### 第五十・十二条 国際収支の擁護のための制限

1 締約国は、国際収支及び対外支払に関して重大な困難が生じている場合又は生ずるおそれがある場合には、特定の約束を行ったサービスの貿易に対する制限（当該特定の約束に関連する取引のための支払又は資金の移転に対するものを含む。）を課し、又は維持することができむ。

2 1に規定する制限は、次の全ての要件を満たすものとする。

- (a) 締約国間で差別しないものであること。
- (b) IMF協定に適合するものであること。
- (c) 他の締約国の商業上、経済上又は金融上の利益に対して不必要な損害を与えることを避けるものであること。
- (d) 1に規定する状況に対処するために必要な限度を超えないものであること。
- (e) 一時的なものであり、かつ、1に規定する状況が改善するに伴い漸進的に廃止されるものであること。

3 締約国は、1に規定する制限を決定するに当たって、自国の経済又は開発の計画にとって一層重要なサービスの提供を優先させることができる。ただし、特定のサービスの分野を保護するために当該制限を課してはならず、また、維持してはならない。

4 1の規定に基づいて課し、若しくは維持する制限又はその変更については、他の締約国に対して速やかに通報する。

5 締約国が1の規定に基づいて制限を課した場合において、当該締約国が課した制限に関する協議が世界貿易機関において行われていないときは、当該締約国は、要請があった場合には、自国が課した制限の見直しを行うため、要請を行った締約国と速やかに協議を開始する。

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.

第五十・十三条 一般的例外

この章のいかなる規定も、締約国が次のいずれかの措置を採用し、又は実施することを妨げるものと解してはならない。ただし、これらの措置を、同様の条件の下にある締約国の間における恣意的若しくは不当な差別の手段又はサービスの貿易に対する偽装した制限となることとなる態様で適用しないことを条件とする。

(a) 公衆の道徳の保護又は公の秩序の維持のために必要な措置

注釈 公の秩序を理由とする例外は、社会の基本的な利益のうちのいずれかに対して真正かつ重大な脅威がもたらされる場合に限り、援用することができる。

(b) 人、動物又は植物の生命又は健康の保護のために必要な措置

(c) この章の規定に反しない法令の遵守を確保するために必要な措置。この措置には、次のいずれかの事項に関する措置を含む。

(i) 欺まんの若しくは詐欺的な行為の防止又はサービスの契約の不履行がもたらす結果の処理

(ii) 個人の情報を処理し、及び公表することに関連するプライバシーの保護又は個人の記録及び勘定の秘密の保護

(iii) 安全

(d) 取扱いの差異が他の締約国のサービス又はサービス提供者に関する直接税の公平な又は効果的な賦課又は徴収を確保することを目的とする場合には、第五十・十八条の規定に適合しない措置

注釈 直接税の公平な又は効果的な賦課又は徴収を確保することを目的とする措置には、締約国がその税制の下でとる次のいずれかの措置を含む。

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) 非居住者の租税に係る義務が当該締約国の領域に源泉のある又は所在する課税項目に関して決定されるという事実に鑑み、非居住者であるサービス提供者に適用する措置

(ii) 当該締約国の領域における租税の賦課又は徴収を確保するため、非居住者に適用する措置

(iii) 租税の回避又は脱税を防止するため、非居住者又は居住者に適用する措置（租税に係る義務の遵守のための措置を含む。）

(iv) 当該締約国の領域内の源泉に基づき、当該他の締約国の領域において又は当該他の締約国の領域から提供されるサービスの消費者に対して課される租税の賦課又は徴収を確保するため、当該サービスの消費者に適用する措置

(v) 全世界の課税項目に対する租税が課されるサービス提供者と他のサービス提供者との間の課税の基盤の性質の差異に鑑み、両者を区別する措置

(vi) 当該締約国の課税の基盤を擁護するため、居住者若しくは支店について、又は関連する者の間若しくは同一の者の支店の間において、所得、利得、収益、損失、所得控除又は税額控除を決定し、配分し、又は割り当てる措置

この(d)及び注釈に規定する租税に関連する用語又は概念は、措置をとる当該締約国の法律に基づく租税に関する定義及び概念又はこれらと同等若しくは同様の定義及び概念に従って決定する。

(e) 取扱いの差異が、当該締約国を拘束する二重課税の回避に関する協定又は他の国際協定若しくは国際取極における二重課税の回避についての規定の結果によるものである場合には、第五十・三条の規定に適合しない措置

(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.

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第五十・十四条 補助金

Article 50.14  
Subsidies

1 この条に定める場合を除くほか、この章の規定は、締約国が交付する補助金若しくは行う贈与について又は当該補助金若しくは当該贈与を受け、若しくは受け続ける場合に付される条件については、適用しない(当該補助金又は当該贈与が専ら国内のサービス、サービス消費者又はサービス提供者に与えられるものであるかを問わない)。締約国は、当該補助金又は当該贈与がこの章の規定に基づいて約束を行ったサービスの貿易に著しく影響を及ぼす場合には、この問題の友好的な解決のため、協議を行うよう要請することができる。要請を受けた締約国は、その要請に対して好意的な考慮を払う。

2 全締約国は、この章の規定に従って次のことを行う。

- (a) 要請があった場合には、要請を行った締約国に対し、この章の規定に基づいて約束を行ったサービスの貿易に関連する補助金についての情報を提供する<sup>(1)</sup>。
- (b) 世界貿易機関が関連する規律を作成した場合には、補助金の取扱いについて検討する<sup>(2)</sup>。

第五十・十五条 協力

Article 50.15  
Cooperation

全締約国は、サービスの分野(第八章の規定に基づく既存の協力のための取決めの対象でない分野を含む<sup>(1)</sup>)における協力のための努力を強化する。全締約国は、自国の能力、効率性及び競争力を向上させるため、協力のためのサービスの分野について討議し、相互に合意すること及び当該サービスの分野における協力のための計画を作成することが奨励される。

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.

第五十・十六条 新規ASEAN構成国の参加の増大

Article 50.16  
Increasing Participation  
of Newer ASEAN Member States

全締約国は、新規ASEAN構成国のためのこの章の規定による利益を増進するため並びに第一条、第三条及び第五十二条の規定に従い、新規ASEAN構成国に対して特別のかつ異なる待遇を与えること及び交渉に基づく特定の約束であつて次の事項に関連するものを通じて新規ASEAN構成国によるこの章への参加を促進することの重要性を認識する。

- (a) 国内のサービスに関する能力並びにその効率性及び競争力の強化(特に、商業的な原則に基づく技術の利用によるもの)

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

(b) 流通経路及び情報網の利用の改善

(c) 新規ASEAN構成国が輸出について関心を有する分野における約束

(d) 各新規ASEAN構成国による約束がそれぞれの発展段階に応じて行われることの認識

#### 第五十・十七条 市場アクセス

1 締約国は、第五十・一条(v)に掲げるサービスの提供の態様による市場アクセスに関し、他の締約国のサービス及びサービス提供者に対し、附属書六の自国の特定の約束に係る表において合意し、及び特定した条件及び制限に基づく待遇よりも不利でない待遇を与える。

注釈 締約国は、第五十・一条(v)(i)に規定する提供の態様によるサービスの提供に関して市場アクセスに係る約束を行う場合において、国境を越える資本の移動が当該サービス自体の重要な部分であるときは、当該約束をもって当該資本の移動を認めることを約束する。締約国は、同条(v)(ii)に規定する提供の態様によるサービスの提供に関して市場アクセスに係る約束を行う場合には、当該約束をもって自国の領域への関連する資本の移動を認めることを約束する。

2 締約国は、市場アクセスに係る約束を行った分野において、附属書六の自国の特定の約束に係る表に別段の定めのない限り、小地域を単位とするか自国の全領域を単位とするかを問わず、次の措置を維持し、又は採用してはならない。

(a) サービス提供者の数の制限（数量割当て、独占、排他的なサービス提供者又は経済上の需要を考慮するとの要件のいずれによるものであるかを問わない。）

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)(ii) 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;

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- (b) サービスの取引総額又は資産総額の制限（数量割当てによるもの又は経済上の需要を考慮するもの）要件によるもの（S）
  - (c) サービスの事業の総数又は指定された数量単位によって表示されたサービスの総産出量の制限（数量割当てによるもの又は経済上の需要を考慮するもの）要件によるもの（S）
- 注釈 この(c)に規定する制限には、サービスの提供のための投入を制限する締約国の措置を含まない。
- (d) 特定のサービスの分野において雇用され、又はサービス提供者が雇用する自然人であつて、特定のサービスの提供に必要であり、かつ、当該提供に直接関係するものの総数の制限（数量割当てによるもの又は経済上の需要を考慮するもの）要件によるもの（S）
  - (e) サービス提供者がサービスを提供するに当たり、法定の事業体又は合併企業について特定の形態を制限し、又は要求する措置
  - (f) 外国資本の参加の制限（外国資本による株式保有の比率の上限を定めるもの又は外国資本による個別若しくは全体の投資の総額の比率の上限を定めるもの）

第五十・十八条 内国民待遇

- 1 各締約国は、附属書六の自国の特定の約束に係る表に記載する分野において、かつ、当該表に定める条件及び制限に従い、サービスの提供に影響を及ぼす全ての措置に関し、他の締約国のサービス及びサービス提供者に対し、自国の同種のサービス及びサービス提供者に与える待遇よりも不利でない待遇を与える。

- (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.

注釈 この条に規定する特定の約束は、いずれの締約国に対しても、関連するサービス又はサービス提供者が自国のものでないことによって生ずる競争上の固有の不利益を補償することを要求するものと解してはならない。

- 2 締約国は、他の締約国のサービス及びサービス提供者に対し自国の同種のサービス及びサービス提供者に与える待遇と形式的に同一の待遇又は形式的に異なる待遇のいずれかを与えることにより、1の規定の義務を履行することができる。
- 3 締約国が他の締約国のサービス又はサービス提供者に与える形式的に同一の又は形式的に異なる待遇により競争条件が当該他の締約国の同種のサービス又はサービス提供者と比較して自国のサービス又はサービス提供者にとって有利となる場合には、当該待遇は、自国のサービス又はサービス提供者に与える待遇よりも不利であると認める。
- 4 締約国は、他の締約国の措置であつてこれらの締約国の間の二重課税の回避に関する国際協定の適用対象となるものについては、第九章の規定の適用上、1から3までの規定を援用してはならない。

#### 第五十・十九条 追加的な約束

全締約国は、前二条の規定に基づく特定の約束に係る表への記載の対象となっていないサービスの貿易に影響を及ぼす措置（資格、基準又は免許についての事項に関するものを含む。）に関する約束について交渉することができる。当該約束については、附属書六の自国の特定の約束に係る表に記載する。

#### 第五十・二十条 特定の約束に係る表

- 1 各締約国は、前三条の規定に基づいて行う特定の約束を表に記載する。附属書六の自国の特定の約束に係る表は、当該特定の約束を行った分野又は小分野に関して次の事項を特定する。

- (a) 市場アクセスの条件及び制限

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;

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- (b) 内国民待遇についての条件及び制限
- (c) 追加的な約束
- (d) 適当な場合には、当該特定の約束の履行のための期間
- 2 特定の約束を行い、かつ、「SS」と記載した分野又は小分野に関し、1(a)及び(b)に規定する条件及び制限（出入国管理に関する法令に基づく措置によるものを除く。）は、当該特定の約束に適合しない現行の措置に限る。

注釈 この2の規定の適用上、「現行の」とは、第一議定書が効力を生ずる日に有効であることをいう。

- 3 第五十・十七条及び第五十・十八条のいずれの規定にも適合しない措置は、これらの規定に関する欄に記載する。

### 第五十・二十一 約束の適用

各締約国は、前条の規定に基づいて、自国の特定の約束に係る表を作成するものとし、他の締約国に対して当該表を適用する。

### 第五十・二十二 漸進的な自由化

全締約国は、全締約国間のサービスの貿易を漸進的に自由化するために、順次交渉のラウンドを開始するることができる。

### 第五十・二十三 特定の約束に係る表の修正

- 1 締約国は、自国の特定の約束に係る表における約束が効力を生ずる日から三年を経過した後いつとも、当該特定の約束を修正し、又は撤回することができる。ただし、次の(a)及び(b)の条件を満たす場合に限る。
- (a) 当該締約国が、約束を修正し、又は撤回するとの自国の意図をその修正又は撤回の実施が予定される日の遅くとも三箇月前までに他の締約国及びASEAN事務局に通報すること。

- (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) 当該締約国が、必要な補償的調整について合意するために、影響を受ける締約国と交渉を行うこと。
- 2 全締約国は、補償的調整を図る上で、互恵的な約束の一般的水準が1(b)に規定する交渉の前に特定の約束に係る表に定める水準よりもサービスの貿易にとって不利とならないことを確保する。
- 3 この条の規定に基づく補償的調整は、全締約国に対し、無差別の原則に基づいて与えられる。
- 4 関係締約国が補償的調整について合意に達することができない場合には、その問題については、第九章の規定に基づく仲裁によって解決する。修正を行う締約国は、仲裁の認定に従って補償的調整を行うまでの間自国の約束を修正し、又は撤回することができない。
- 5 修正を行う締約国が提案した修正又は撤回を実施する場合において仲裁の認定に従わないときは、当該仲裁に参加した締約国は、当該認定に従って実質的に同等の利益を変更し、又は撤回することができる。第五十・三条及び第五十・二十一条の規定にかかわらず、その変更又は撤回は、当該修正を行う締約国についてのみ実施することができる。
- 第五十・二十四条 サービスの貿易に関する小委員会
- 1 この章の規定を効果的に実施し、及び運用するため、サービスの貿易に関する小委員会（以下この条において「小委員会」という。）を第十一条の規定に従って設置する。
- 2 小委員会は、次の事項を任務とする。
- (a) この章の実施及び運用について見直しを行うこと。
- (b) 互恵的な基礎の上に一層の自由化を達成し、かつ、権利及び義務の全体的な均衡を確保するため、サービスの貿易に影響を及ぼす措置に関して約束の見直しを行うこと。
- (c) この章の規定に関連する問題について討議すること。

- (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 favorable 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;

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- (d) 合同委員会に対し小委員会の討議の結果を報告すること。
- (e) 合同委員会が第十一条の規定に基づいて委任するその他の任務を遂行すること。
- 3 (a) 小委員会は、日本国政府及び全ASEAN構成国政府の代表者から成る。
- (b) 小委員会は、日本国政府の職員及び一のASEAN構成国である締約国の政府の職員をその共同議長とする。
- 4 小委員会は、全締約国によるコンセンサス方式に基づき、全締約国政府以外の関係団体の代表者であつて討議される問題に関連する必要な専門知識を有するものを小委員会の討議に参加するよう招請することができる。
- 5 小委員会は、全締約国が合意する場所及び時期において会合する。

### 第五十・二十五条 見直し

- 1 全締約国は、全締約国間のサービスの貿易の一層の自由化（特定の約束に係る表の形式を再交渉する可能性を含む。）のため、第七十五条の規定に基づく一般的な見直しの機会又は全締約国が別段の合意をする他の機会に、この章の規定（この章の附属書A及び附属書Bの規定を含む。）及び附属書六から附属書八までの規定の見直しを行う。

- 2 締約国が自国のサービスの分野、小分野又は活動について、第一議定書が生じた後に第五十・二十二条の規定に従つて自主的に一層の自由化を行った場合には、当該締約国は、その自主的な自由化をこの協定に組み込むための他の締約国による要請について検討することができる。

### 第五十・二十六条 利益の否認

締約国は、次のサービスの提供及びサービス提供者については、この章の規定による利益を否認することができるとができる。

- (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) サービスが非締約国の領域から又はその領域において提供されていることを当該締約国が証明する場合における当該サービスの提供
- (b) 海上運送サービスの提供について、(ii)に規定する者が(i)に規定する船舶によってサービスを提供していることを当該締約国が証明する場合における当該サービスの提供
- (i) 非締約国の法律に従って登録されている船舶
- (ii) 船舶を運航し、又はその全体若しくは一部を利用する非締約国の者
- (c) 法人であるサービスの提供者が他の締約国のサービス提供者でないことを当該締約国が証明する場合における当該サービス提供者

第六章の附属書 A 金融サービス

第 A・一条 適用範囲及び定義

1 この附属書の規定は、金融サービスの提供に影響を及ぼす措置について適用する。この附属書において「金融サービスの提供」というときは、第五十・一条(e)に定義するサービスの提供をいう。

2 この附属書の規定の適用上、

- (i) 「金融サービス」とは、金融の性質を有する全てのサービスであつて、締約国の金融サービス提供者が提供するものをいう。金融サービスは、全ての保険及び保険関連のサービス並びに全ての銀行サービスその他の金融サービス（保険及び保険関連のサービスを除く。）から成り、次の活動を含む。

保険及び保険関連のサービス

(A) 元受保険（共同して行う保険を含む。）

(1) 生命保険

(2) 生命保険以外の保険

- (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) 再保険及び再再保険
- (C) 保険仲介業（例えば、保険仲立業、代理店業）
- (D) 保険の補助的なサービス（例えば、相談サービス、保険数理サービス、危険評価サービス、請求の処理サービス）
- 銀行サービスその他の金融サービス（保険及び保険関連のサービスを除く。）
- (E) 公衆からの預金その他払戻しを要する資金の受入れ
- (F) 全ての種類の貸付け（消費者信用、不動産担保貸付け、債権買取り及び商業取引に係る融資を含む。）
- (G) ファイナンス・リース
- (H) 全ての支払及び送金のサービス（クレジット・カード、チャージ・カード、デビット・カード、旅行小切手及び銀行小切手を含む。）
- (I) 保証
- (J) 自らのため又は顧客のために行う次のものの取引（当該取引が取引所取引、店頭取引その他の方法のいずれで行われるかを問わない。）
  - (1) 短期金融市場商品（小切手、手形及び預金証書を含む。）
  - (2) 外国為替
  - (3) 派生商品（先物及びオプションを含む。）
  - (4) 為替及び金利の商品（スワップ、金利先渡取引等の商品を含む。）
  - (5) 譲渡可能な有価証券

- (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) その他の譲渡可能な証書及び金融資産（金銀を含む。）
- (K) 全ての種類の有価証券の発行への参加（当該発行が公募で行われるか私募で行われるかを問わず、委託を受けた者として行う引受け及び売付け並びに当該発行に関連するサービスの提供を含む。）
- (L) 資金媒介業
- (M) 資産運用（例えば、現金又はポートフォリオの運用、全ての形態の集合投資運用、年金基金運用、保管、預託及び信託のサービス）
- (N) 金融資産（有価証券、派生商品その他の譲渡可能な証書を含む。）のための決済及び清算のサービス
- (O) その他の金融サービスを提供するサービス提供者による金融情報の提供及び移転、金融データの処理並びに関連ソフトウェアのサービス
- (P) (E)から(O)までに規定する全ての活動についての助言、仲介その他の補助的な金融サービス（信用照会及び分析、投資及びポートフォリオの調査並びにこれらについての助言並びに企業の取得、再編及び戦略についての助言を含む。）
- (ii) 「金融サービス提供者」とは、金融サービスを提供することを希望し、又は提供している締約国の自然人又は法人をいう。ただし、「金融サービス提供者」には、公的機関を含まない。
- (iii) 「公的機関」とは、次のものをいう。

- (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, depositary 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) 締約国の政府、中央銀行若しくは金融当局又は締約国が所有し、若しくは支配する機関であつて、主として政府の機能の遂行若しくは政府のための活動の実施に従事するもの（主として商業的な条件に基づき金融サービスの提供に従事する機関を除く。）
- (B) 中央銀行又は金融当局が通常遂行する機能を遂行する私的機関。ただし、当該機能を遂行している場合に限る。
- (iv) 「自主規制団体」とは、次のものをいう。
- (A) 日本国については、金融サービス提供者に対して、委任された規制権限又は監督権限を行使する非政府機関（有価証券又は先物の取引所又は市場、清算機関その他の組織又は団体を含む。）
- (B) ASEAN構成国については、法令により自主規制団体と認められる非政府機関であつて、法令に基づいて又は中央、地域若しくは地方の政府若しくは機関の委任に基づいて、金融サービス提供者に対して規制権限又は監督権限を行使するもの（有価証券又は先物の取引所又は市場、清算機関又は支払決済機関その他の組織又は団体を含む。）
- (b) 第五十・一条(q)の規定の適用上、「政府の権限の行使として提供されるサービス」とは、次の活動をいう。

- (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) 中央銀行若しくは金融当局が行う活動又はその他の公的機関が金融政策若しくは為替政策を遂行するために行う活動
- (ii) 社会保障又は公的年金計画に係る法律上の制度の一部を形成する活動
- (iii) 公的機関が政府の勘定のために若しくは政府の保証の下に又は政府の財源を使用して行うその他の活動
- (c) 第五十・一条(q)の規定の適用上、締約国が自国の金融サービス提供者に対し(b)(ii)又は(iii)に規定するいずれかの活動について公的機関又は金融サービス提供者との競争を行うことを認める場合には、「サービス」には、当該活動を含める。
- (d) 第五十・一条(a)に定義する「政府の権限の行使として提供されるサービス」は、この附属書の規定の対象となるサービスについては、適用しない。

#### 第A・二条 透明性

- 1 各締約国は、相互の市場にアクセスして業務を行う金融サービス提供者の能力を向上させる上で金融サービスにおける規制の透明性が重要であることを認識する。
- 2 各締約国は、一般に適用される規約であって、自国の自主規制団体によって採用され、又は維持されるものを速やかに公表し、又は公に利用可能なものとすることを確保するため、利用し得る妥当な措置をとるよう努める。
- 3 各締約国は、この附属書の適用を受ける一般に適用される措置に関し、可能な限り、他の締約国の利害関係を有する者からの照会に回答するための適当な仕組みを維持し、又は設ける。

- (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.

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注釈 全締約国は、この条における利害関係を有する者については、その直接的な資金上の利益が一般に適用される規制の設定によって影響を受ける可能性のある者のみとすべきであるとの理解を共有していることを確認する。

4 各締約国の権限のある当局は、他の締約国の利害関係を有する者に対し、金融サービスの提供に関連する申請を不備なく行うために必要なもの（必要とされる書類を含む。）を利用可能なものとするよう最善の努力を払う。

5 締約国の権限のある当局は、申請者の書面による要請があった場合には、その申請の処理状況を当該申請者に通知する。権限のある当局は、当該申請者から追加の情報を得る必要がある場合には、合理的な期間内に当該申請者に通知する。

6 (a) 各締約国の権限のある当局は、当該各締約国の領域において金融サービスを提供しようとする他の締約国の金融サービス提供者による不備のない申請については、百八十日以内に行政上の決定を行い、申請者に対し合理的な期間内に当該決定を通知する。申請は、全ての関連する手続が行われ、かつ、当該権限のある当局が全ての必要な情報を受領したと認めるまでは、不備のないものと認められない。

(b) 各締約国の権限のある当局は、決定を百八十日以内に行うことが実行可能でない場合には、遅滞なく申請者に通知するものとし、その後の合理的な期間内に当該決定を行うよう努める。

7 締約国の権限のある当局であって申請を拒否したものは、当該申請が拒否された申請者の書面による要請があった場合には、当該申請者に対しその拒否の理由を通知するよう努める。

### 第A・三条 情報の移転及び処理

1 締約国は、次の行為を妨げる措置をとってはならない。

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) 情報の移転（電磁的手段によるデータの移転を含む。）であって、金融サービス提供者の通常の業務の遂行にとって必要なもの

(b) 金融情報の処理（電磁的手段によるデータの移転を含む。）であって、金融サービス提供者の通常の業務の遂行にとって必要なもの

(c) 機器の移転であって、金融サービス提供者の通常の業務の遂行にとって必要なもの（国際協定に適合する輸入規則に基づく措置をとる場合を除く。）

2 1 の規定は、

(a) 個人の情報、プライバシー並びに個人の記録及び勘定の秘密を保護する締約国の権利（自国の法令に基づくものを含む。）を制限するものではない。ただし、当該権利がこの協定に基づく当該締約国の約束又は義務を回避するための手段として用いられないことを条件とする。

(b) 締約国の権限のある当局が、規制のため又は信用秩序の維持のため、当該締約国の領域内の金融サービス提供者に対し、データの管理及び保管並びにシステムの維持に関する国内規制に従うこと並びに当該締約国の領域において記録の複製を保管することを要求することを妨げるものではない。

(c) 締約国に対し、国境を越えるサービスの提供又はサービスの海外消費であって、当該締約国が特定の約束を行っていないものを許可すること（非居住者である金融サービス提供者に対し、本人として又は仲介により若しくは仲介者として、第 A・一条 2 (a) (i) (O) に規定する金融情報の提供及び移転並びに金融データの処理を許可することを含む。）を要求するものと解してはならない。

(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)(1)(O) of Article A.1.

第A・四条 国内規制

1 第六章の他の規定（この附属書及び同章の附属書Bの規定を含む。）及び附属書六から附属書八までの規定にかかわらず、締約国は、信用秩序の維持のための措置（投資家、預金者、保険契約者若しくは信託上の義務を金融サービス提供者が負う者を保護し、又は自国の金融システムの健全性及び安定性を確保するための措置を含む。）をとることを妨げられない。当該措置については、同章の規定に適合しない場合には、同章の規定に基づく当該締約国の約束又は義務を回避するための手段として用いてはならない。

2 第六章（この附属書及び同章の附属書Bを含む。）及び附属書六から附属書八までのいかなる規定も、締約国に対し、個々の顧客に関する事項及び勘定に関連する情報、公的機関が所有する秘密の情報又は公的機関が専有する情報の開示を要求するものと解してはならない。

第A・五条 信用秩序の維持のための措置の承認

締約国は、金融サービスに関連する自国の措置の適用方法を決定するに当たって、協定又は取決めに よって、信用秩序の維持のための措置であつて非締約国又は国際的な規制機関のものを承認する場合に は、他の締約国に対し、同様の規制及び監督が存在し、その規制が同様に実施され、並びに適当なときは 当該協定又は取決めの当事者間の情報の共有に関する手続と同様の手続が存在することとなる状況の下に おいては、当該協定若しくは取決めへの当該他の締約国の加入について交渉し、又はこれと同等の協定若 しくは取決めについて交渉するための機会を十分に与える。締約国は、承認を一方的に与える場合には、 他の締約国に対し、そのような状況が存在することを明らかにするための機会を十分に与える。

第A・六条 紛争解決

信用秩序の維持の問題その他の金融の問題に関する紛争について第六十四条の規定により設置される仲 裁裁判所は、紛争の対象となっている特定の金融サービスに関して必要な専門知識を有するものとする。

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.

第六章の附属書B 電気通信サービス

第B・一条 適用範囲

- 1 この附属書の規定は、公衆電気通信の伝送網及び公衆電気通信の伝送サービスの貿易に影響を及ぼす締約国による措置について適用する。
- 2 この附属書の規定は、各締約国の法令に規定する放送サービスに影響を及ぼす措置については、適用しない。
- 3 この附属書のいかなる規定も、次のことを要求するものと解してはならない。
  - (a) 締約国が、他の締約国のサービス提供者に対し、電気通信の伝送網又は伝送サービス（附属書六の自国の特定の約束に係る表に記載するものを除く。）を設置し、建設し、取得し、賃貸し、運用し、又は提供することを許可すること。
  - (b) 締約国が公衆一般に提供されない電気通信の伝送網若しくは伝送サービスを設置し、建設し、取得し、賃貸し、運用し、若しくは提供すること又は締約国が当該電気通信の伝送網若しくは伝送サービスを設置し、建設し、取得し、賃貸し、運用し、若しくは提供することを自国の管轄の下にあるサービス提供者に義務付けること。

第B・二条 定義

この附属書の規定の適用上、

- (a) 「原価に照らして定められる」とは、原価に基づくことをいい、合理的な利潤を含むことができる。また、異なる設備又はサービスに対して異なる原価算定方式を用いることができる。
- (b) 「最終利用者」とは、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの加入者又は最終的な消費者（公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者以外のサービス提供者を含む。）をいう。

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) 「不可欠な設備」とは、次の(i)及び(ii)の要件を満たす公衆電気通信の伝送網又は公衆電気通信の伝送サービスに係る設備をいう。
- (i) 単一又は限られた数の提供者によって専ら又は主として提供されていること。
- (ii) サービスの提供において代替されることが経済的又は技術的に実行可能でないこと。
- (d) 「専用回線」とは、二以上の指定される地点の間の電気通信設備であって、特定の利用者の利用に供するために割り当てられたものをいう。
- (e) 「主要なサービス提供者」とは、次のいずれかの結果として、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの関連する市場において価格及び供給に関する参加の条件に著しく影響を及ぼす能力を有する提供者をいう。
- (i) 不可欠な設備の管理
- (ii) 当該市場における自己の地位の利用
- (f) 「差別的でない」とは、同様の状況において、同種の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの他の利用者に与えられる待遇よりも不利でない待遇をいう。
- (g) 「個人の情報」とは、特定された又は特定し得る自然人に関するあらゆる情報をいう。
- (h) 「公衆電気通信の伝送網」とは、ネットワークの定められた終端地点の間での電気通信を可能とする公衆電気通信の基盤をいう。
- (i) 「公衆電気通信の伝送サービス」とは、締約国が公衆一般に提供されることを明示的に又は事実上要求している電気通信の伝送サービスをいう。当該伝送サービスには、特に、電信、電話、テレックス及びデータ伝送（典型的には、二以上の定められた地点の間で、顧客が提供する情報について、当該地点の終端において当該情報の形態又は内容に変更を伴わずに行う伝送）を含む。

- (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

(j) 「電気通信」とは、電磁的手段による信号の送信及び受信をいう。

(k) 「電気通信規制機関」とは、締約国の法令の下で電気通信の規制について責任を負う当該締約国の領域内の一又は二以上の機関をいう。

(l) 「利用者」とは、最終利用者又は公衆電気通信の伝送網若しくは公衆電気通信の伝送サービスの提供者をいう。

#### 第B・三条 アクセス及び利用

1 各締約国は、附属書六の自国の特定の約束に係る表に記載するサービスの提供に關して、他の締約国のサービス提供者が透明性のある、合理的な、かつ、差別的でない条件で適時に公衆電気通信の伝送網及び公衆電気通信の伝送サービスへのアクセス並びにこれらの利用が認められることを確保する。(1)の義務は、特に、2から6までの規定を通じて履行する。

2 各締約国は、他の締約国のサービス提供者について、当該各締約国において又は当該各締約国の国境を越えて提供される公衆電気通信の伝送網又は公衆電気通信の伝送サービス（専用回線を含む。）へのアクセス及びこれらの利用を確保するものとし、このため、5及び6の規定に従い、当該サービス提供者が次のことについて許可されることを確保する。

(a) 当該公衆電気通信の伝送網に接続される端末その他の機器であつてサービスの提供に必要なものを購入し、又は賃借し、及び接続すること。

(b) 専用回線又は自営回線を、公衆電気通信の伝送網及び公衆電気通信の伝送サービスと接続すること又は他のサービス提供者の専用回線若しくは自営回線と接続すること。

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

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- (c) サービスの提供に当たり、自己の選択する運用のプロトコル（電気通信の伝送網及び伝送サービスが公衆一般にとって利用可能であることを確保するために必要なプロトコル以外のもの）を利用すること。
- 3 各締約国は、他の締約国のサービス提供者が当該各締約国内の及び当該各締約国の国境を越える情報の移動（当該サービス提供者の企業内通信を含む。）のため並びにいずれかの締約国の領域においてデータベースに含まれ、又は機械による判読が可能な他の形態で蓄積された情報へのアクセスのために公衆電気通信の伝送網及び公衆電気通信の伝送サービスを利用することができることを確保する。
- 4 3の規定にかかわらず、締約国は、次の目的のために必要な措置をとることができる。
- (a) 通信の安全及び秘密を確保すること。
- (b) 公衆電気通信の伝送網又は公衆電気通信の伝送サービスの最終利用者の個人の情報を保護すること。ただし、当該措置を、恣意的若しくは不当な差別の手段又はサービスの貿易に対する偽装した制限となることとなる態様で適用しないことを条件とする。
- 5 各締約国は、次のいずれかの場合を除くほか、公衆電気通信の伝送網及び公衆電気通信の伝送サービスへのアクセス並びにこれらの利用に条件が課されないことを確保する。
- (a) 公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者の公衆サービスに関する責任、特に、公衆電気通信の伝送網又は公衆電気通信の伝送サービスを公衆一般にとって利用可能なものとする当該提供者の能力を確保するために必要な場合
- (b) 公衆電気通信の伝送網又は公衆電気通信の伝送サービスの技術的な統一性を保護するために必要な場合
- 6 5に定める基準を満たす場合においては、公衆電気通信の伝送網及び公衆電気通信の伝送サービスへのアクセス並びにこれらの利用の条件には、次の事項を含めることができる。
- (a) 公衆電気通信の伝送網及び公衆電気通信の伝送サービスと接続するために特定の技術的インタフェース（インタフェースのプロトコルを含む。）を利用するとの要件

- (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

- (b) 必要な場合には、公衆電気通信の伝送サービスの相互運用性のための要件及び第B・十七条に定める目標の達成を促進するとの要件
- (c) 公衆電気通信の伝送網に接続される端末その他の機器の型式認定及び公衆電気通信の伝送網への当該機器の接続に関連する技術上の要件
- (d) 専用回線又は自営回線を、公衆電気通信の伝送網若しくは公衆電気通信の伝送サービスと接続すること又は他のサービス提供者の専用回線若しくは自営回線と接続することの制限
- (e) 届出、許可、登録及び免許

#### 第B・四条 番号ポータビリティ

各締約国は、自国の法令に従い、技術的及び経済的に実行可能な範囲内で、自国の領域内の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者が、適時に、かつ、合理的な条件で、移動端末サービスについて番号ポータビリティを提供することを確保するよう努める。

#### 第B・五条 競争条件の確保のためのセーフガード

- 1 各締約国は、提供者（単独又は共同で主要なサービス提供者であるものに限る。）が反競争的行為を行い、又は継続することを防止するために適切な措置を採用し、又は維持する。
- 2 1に規定する反競争的行為には、特に次の行為を含める。
  - (a) 反競争的な内部相互補助を行うこと。
  - (b) 反競争的な結果を伴って競争者から得た情報を利用すること。

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) 不可欠な設備に関する技術的情報及び商業上の関連する情報であつて、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの他の提供者がサービスを提供するために必要なものを、当該他の提供者が適時に利用することができるようにしないこと。

第B・六条 主要なサービス提供者による待遇

各締約国は、自国の領域内の主要なサービス提供者が、他の締約国の公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者に対し、次の事項について、同様の状況において当該主要なサービス提供者の子会社若しくは提携する会社又は提携していないサービス提供者に与える待遇よりも不利でない待遇を与えることを確保する。

- (a) 同種の電気通信サービスの利用可能性、提供、料金又は品質
- (b) 相互接続に必要な技術的インタフェースの利用可能性

第B・七条 再販売

各締約国は、自国の領域内の主要なサービス提供者が、他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者による公衆電気通信の伝送サービスの再販売に対して不合理又は差別的な条件又は制限を課さないことを確保する。

第B・八条 相互接続

- 1 各締約国は、自国の領域内の公衆電気通信の伝送網の提供者が、他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者に対し、自国の法令に規定する範囲内で相互接続を提供することを確保する。

- 2 各締約国は、自国の領域において不可欠な設備を管理する主要なサービス提供者が、他の締約国の公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者の設備及び機器に対して、ネットワークの技術的に実行可能ないかなる接続点においても相互接続を提供することを確保する。当該相互接続は、次の要件を満たすものとする。

- (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) 差別的でない条件（技術上の基準及び仕様を含む。）及び料金に基づき、当該主要なサービス提供者の同種のサービス、提携していないサービス提供者の同種のサービス又は当該主要なサービス提供者の子会社若しくは提携する会社の同種のサービスに提供する品質よりも不利でない品質によって提供されること。
- (b) 透明性のある、経済的実行可能性に照らして合理的な及び他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者がそのサービスの提供のために必要としないネットワークの構成部分又は設備に対して支払をする必要がないように十分に細分化された条件（技術上の基準及び仕様を含む。）及び料金（原価に照らして定められるもの）に基づいて適時に提供されること。
- (c) 要請があった場合には、必要となる追加的な設備の建設費を反映する料金が支払われることを条件として、公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者の多数に提供されているネットワークの終端地点以外接続点においても提供されること。
- 3 各締約国は、他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者が、少なくとも次のいずれかの事項に従い、当該提供者の設備及び機器を当該各締約国の領域において不可欠な設備を管理する主要なサービス提供者の設備及び機器と相互接続することができることを確保する。
- (a) 当該各締約国の電気通信規制機関が承認する接続約款（不可欠な設備を管理する主要なサービス提供者が公衆電気通信の伝送サービスの提供者に一般的に提供する料金及び条件を含むもの）
- (b) 相互接続に関する既存の契約に定める条件
- (c) 相互接続に関する新たな契約（商業的な交渉によるもの）
- 4 各締約国は、主要なサービス提供者との相互接続に適用される手続を公に利用可能なものとする（これを確保する）。
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- (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.

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5 各締約国は、自国の領域内の主要なサービス提供者が相互接続に関する契約又は接続約款のいずれかを公に利用可能なものとすることを確保する。

6 各締約国は、不可欠な設備を管理する主要なサービス提供者が公衆電気通信の伝送網若しくは公衆電気通信の伝送サービスの提供者又はこれらの最終利用者についての商業上機微な又は秘密の情報であつて、当該公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者の電気通信設備との相互接続業務を通じて取得したものを、当該相互接続業務以外の目的のために利用し、又は提供しないことを確保する。

### 第B・九条 専用回線によるサービスの提供及び価格の決定

各締約国は、自国の領域において不可欠な設備を管理する主要なサービス提供者が、他の締約国の公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者に対し、合理的な、差別的でない、かつ、透明性のある条件及び料金に基づき、専用回線によるサービスであつて公衆電気通信の伝送網又は公衆電気通信の伝送サービスであるものを提供することを確保する。

### 第B・十条 コロケーション

各締約国は、自国の法令に従い、合理的な、差別的でない（過時であるか否かに関するものを含む。）<sup>1</sup>、かつ、透明性のある条件（適当な場合には、技術的実行可能性及び場所の利用可能性を含む。）<sup>2</sup>及び料金（原価に照らして定められるもの）に基づき、自国の領域において不可欠な設備を管理する主要なサービス提供者が、他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者に対して、当該主要なサービス提供者の建物内に当該公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者の機器の設置を認めることを確保する。

### 第B・十一条 独立の電気通信規制機関

1 各締約国は、自国の電気通信規制機関がいずれの電気通信サービスの提供者からも分離され、かつ、いずれの電気通信サービスの提供者に対しても利害を有しないことを確保する。

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.

注釈 「電気通信サービスの提供者」は、公衆電気通信の伝送網及び公衆電気通信の伝送サービスの提供者に限らない。

2 各締約国は、自国の電気通信規制機関が行う決定及び当該電気通信規制機関が用いる手続が市場の全ての参加者について公平であることを確保する。

#### 第B・十二条 ユニバーサル・サービス

各締約国は、自国が維持することを希望するユニバーサル・サービスを提供する義務の内容を定める権利を有する。当該義務は、それだけでは反競争的とはみなされない。ただし、当該義務については、透明性のある、差別的でない及び競争中立的な態様で運用され、かつ、当該各締約国が定める内容のユニバーサル・サービスを確保するために必要な範囲を超えて負担とならないことを条件とする。

#### 第B・十三条 免許

1 公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供のために免許、特許、許可、登録その他の種類の承認が必要とされる場合には、各締約国は、次の事項を公に利用可能なものとする。

(a) 免許その他の承認に係る全ての基準及び手続並びに免許、特許、許可、登録その他の種類の承認の申請に係る決定を行うために通常必要とされる期間

(b) 当該各締約国が付与する個別の免許、特許、許可、登録その他の種類の承認の条件

2 締約国の権限のある当局は、申請に係る決定を行った後不当に遅滞することなく、申請者に申請の結果を通知する。当該締約国の権限のある当局は、免許、特許、許可、登録その他の種類の承認の申請を拒否する決定を行った場合において、申請者の要請があったときは、その拒否の理由を当該申請者に通知する。

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.

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第B・十四条 希少な資源の分配及び利用

1 各締約国は、電気通信に関連する希少な資源（周波数及び番号を含む。）の分配及び利用に係る手続を客観的な、透明性のある、かつ、差別的でない態様で適時に実施する。

2 各締約国は、分配された周波数帯の現状を公に利用可能なものとする。ただし、政府の特定の利用のために分配された周波数の詳細を提供することは、要求されない。

3 スペクトルを分配し、及び割り当て、並びに周波数を管理する締約国の措置自体は、第五十・十七条の規定に反するものではない。このため、各締約国は、スペクトル及び周波数の管理に関する政策であって、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者の数を制限する効果を有するものを定め、及び適用する権利を留保する。ただし、各締約国が当該権利を第六章の他の規定に適合する態様で行使することを条件とする。当該権利には、その時点及び将来における必要性並びにスペクトルの利用可能性を考慮して周波数帯を分配することができることを含む。

第B・十五条 透明性

各締約国は、公衆電気通信の伝送網及び公衆電気通信の伝送サービスへのアクセス並びにこれらの利用に影響を及ぼす条件に関する情報が公に利用可能であることを確保する。当該情報には、料金その他のサービスの条件、公衆電気通信の伝送網及び公衆電気通信の伝送サービスとの技術的インタフェースの仕様、当該アクセス及び当該利用に影響を及ぼす標準の作成及び採択について責任を負う機関に関する情報、端末その他の機器の接続に適用される条件並びに届出、許可、登録又は免許の要件（該当する場合に限る。）を含む。

第B・十六条 紛争解決

1 各締約国は、他の締約国の公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者がこの附属書の下で生ずる紛争を当該各締約国の法令に従って解決するため、当該各締約国の電気通信規制機関又は電気通信紛争解決機関を適時に利用することができることを確保する。

七四

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 各締約国は、自国の法令に従い、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者であつて当該各締約国の関係する電気通信規制機関の決定に不服を有するものが、当該決定の再検討を当該電気通信規制機関に申し立てることができることを確保する。いずれの締約国も、適当な当局が当該決定の執行を停止し、又は当該決定を取り消す場合を除くほか、その申立てを行ったことを当該電気通信規制機関の決定を遵守しないことの理由とすることを認めてはならない。

3 各締約国は、公衆電気通信の伝送網又は公衆電気通信の伝送サービスの提供者であつて関係する電気通信規制機関の最終的な決定に不服を有するものが、当該各締約国の法令に従つて当該決定についての審査を受けることができることを確保する。

#### 第B・十七条 国際機関との関係

全締約国は、電気通信網及び電気通信サービスの世界的な互換性及び相互運用性のための国際的標準が重要であることを認識し、並びに関係国際機関（国際電気通信連合及び国際標準化機構を含む。）の作業を通じて当該国際的標準を推進することを約束する。

#### 第B・十八条 経過措置

締約国は、各締約国の異なる発展段階に留意し、及びサービス貿易一般協定に基づく各締約国の約束に留意して、経過措置に関する第六章の附属書Bの付録に定めるところにより次に掲げる各条の規定の適用を延期することができる。

- (a) 第B・五条 競争条件の確保のためのセーフガード
- (b) 第B・七条 再販売
- (c) 第B・八条 相互接続
- (d) 第B・九条 専用回線によるサービスの提供及び価格の決定
- (e) 第B・十条 コロケーション
- (f) 第B・十一条 独立の電気通信規制機関

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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;

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(g) 第B・十三条 免許

(h) 第B・十四条 希少な資源の分配及び利用

(g) Article B.13 Licensing; and

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

経過措置に関する第六章の附属書Bの付録

国	ラオス人民民主共和国	インドネシア共和国	カンボジア王	縮約国
	なし	なし	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・五条 競争条件の確保のためのセーフガード
	この条の規定を二十年に適用することを約束する。	この条に規定する義務を電気通信に関する新たな法律に反映してから五年を経過した後、適用することを約束する。	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・七条 再販売 相互接続
	なし	なし	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・八条 専用回線によるサービスの提供及び価格の決定
	この条の規定を二十年に適用することを約束する。	この条に規定する義務を電気通信に関する新たな法律に反映してから五年を経過した後、適用することを約束する。	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・九条 回線によるサービスの提供及び価格の決定
	この条の規定を二十年に適用することを約束する。	この条に規定する義務を電気通信に関する新たな法律に反映してから五年を経過した後、適用することを約束する。	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・十条 コロケーション
	なし	なし	電気通信に関する法令が効力を生じた後、速やかにこの条の規定を適用することを約束する。	第B・十一 独立の電気通信規制機関
	この条の規定を二十年に適用することを約束する。	なし	電気通信に関する法令が効力を生じた後、速やかにこの条の規定を適用することを約束する。	第B・十二 免許
	この条の規定を二十年に適用することを約束する。	なし	電気通信に関する法令が効力を生ずる日から三年以内にこの条の規定を適用することを約束する。	第B・十四 希少な資源の分配及び利用

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
Laos 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.

ミャンマー連邦共和国	フィリピン共和国	タイ王国	ベトナム社会主義共和国
なし	なし（競争条件の確保のためのセーフガードは、国家電気通信委員会の既存の規則に従って定めらる。）	最後の特許契約が二千十八年に終了した後、適用することを選択する。	なし
なし	専用線の再販売は、認めない。専用回線サービスは、公衆交換電話網に接続してはならない。	なし	この条の規定を二千二十年に適用することを選択する。
なし	この条の規定を相互主義に基づいて適用することを選択する。	なし	なし
この条に規定する義務を二千十八年までに国内法令に反映した後、この条の規定を適用することを選択する。	この条の規定を相互主義に基づいて適用することを選択する。	なし	この条の規定を二千二十年に適用することを選択する。
なし。この条の規定の適用は、当事者間における有効な商業上の取決めに基づくものとする。	この条の規定を相互主義に基づいて適用することを選択する。	最後の特許契約が二千十八年に終了した後、適用することを選択する。	なし。ただし、この条に規定する義務が、公衆電気通信の伝送網又は公衆電気通信の伝送サービスを提供する者についてのみ適用されることを共和国の法条件とす
なし	なし	なし	なし
なし	なし	なし	なし

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 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
Republic of the Philippines	None (Competition Safeguard is provided under the existing rules of the National Telecommunications Commission).	Resale of private leased lines is not allowed.  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. 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

令に従い、 自己の機器 を海底ケー ブルの陸揚 局内に設置 することを 認めない。

第五条 AJCEP協定への第六章の二（自然人の移動）の追加

AJCEP協定第六章の次に次の一章を加える。

第六章の二 自然人の移動

第五十条の二 目的

この章の目的は、次のとおりとする。

- (a) サービスの貿易及び投資のための全締約国間の自然人の移動に関する権利及び義務を定めること。
- (b) 全締約国間の貿易及び投資に従事する自然人の移動を円滑化すること。
- (c) この章の規定の適用を受ける自然人の入国及び一時的な滞在のための出入国管理に関する文書について、簡素化された、かつ、透明性のある申請手続を定めること。

第五十条の二の二 適用範囲

1 この章の規定は、第五十条の二の四1に定める区分のいずれかに該当する締約国の自然人であって、他の締約国の領域に入国するものの移動に影響を及ぼす措置について適用する。

2 この章の規定は、締約国の自然人であって、他の締約国の雇用市場へのアクセスを求めるものに影響を及ぼす措置及び国籍、市民権又は永続的な居住若しくは雇用に関する措置については、適用しない。

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 この章の規定は、締約国が、自国の領域に他の締約国の自然人が入国し、及び一時的に滞在することを規制するための措置（自国の国境を保全し、及び自国の国境を越える自然人の秩序ある移動を確保するために必要な措置を含む。）を適用することを妨げるものではない。ただし、特定の約束の条件に基づいて他の締約国に与えられる利益を無効にし、又は損なうような態様で当該措置を適用しないことを条件とする。

注釈 特定の国籍又は市民権を有する自然人に対しては査証を要求し、他の国籍又は市民権を有する自然人に対しては要求しないという事実のみをもって、附属書九に定める特定の約束の条件に基づく利益が無効にされ、又は損なわれているとはみなさない。

#### 第五十条の二三 定義

この章の規定の適用上、

(a) 「他の締約国の自然人」とは、他の締約国の領域に居住しているか否かを問わず、当該他の締約国の法律の下で次のいずれかの要件を満たす自然人をいう。

(i) 当該他の締約国の国民であること。

(ii) 当該他の締約国において永住する権利を有すること（当該他の締約国が、第一議定書が効力を生じた後に他の全ての締約国に通報するところにより、自国の永住者に対し、サービスの貿易に影響を及ぼす措置に関し自国民に与える待遇と実質的に同一の待遇を与える締約国である場合に限る。）。ただし、いずれの締約国も、当該他の締約国の永住者に対し、当該他の締約国が当該永住者に与えることとなる待遇よりも有利な待遇を与える義務を負うものではない。その通報には、当該他の締約国が自国の法令に従い自国民に対して負う責任と同一の責任を自国の永住者に対して負うことの保証を含む。

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;

注釈 カンボジア王国、インドネシア共和国、ラオス人民民主共和国、マレーシア、ミャンマー連邦共和国、フィリピン共和国、タイ王国、ベトナム社会主義共和国及び日本国については、他の締約国の自然人は、当該他の締約国の法律の下で当該他の締約国の国民である自然人（当該他の締約国の領域に居住しているか否かを問わない。）に限る。したがって、この章の規定は、相互主義の原則に従い、カンボジア王国、インドネシア共和国、ラオス人民民主共和国、マレーシア、ミャンマー連邦共和国、フィリピン共和国、タイ王国、ベトナム社会主義共和国及び日本国の永住者については、適用しない。これらの締約国のうちいずれかの締約国が他の締約国又は非締約国の永住者の待遇に関する法律を制定した場合には、当該締約国に関し、この章の規定に基づく自然人の対象範囲に永住者を含めるか否かの問題について全締約国間で交渉を行う。

(b) 「短期の商用訪問者」とは、

ASEAN構成国に他の締約国の自然人が入国し、及び一時的に滞在することについては、ASEAN構成国の領域に一時的に入国し、又は滞在しようとする自然人であって、その訪問の期間中の報酬及び資金上の支援を当該ASEAN構成国外から得ており、かつ、次のいずれかの要件を満たすものをいう。

(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:

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.

(i) 物品販売者又はサービス提供者の代表者として、当該物品販売者又はサービス提供者のため、物品の販売若しくはサービスの提供について交渉し、又は物品を販売し、若しくはサービスを提供するための契約を締結することを目的とする。ただし、そのような交渉が一般公衆に対する直接の物品の販売又はサービスの提供を含まない場合に限る。

(ii) (f)(i)から(iii)までに定義する法人の被用者として、当該ASEAN構成国の領域内の当該法人のために投資財産又は業務上の拠点を設立することのみを目的とすること。

(iii) 商用の交渉又は会合に参加することを目的とすること。

(iv) 当該ASEAN構成国の領域において投資財産又は業務上の拠点を設立することを目的とする。と。

日本国にASEAN構成国の自然人が入国し、及び一時的に滞在することについては、日本国において認められる短期の商用訪問者の活動であって、附属書九に定める特定の約束の条件に掲げるものを行う自然人をいう。

(c) 「契約に基づくサービス提供者」とは、

ASEAN構成国に他の締約国の自然人が入国し、及び一時的に滞在することについては、他の締約国の領域において設立された法人（サービスが提供される当該ASEAN構成国の領域に業務上の拠点を有しないものに限る。）の被用者である自然人であって、次の全ての要件を満たすものをいう。

(i) 当該自然人の雇用者と当該ASEAN構成国の領域内のサービス消費者との間の契約に基づいてサービスを提供するために当該ASEAN構成国の領域に一時的に入国すること。

(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;

(iii) 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;

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- (iii) 提供するサービスに関連する適当な教育上及び職業上の資格を有しなければならないこと。
  - (iv) 該当する場合には、附属書九に定める特定の約束の条件に特定する期間にわたって当該法人の被用者であること。
- 日本国にASEAN構成国の自然人が入国し、及び一時的に滞在することについては、日本国において認められる契約に基づくサービス提供者の活動であって、附属書九に定める特定の約束の条件に掲げるものを行う自然人をいう。
- (d) 「許可する締約国」とは、他の締約国の自然人であって、前条の規定の対象となるものから入国及び一時的な滞在に係る申請を受理する締約国をいう。
  - (e) 「出入国管理に関する文書」とは、ASEAN構成国については、許可する締約国である当該ASEAN構成国の法令に基づく査証許可書、通行証その他の文書又は電子的な許可証であって、他の締約国の自然人に対し、当該ASEAN構成国の領域に一時的に入国し、若しくはその領域において一時的に滞在し、若しくは就労し、又はその領域において業務上の拠点を設立する権利を付与するものをいう。
- 日本国については、同国の法令に基づいて入国及び一時的な滞在を許可する査証のみをいう。
- (f) 「企業内転勤者」とは、ASEAN構成国に他の締約国の自然人が入国し、及び一時的に滞在することについては、他の締約国の領域において設立された法人の被用者である自然人であって、当該ASEAN構成国の領域内の業務上の拠点（代表事務所、支店、子会社又は提携する会社）を通じてサービスを提供するために一時的に転任するもの（附属書九に定める特定の約束の条件に特定する期間にわたって当該法人の被

- (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

用者であるものに限る。）であり、かつ、次のいずれかに該当するものをいう。

(i) 「役員」とは、組織に属する自然人であつて、主として当該組織の経営について指示し、意思決定において幅広い裁量を行使し、及びより上級の役員、取締役会又は事業に係る株主から一般的な監督又は指示のみを受けるものをいう。役員は、当該組織によるサービスの実際の提供に関する業務を直接行わない。

(ii) 「経営者」とは、組織に属する自然人であつて、主として当該組織、部門又は部局に対して指示し、かつ、他の監督的、管理的又は専門的立場にある職員に対する監督及び管理の業務を遂行するものをいう。経営者には、監督の対象である被用者が自由職業家である場合を除くほか現場の監督者を含まず、また、主としてサービスの提供に必要な業務を行う被用者を含まない。

(iii) 「専門家」とは、組織に属する自然人であつて、設立若しくはサービスの提供に不可欠な高度の水準にある専門的知識を有し、又は当該組織の事業、研究設備、技術若しくは経営に関する専門的な知識を有するものをいう。また、専門家には、許可制の職業に従事する者を含むことができるが、これに限らない。

日本国にASEAN構成国の自然人が入国し、及び一時的に滞在することについては、日本国において認められる企業内転勤者の活動であつて、附属書九に定める特定の約束の条件に掲げるものを行う自然人をいう。

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/departments/division 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 transferees allowed in Japan are described in the terms of the specific commitments set out in Annex 9; and

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- (g) 「入国及び一時的な滞在」又は「入国し、及び一時的に滞在すること」とは、締約国の領域に他の締約国の自然人が永続的に居住する意図を有することなく入国し、及び滞在することをいう。

### 第五十条の二の四 特定の約束

- 1 各締約国は、この章の規定（附属書九に定める各区分における条件を含む。）に従って、他の締約国の自然人に対し、入国及び一時的な滞在を許可する。ただし、当該他の締約国の自然人が、入国及び一時的な滞在について適用される自然人の移動に関する当該各締約国の法令（当該他の締約国の自然人が求める出入国管理に関する文書についての所定の申請手続及び資格要件に関するものを含む。）に基づいて、この章の規定に反しないものに従うことを条件とする。当該他の締約国の自然人には、次の区分に該当する者を含むことができる。

- (a) 短期の商用訪問者
- (b) 企業内転勤者
- (c) 契約に基づくサービス提供者
- (d) 投資家
- (e) 附属書九に定めるその他の区分

- 2 締約国は、1の規定に適合しない他の締約国の自然人の入国及び一時的な滞在を拒否することができる。
- 3 いずれの締約国も、附属書九に別段の定めがある場合を除くほか、自国が他の締約国の自然人に対して発給する査証の総数について制限を課し、又は維持してはならない。

### 第五十条の二の五 申請の処理

- 1 各締約国は、出入国管理に関する文書について又は当該出入国管理に関する文書に係る期間の延長についての不備のない申請であって、第五十条の二の二の規定の対象となる他の締約国の自然人である申請者又は当該申請者の雇用者から受理したものの処理を、不当に遅滞することなく行う。
- 2 締約国の権限のある当局は、出入国管理に関する文書についての申請を処理するために追加の情報を得る必要がある場合において、適当なときは、不当に遅滞することなく申請者に通知するよう努める。

- (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

3 各締約国は、要請があった場合には、出入国管理に関する文書についての不備のない申請を受理した後合理的な期間内に、次の事項を申請者に通知する。

- (a) 申請の受理
- (b) 申請の処理状況
- (c) 申請に関する決定（当該申請を承認する場合には、滞在の期間その他の条件を含む。）

4 各締約国は、入国及び一時的な滞在に関し、自国の法令に従い、要件（必要とされる書類を含む。）を簡素化し、並びに手続を円滑化し、及び迅速化するよう努める。

5 1に規定する申請の処理に関して締約国が課する手数料については、合理的なものとし、及び自国の法令に従う。

#### 第五十条の二の六 透明性

各締約国は、次のことを行う。

- (a) 関連する全ての出入国管理に関する文書に係る説明資料並びに関連する書式及び文書であつて、この章の規定の運用に関連し、又は影響を及ぼすものを公表し、又は公に利用可能なものとすること。
- (b) 自然人の入国及び一時的な滞在に係る自国の法令に関し、利害関係を有する者からの照会に回答するための連絡部局その他の適当な仕組みを維持し、又は設けること。
- (c) 可能な限り、自然人の入国及び一時的な滞在に影響を及ぼす新たな規制の公表と当該規制の効力発生の日との間に合理的な期間を置くこと。当該公表については、電子的に利用可能なものとすることができる。

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

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- (d) 自然人の入国及び一時的な滞在に影響を及ぼす出入国管理に関する措置を修正し、又は改正する場合には、(a)の規定に従って公表し、又は利用可能なものとした情報をできる限り速やかに更新することを確保すること。

### 第五十条の二の七 承認

- 1 締約国は、この章の規定に基づく自然人の円滑な移動のため、他の締約国の自然人に対して許可、免許又は資格証明を与えるための自国の基準の全部又は一部を適用する上で、当該他の締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明を承認することができる。
- 2 1の規定による承認は、措置の調和その他の方法によって行うことができるものとし、関係締約国間の協定若しくは取決めに基づいて又は一方的に与えることができる。
- 3 締約国は、非締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明を当該締約国と当該非締約国との間の協定若しくは取決めに基づいて又は一方的に承認する場合には、他の締約国に対し、当該他の締約国において得られた教育若しくは経験、満たされた要件又は与えられた免許若しくは資格証明も承認されるべきであることを明らかにするための機会を十分に与える。

### 第五十条の二の八 第九章の規定の適用

- 1 全締約国は、第九章の規定の適用を妨げることなく、この章の規定の実施から生ずる意見の相違を協議によって解決するよう努める。
- 2 締約国は、この章の規定に基づく入国及び一時的な滞在の拒否について、第九章に規定する手続を利用してはならない。ただし、次の(a)及び(b)の要件を満たす場合は、(i)の限りでない。
- (a) 入国及び一時的な滞在を拒否する事案が許可する締約国による一定の実行の類型に関するものであること。
- (b) 当該締約国の自然人が特定の事案に関して、可能な場合には、国内的な救済措置を尽くしたこと。

- (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.

第五十条の二の九 一般的例外

この章の規定の適用上、第五十・十三条の規定を準用する。

第五十条の二の十 出入国管理に関する法令に基づく措置

この章、第一章、第九章及び第十章の規定を除くほか、この協定のいかなる規定も、他の締約国の自然人の移動に影響を及ぼす措置に関して各締約国に対して義務を課するものではない。

注釈 他の締約国の自然人の移動に影響を及ぼす措置には、出入国管理に関する文書を含む。

第六条 AJCEP協定第七章（投資）の改正

AJCEP協定第七章を次のように改める。

第七章 投資

第五十一・一条 適用範囲

1 この章の規定は、締約国が採用し、又は維持する措置であつて、次の事項に関するものについて適用する。

(a) 他の締約国の投資家

(b) 対象投資財産

2 この章の規定は、次の事項については、適用しない。

(a) 締約国が政府調達に関して採用し、又は維持する措置

(b) 締約国が交付する補助金又は行う贈与

(c) 政府の権限の行使として提供されるサービス。ただし、商業的な原則に基づかず、かつ、一又は二以上のサービス提供者との競争を行うことなく提供されるものに限る。

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

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(d) 第一議定書が効力を生ずる日の前に生じた事態に起因する請求

3 この章の規定は、締約国が採用し、又は維持する措置であつて、第六章及び前章の規定の対象となるものについては、適用しない。

4 3の規定にかかわらず、第五十一・四条及び第五十一・九条から第五十一・十三条までの規定は、第六章の規定の対象となるサービスの提供であつて、締約国のサービスの提供者により他の締約国の領域内の業務上の拠点を通じて行われるものに影響を与える措置について適用する。ただし、その措置が対象投資財産及びこの章の規定に基づく義務に関連する場合に限る。

注釈 この4の規定は、締約国が第八条、第五十一・十四条、第五十一・十五条、第五十一・十九条から第五十一・二十一条まで又はこの章の他の関連する規定を、第六章の規定の対象となるサービスの提供であつて、締約国のサービスの提供者により他の締約国の領域内の業務上の拠点を通じて行われるものに影響を与える措置について適用することを妨げるものではない。ただし、その措置が対象投資財産及びこの章の規定に基づく義務に関連する場合に限る。

### 第五十一・二条 定義

この章の規定の適用上、

(a) 「対象投資財産」とは、締約国について、当該締約国の領域にある他の締約国の投資家の投資財産であつて、第一議定書が効力を生ずる日に存在しているもの又はその後に設立され、取得され、若しくは拡張されるものをいい、適当な場合には、当該締約国の法令及び国内政策に従つて許可されたものをいう。

注釈1 「国内政策」とは、締約国政府が承認し、かつ、公表した投資に影響を与える政策であつて、書面により公に利用可能なものをいう。各締約国は、他の締約国の要請があつた場合には、当該国内政策に関して、英語で、当該他の締約国の個別の質問に応じ、及び当該他の締約国に対して情報を提供する。

(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

注釈 2 タイ王国については、この章の規定は、適当な場合には、同国の法令及び国内政策に従って、保護のため権限のある当局によって書面により個別に承認された対象投資財産に適用する。

注釈 3 カンボジア王国及びベトナム社会主義共和国については、「許可された」とは、「場合に依りて、個別に登録され、又は書面により承認された」ことをいう。

(b) 「自由利用可能通貨」とは、IMFがIMF協定（その改正を含む。）に基づいて自由利用可能通貨として指定する通貨をいう。

(c) 「投資財産」とは、投資家が所有し、又は支配する全ての種類の資産であつて、投資としての性質（例えば、資本その他の資源の約束、収益若しくは利得についての期待又は危険の負担）を有するものをいい、次のものを含む。

(i) 動産及び不動産、他の有体財産及び無体財産並びに貸借権、抵当権、先取特権、質権その他の関連する財産権

(ii) 株式、出資その他の形態の法人の持分及び債券、社債、貸付金その他の債務証券（これらのものから派生する権利又は生ずる利益を含む。）

(iii) 投資が行われる締約国の領域において当該締約国の法令により与えられる知的財産権（適当な場合には、著作権及び関連する権利、特許権並びに実用新案、商標、意匠、集積回路の回路配置、植物の新品種、営業用の名称、原産地表示又は地理的表示及び開示されていない情報に関する権利を含む。）及びのれん

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,

- (iv) 契約（完成後引渡し、建設、経営、生産又は利益配分に関する契約を含む。）に基づく権利
- (v) 法令又は契約によって与えられる権利（例えば、特許、免許、承認、許可。天然資源の探査及び採掘のための権利を含む。）
- (vi) 金銭債権及び金銭的価値を有する契約に基づく給付の請求権。ただし、「投資財産」には、次のもののみから生ずる金銭債権を含まない。
- (A) 締約国の領域内の自然人又は法人による他の締約国の領域内の自然人又は法人に対する物品又はサービスの販売のための商事契約
- (B) 貿易金融等の商業取引に関連する信用の供与
- 「投資財産」には、また、投資財産から生じ、又は派生する収益、特に、利益、利子、資本利得、配当、使用料及び手数料を含む。投資される資産の形態の変更は、その投資財産としての性質に影響を及ぼすものではない。
- 注釈 「投資財産」には、司法上又は行政上の措置として下される命令又は決定を含まない。
- (d) 「締約国の投資家」とは、次の者であって、他の締約国の領域において投資を行おうとし、行つて

- 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:

おり、又は既に行つたものをいう。

(i) 締約国の自然人

(ii) 締約国の法人

注釈 全締約国は、投資を「行おうとし」ている締約国の投資家とは、通知又は承認の手続適当な場合には、投資を行うための手続であつて、当該投資家に対し投資財産を設立することを認める許可又は免許のためのもの（を開始する積極的な措置をとつた締約国の投資家をいうもの）と了解する。

(e) 「締約国の法人」とは、営利目的であるか否かを問わず、また、民間の所有であるか政府の所有であるかを問わず、締約国の関係法令に基づいて適正に設立され、又は組織される法定の事業体（会社、信託、組合、個人企業、合弁企業並びに他の団体及び組織を含む。）をいう。

(f) 「措置」とは、投資家又は投資財産に影響を及ぼすあらゆる措置（法令、規則、手続、決定、行政上の行為その他のいすれの形式であるかを問わない。）をいう。

(g) 「締約国による措置」とは、次の措置をいう。

(i) 締約国の中央、地域又は地方の政府及び機関が採用し、又は維持する措置

(ii) 非政府機関が、締約国の中央、地域又は地方の政府又は機関によつて委任された権限を行使するに当たつて採用し、又は維持する措置

(h) (d)の規定の適用上、「締約国の自然人」とは、締約国の法律の下で次のいずれかの要件を満たす自然人をいう。

(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) 当該締約国の国民又は市民であること。

(ii) 当該締約国に永住する権利を有すること。ただし、当該締約国及び他の締約国の双方が永住者を承認し、かつ、投資財産に影響を及ぼす措置に関してそれぞれの国民に与える待遇と実質的に同一の待遇をそれぞれの永住者に与える場合に限る。

#### 第五十一・三条 内国民待遇

各締約国は、自国の領域における投資財産の設立、取得、拡張、経営、管理、運営及び売却その他の処分に關し、他の締約国の投資家及びその対象投資財産に対し、同様の状況において自国の投資家及びその投資財産に与える待遇よりも不利でない待遇を与える。

注釈 この条の規定の適用については、第五十一・二十三条の規定に従う。

#### 第五十一・四条 一般的待遇

1 各締約国は、対象投資財産に対し、国際慣習法に従い、公正かつ衡平な待遇並びに十分な保護及び保障を与える。

2 「公正かつ衡平な待遇」及び「十分な保護及び保障」の概念は、1に規定する国際慣習法上求められる待遇以上の待遇を与えることを求めるものではなく、また、追加の実質的な権利を創設するものではない。

3 全締約国は、次のことを了解する。

(a) 「公正かつ衡平な待遇」の要件により、各締約国が、正当な法の手続の原則に従い法律上又は行政上の手続における裁判を行うことを拒否しないことを義務付けられること。

(b) 「十分な保護及び保障」の要件により、各締約国が、対象投資財産の保護及び保障を確保するため合理的に必要とされる措置をとることを義務付けられること。

(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

4 この章の他の規定又は他の国際協定に対する違反があった旨の決定が行われることは、この条の規定に対する違反があったことを証明するものではない。

#### 第五十一・五条 特定措置の履行要求の禁止

1 いずれの締約国も、自国の領域における他の締約国の投資家の投資財産の設立、取得、拡張、経営、運営及び売却その他の処分の条件として、次の要求を課し、又は強制してはならない。

(a) 一定の水準又は割合の物品を輸出すること。

(b) 一定の水準又は割合の現地調達を達成すること。

(c) 自国の領域において生産された物品を購入し、利用し、若しくは優先し、又は自国の領域内の者若しくは他の事業体から物品を購入すること。

(d) 輸入数量又は輸入価額を、輸出数量若しくは輸出価額又は当該投資家の投資財産に関連する外国為替の流入の量と関連付けること。

(e) 当該投資家の投資財産により生産され、又は提供される物品の自国の領域における販売を、輸出数量若しくは輸出価額と又は外国為替収入と関連付けることにより制限すること。

2 いずれの締約国も、自国の領域における他の締約国の投資家の投資活動に関し、利益の享受又はその継続のための条件として、次の要求に従うことを求めることができない。

(a) 一定の水準又は割合の現地調達を達成すること。

(b) 自国の領域において生産された物品若しくは提供されたサービスを購入し、利用し、若しくは優先し、又は自国の領域内の者若しくは他の事業体から物品を購入すること。

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) 輸入数量又は輸入価額を、輸出数量若しくは輸出価額と又は当該投資家の投資財産に関連する外国為替の流入の量と関連付けること。

(d) 当該投資家の投資財産により生産され、又は提供される物品の自国の領域における販売を、輸出数量若しくは輸出価額と又は外国為替収入と関連付けることにより制限すること。

3 2 (a)及び(b)の規定は、輸入締約国が物品の内容に関して課する要件であつて、特惠的な関税又は特惠的な割当ての適用を受けるために必要なものについては、適用しない。

4 1及び2の規定は、これらの規定に定める要求以外のいかなる要求についても、適用しない。

注釈 この条の規定の適用については、第五十一・二十三条の規定に従う。

#### 第五十一・六条 経営幹部及び取締役会

1 締約国は、対象投資財産である当該締約国の法人に対し、特定の国籍を有する自然人を経営幹部に任命することを要求してはならない。

2 締約国は、対象投資財産である当該締約国の法人に対し、当該法人の取締役会又はこれに置かれる委員会の構成員の過半数が特定の国籍を有すること又は自国の領域内の居住者であることを要求することができる。ただし、その要求により、自己の投資財産を支配する投資家の能力が実質的に妨げられない場合に限る。

注釈 この条の規定の適用については、第五十一・二十三条の規定に従う。

#### 第五十一・七条 留保及び例外

1 第五十一・三条及び前二条の規定は、次の事項については、適用しない。

(a) 次の機関により維持されるこれらの規定に適合しない現行の措置であつて、附属書十一の締約国の表に記載するもの

(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) 締約国の中央政府
- (ii) 日本国の都道府県又はASEAN構成国の地域政府
- (b) 締約国の地方政府により維持されるこれらの規定に適合しない現行の措置であつて、(a)(ii)に規定する措置以外のもの
- (c) (a)及び(b)に規定する措置の継続又は即時の更新
- (d) (a)及び(b)に規定する措置の改正又は修正（附属書十一の締約国の表が効力を生ずる日における当該措置と第五十一・三条及び前二条の規定との適合性の水準を低下させない場合に限る。）
- 2 第五十一・三条及び前二条の規定は、締約国が附属書十一の自国の表に記載する分野、小分野又は活動に関して採用し、又は維持する措置については、適用しない。
- 3 いずれの締約国も、附属書十一の自国の表の対象となる措置を採用する場合には、他の締約国の投資家に対し、その国籍を理由として、当該措置が効力を生じた時点で存在する投資財産を売却その他の方法で処分することを要求してはならない。ただし、関係当局による当初の承認に別段の定めがある場合は、この限りでない。
- 4 締約国は、1(d)の規定に従つて、附属書十一の自国の表に記載する現行の適合しない措置を改正し、若しくは修正する場合又は附属書十一の自国の表に記載する分野、小分野若しくは活動に関する新たな若しくは一層制限的な措置を採用する場合には、その改正若しくは修正又は当該新たな若しくは一層制限的な措置の実施の前に、又は実施の後でできる限り速やかに、次の事項を行う。
- (a) 当該改正若しくは修正又は当該措置の詳細な情報を他の締約国に通報すること。
- 

- (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

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(b) 他の締約国の要請があった場合には、当該改正若しくは修正又は当該措置に関する当該他の締約国の個別の質問に応ずること。

5 各締約国は、適当な場合には、附属書十一I及び附属書十一IIの自国の表に掲げる留保を削減し、又は撤廃するよう努める。

6 第五十一・三条の規定は、世界貿易機関設立協定附属書一C知的所有権の貿易関連の側面に関する協定（以下「貿易関連知的所有権協定」という。）第三条及び第四条の規定に基づく義務の例外又は特別の取扱いとして貿易関連知的所有権協定第三条から第五条までに明示的に規定する範囲内にあるいかなる措置についても、適用しない。

注釈 この条の規定の適用については、第五十一・二十三条の規定に従う。

第五十一・八条 公衆による意見提出

各締約国は、緊急の場合を除くほか、この章の規定の対象となる事項に影響を及ぼす一般に適用される規制を設定する前に、国内の法的枠組みに基づいて定める範囲内で、公衆による意見提出のための合理的な機会を与えるよう努める。

第五十一・九条 収用及び補償

1 いずれの締約国も、対象投資財産の収用若しくは国有化又はこれに対する収用若しくは国有化と同等の措置（以下「収用」という。）を実施してはならない。ただし、次の全ての要件を満たす場合は、この限りでない。

- (a) 公共の目的のためのものであること。
- (b) 正当な法的手続に従って実施するものであること。
- (c) 差別的なものでないこと。
- (d) 迅速、適当かつ実効的な補償の支払を伴うものであること。

2 1(d)の規定の適用上、補償については、次の全ての要件を満たすものとする。

(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) 収用が公表された時又は収用が行われた時のいずれか早い方における収用された投資財産の公正な市場価格に相当するものであること。

注釈 フィリピン共和国については、収用が公表された時とは、収用のための申立てをした日をいう。

(b) 予定された収用が事前に公に知られることにより生じた価格の変化を反映させないこと。

(c) 不当に遅滞することなく行い、及び支払うこと。

注釈 全締約国は、支払が行われる前に遵守する必要がある法律上及び行政上の手続があり得ることを了解する。

(d) 実際に換価し、及び自由に移転することができるとであること。

3 補償には、妥当な利子を含む。補償（全ての発生した利子を含む。）については、収用を行った締約国の通貨又は投資家が要求する場合には自由利用可能通貨で支払うものとする。

4 投資家が自由利用可能通貨による支払を要求する場合には、補償（全ての発生した利子を含む。）については、支払の日の市場における為替相場により支払の通貨に交換するものとする。

5 1 から 4 までの規定にかかわらず、土地に関する収用のいかなる措置も、第一議定書が効力を生ずる日において存在する収用を行う締約国の国内法令に定めるところによるものとす。当該法令に適合する目的のためのものでなければならず、かつ、当該法令に適合する補償の支払を伴うものでなければならぬ。当該補償については、補償の額に関する当該法令のその後の改正に従うものとする。ただし、当該改正が土地の市場価格の一般的な傾向に従う場合に限る。

(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 この条の規定は、貿易関連知的所有権協定に基づく知的財産権に関する強制実施許諾の付与については、適用しない。

第五十一・十条 損失又は損害に対する補償

各締約国は、戦争、武力紛争又は自国の領域における革命、暴動、内乱若しくはこれらに類する事件その他の緊急事態により、自国の領域内の対象投資財産に関して損失又は損害を被った他の締約国の投資家に対し、原状回復、損害賠償、補償その他の解決方法に関し、自国の投資家又は非締約国の投資家と与える待遇よりも不利でない待遇を与える。

第五十一・十一条 資金の移転

1 各締約国は、対象投資財産に関連する全ての資金の移転が、自国の領域に向け又は自国の領域から自由に、かつ、遅滞なく行われることを認める。この資金の移転には、次のものを含める。

- (a) 当初の資金及び投資財産を維持し、又は増大させるための追加的な資金
- (b) 利益、利子、資本利得、配当、使用料、技術援助に関する報酬、運営に関する報酬その他の対象投資財産から生ずる収益
- (c) 契約に基づいて行われる対象投資財産に関連する支払（融資契約に基づく返済を含む。）
- (d) 対象投資財産の全部又は一部の売却又は清算によって得られる収入
- (e) 対象投資財産に関連する活動に従事する者が得る収入その他の報酬
- (f) 前二条の規定に従って行われる支払
- (g) 第五十一・十三条の規定に基づく投資紛争の解決の結果として生ずる支払

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, settlement, indemnification, compensation or any other remedy, 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 各締約国は、1に規定する資金の移転が自由利用可能通貨により当該資金の移転の日の自国の領域内の市場における為替相場で行われることを認める。

3 1及び2の規定にかかわらず、締約国は、次の事項に関する自国の法令を衡平、無差別かつ誠実に適用する場合には、資金の移転を遅らせ、又は妨げることができる。

- (a) 破産、支払不能又は債権者の権利の保護
- (b) 証券、先物、オプション又は派生商品の発行、交換又は取引
- (c) 刑事犯罪
- (d) 社会保障制度、公的年金制度又は強制年金制度から生ずる義務
- (e) 司法上又は行政上の手続における命令又は判決の履行の確保
- (f) 労働者の退職に関する権利
- (g) 法執行当局又は金融規制当局を支援するために必要である場合には、資金の移転に関する報告又は記録の保存
- (h) 締約国の中央銀行及び他の関係当局が課する他の手続を登録し、及び満たす義務

注釈 各締約国は、第六条1の規定により、租税に係る課税措置に関する自国の法令を衡平、無差別かつ誠実に適用する場合には、資金の移転を遅らせ、又は妨げることができる。

4 この章のいかなる規定も、IMF協定に適合する為替の利用を含め、IMF協定に基づくIMFの加盟国としての全締約国の権利及び義務に影響を及ぼすものではない。

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.

第五十一・十二条 代位

1 締約国又は当該締約国が権限を与えた機関が、他の締約国の領域にある当該締約国の投資家による対象投資財産について保険契約又は他の形態の金銭保証を与えている場合において、当該締約国又は当該締約国が権限を与えた機関による当該保険契約又は当該金銭保証に基づいて支払が行われるときは、当該他の締約国は、当該対象投資財産に関するあらゆる権利又は請求権の代位又は移転を承認する。代位され、又は移転された権利又は請求権は、当該投資家の当初の権利又は請求権を超えてはならない。

2 締約国又は当該締約国が権限を与えた機関が自国の投資家に対して支払を行い、並びに当該投資家の権利及び請求権を譲り受ける場合には、当該投資家は、支払を行った当該締約国又は当該締約国が権限を与えた機関を代理する権限を与えられる場合を除くほか、他の締約国に対して当該権利及び請求権を行使してはならない。

3 代位された権利又は請求権の行使に当たり、当該権利又は請求権を行使する締約国又は当該締約国が権限を与えた機関は、2に規定する他の締約国に対し、自国の投資家との間の請求権の取決めの適用範囲を開示する。

4 権利又は請求権の代位又は移転に基づき1及び2に規定する締約国又は当該締約国が権限を与えた機関に対して行われる支払及び当該支払に係る資金の移転については、前三条の規定を準用する。

第五十一・十三条 締約国と他の締約国の投資家との間の投資紛争の解決

1 この条の規定は、締約国と他の締約国の投資家との間の投資紛争であつて、この章の規定に基づく当該締約国の義務についての申し立てられた違反により当該投資家の対象投資財産に損失又は損害が生じているものについて適用する。

2 この章の規定の適用上、

(a) 「紛争投資家」とは、この条の規定に基づいて他の締約国に対して請求を行う締約国の投資家をいう。

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) 「紛争締約国」とは、この条の規定に基づいて請求を受ける締約国をいう。
- (c) 「紛争当事者」とは、紛争投資家及び紛争締約国をいう。
- (d) 「一方の紛争当事者」とは、紛争投資家又は紛争締約国をいう。
- (e) 「ICSID条約」とは、千九百六十五年三月十八日にワシントンで作成された国家と他の国家の国民との間の投資紛争の解決に関する条約をいう。
- (f) 「ICSID追加的制度規則」とは、投資紛争解決国際センターの事務局が手続を実施するための追加的な制度を規律する規則をいう。
- (g) 「ニューヨーク条約」とは、千九百五十八年六月十日にニューヨークで作成された外国仲裁判断の承認及び執行に関する条約をいう。
- (h) 「UNCITRAL仲裁規則」とは、千九百七十六年十二月十五日に国際連合総会で採択された「国際連合国際商取引法委員会の仲裁規則」をいう。
- (i) 「UNCITRAL調停規則」とは、千九百八十年十二月四日に国際連合総会で採択された「国際連合国際商取引法委員会の調停規則」をいう。
- 3 10(c)の規定に従うことを条件として、この条のいかなる規定も、紛争投資家が紛争締約国の領域において行政的解決又は司法的解決を求めることを妨げるものと解してはならない。
- 4 紛争締約国の国籍又は市民権を有する自然人は、この条の規定に基づき当該紛争締約国に対して請求権を行使してはならない。
- 5 投資紛争は、可能な限り、紛争当事者間の友好的な協議によって解決する。

- (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 5に規定する協議によって投資紛争が解決されない場合には、紛争投資家は、この条の規定に従うことを条件として、紛争締約国の司法裁判所若しくは行政裁判所又はこの条の規定による調停若しくは仲裁に次の事項に係る請求を付託することができる。

(a) 当該紛争締約国が、対象投資財産の経営、管理、運営又は売却その他の処分に関し、第五十一・三条、第五十一・四条、第五十一・五条1(a)から(d)まで、第五十一・六条及び第五十一・九条から第五十一・十一條までの規定に基づく義務に違反したこと。

(b) 当該紛争投資家又はその対象投資財産が、(a)に規定する違反を理由とする又はその違反から生ずる損失又は損害を被ったこと。

7 (a) 紛争投資家は、自らの選択により、6に規定する請求を次のいずれかに付託することができる。

(i) 紛争締約国の司法裁判所又は行政裁判所。ただし、当該司法裁判所又は行政裁判所が当該請求について管轄権を有する場合に限る。

(ii) ICSID条約並びにICSIDの調停手続に関する手続規則及びICSIDの仲裁手続に関する手続規則による調停又は仲裁。ただし、紛争締約国及び当該紛争投資家の締約国の双方がICSID条約の当事国である場合に限る。

(iii) ICSID追加的制度規則による調停又は仲裁。ただし、紛争締約国又は当該紛争投資家の締約国のいずれか一方のみがICSID条約の当事国である場合に限る。

(iv) UNCITRAL調停規則による調停又はUNCITRAL仲裁規則による仲裁

(v) 紛争締約国と合意する場合には、他の仲裁機関又は他の仲裁規則による仲裁

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

(b) (a)の規定の適用上、紛争投資家は、(a)(ii)から(v)までの規定による調停又は仲裁に請求を付託することができ。ただし、紛争締約国が協議及び交渉のための書面による要請を受領した日から百八十日以内に、投資紛争が5の規定によって解決されない場合に限る。

8 紛争投資家が紛争締約国の司法裁判所又は行政裁判所に請求を付託した場合には、その紛争解決の場  
の選択は、最終的なものとする。

9 (a) 各締約国は、この条に定める手続に従って7に規定する調停又は仲裁に請求を付託する(vi)に同意  
する。

注釈 1 この(a)の規定にかかわらず、インドネシア共和国と他の締約国の投資家との間又はフィリ  
ピン共和国と他の締約国の投資家との間の投資紛争については、ICSID条約及びICS  
IDの仲裁手続に関する手続規則による請求の付託についての同意は、紛争当事者間の書面  
による別個の合意による。7(a)(iii)及び(iv)の規定による手続の開始、調停手続の開始又は仲裁  
への付託は、関係する仲裁規則又は調停規則の定めるところによる。当該書面による別個の  
合意は、ICSID条約及びICSIDの仲裁手続に関する手続規則による請求の付託につ  
いてのみ適用する。

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.

注釈 2 この(a)の規定にかかわらず、タイ王国と他の締約国の投資家との間又は他の締約国とタイ王国の投資家との間の投資紛争については、紛争締約国は、7に規定する調停又は仲裁に請求を付託することに同意する。ただし、タイ王国及び他の締約国が、その双方が当事国である既存の国際協定における調停又は仲裁に請求を付託することに同意していた場合に限る。その同意は、当該国際協定に定めるところと同一の条件及び制限によるものとする。

(b) (a)の規定による同意及び紛争投資家による投資紛争の調停又は仲裁への付託は、次の(i)及び(ii)の要件を満たすものとする。

- (i) ICSID条約第二章の規定又はICSID追加的制度規則の規定であつて、投資紛争の両当事者の書面による同意に関するもの
- (ii) 書面による合意に関するニューヨーク条約第二条の規定

10 7(a)(ii)から(v)までのいずれかの規定による調停又は仲裁への請求の付託であつてこの条の規定によるものについては、次の事項を条件として行ふ。

- (a) 当該調停又は仲裁への請求の付託が、6(a)に規定する義務の違反であつて紛争投資家又はその対象投資財産に損失又は損害を生じさせたものを当該紛争投資家が知つた又は合理的に知るべきであつた時から三年以内に行われること。

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)(i), (ii), (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) 紛争投資家が、紛争締約国に対し、当該調停又は仲裁への請求を付託する少なくとも九十日前に、当該調停又は仲裁への請求の付託の意図を書面により通知すること。その通知は、次の事項を条件とする。

(i) 紛争解決の場として7(a)(ii)から(v)までの規定のいずれかを特定し、及び7(a)(ii)から(iv)までの規定に該当する場合には調停又は仲裁のいずれを求めるかを特定すること。

(ii) この章の規定についての当該紛争締約国の申し立てられた違反を簡潔に要約すること（違反があったとされる条項及び当該紛争投資家又はその対象投資財産に生じたとされる損失又は損害を含む。）。

(c) いずれかの締約国の法律の下にある司法裁判所若しくは行政裁判所又は他の紛争解決のための制度（紛争締約国及び紛争投資家の締約国の双方が当事国である他の二国間又は多数国間の協定に基づく投資紛争の解決のための制度を含む。）において、6に規定する違反を構成するとされる紛争締約国の措置に関する手続を開始し、又は継続する権利を紛争投資家が放棄する旨の書面を調停のための書面による要請若しくは招請又は仲裁に関する通知に添付すること。したがって、当該紛争投資家が7(a)(ii)から(v)までのいずれかの規定による調停又は仲裁に当該請求を付託した場合には、その紛争解決の場の選択は、最終的なものとする。

11 10(c)の規定にかかわらず、紛争投資家は、紛争締約国の法律の下にある司法裁判所又は行政裁判所において、暫定的な差止めによる救済（紛争投資家の権利及び利益を保全することのみを目的とする救済であって、損害賠償の支払又は係争中の問題の実質的な解決を伴わないものに限る。）の申し立てを行い、又は当該申し立てに係る手続を継続することができる。

(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 いずれの締約国も、自国の投資家及び他の締約国がこの条の規定に従って調停又は仲裁に付託することと同意し、又は付託した投資紛争に関し、外交上の保護を与えてはならず、又は国家間の請求を行ってはならない。ただし、当該他の締約国が当該投資紛争について下された裁定に従わなかった場合は、この限りでない。この12の規定の適用上、外交上の保護には、投資紛争の解決を容易にすることのみを目的とする非公式の外交交渉を含めない。

13 7の規定により設置される仲裁裁判所は、この章の規定並びに関係する国際法の規則及び適当な場合には紛争締約国の関連する国内法に従って、係争中の事案について決定する。

注釈 仲裁裁判所は、この章の規定の違反を構成するとされる措置の合法性につき、紛争締約国の国内法に基づいて決定する管轄権を有しない。

14 仲裁裁判所は、請求が受理されるものではない旨又は請求が当該仲裁裁判所の管轄権若しくは権限の範囲外にある旨の紛争締約国による異議について取り扱い、及び決定する。ただし、当該紛争締約国によるそのような要請が、当該仲裁裁判所が設置された後できる限り速やかに、かつ、いかなる場合にも当該仲裁裁判所が当該紛争締約国による答弁書の提出の期限として定める日の前に行われることを条件とする。

15 14の規定にかかわらず、仲裁裁判所は、職権により、手続のいかなる段階においても、請求が受理されるものか否か又は請求が仲裁裁判所の管轄権若しくは権限の範囲内にあるか否かについて検討することができる。

16 仲裁裁判所は、原則として、14に規定する異議について先決問題として決定すべきである。もっとも、当該仲裁裁判所は、当該異議を請求の本案と併合することができる。当該異議を請求の本案と併合するか否かを検討するに当たり、仲裁裁判所は、できる限り、紛争当事者の同意を得るものとする。

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 紛争当事者が先決的な異議を申し立てるための他の迅速な手続に合意している場合を除き、紛争締約国は、仲裁裁判所が構成された後九十日以内に、かつ、いかなる場合にも仲裁裁判所における最初の会議の前に、請求が明白に法的根拠を欠いている旨の異議を提出することができる。当該紛争締約国は、できる限り正確に当該異議の根拠を特定する。当該仲裁裁判所は、紛争当事者に対して当該異議についての意見を提出する機会を与えた後、最初の会議において又はその後速やかに、当該紛争当事者に対して当該異議についての決定を通知する。当該仲裁裁判所の決定は、当該紛争締約国が14の規定に従って異議を提出し、又は手続の過程において当該請求が法的根拠を欠いている旨の反論を行う権利を害するものではない。

18 仲裁裁判所が、請求が受理され得るものではなく、若しくは請求が当該仲裁裁判所の管轄権若しくは権限の範囲外にあり、又は請求が明白に法的根拠を欠いていると決定する場合には、仲裁裁判所は、その旨の裁定を下す。

19 仲裁裁判所は、正当な理由があるときは、異議の申立て又は異議に対する反論を行うに際して生じた合理的な費用及び報酬を主張を認められた一方の紛争当事者に支払うよう命ずる裁定を下すことができる。仲裁裁判所は、そのような裁定が正当であるか否かを決定するに当たり、請求若しくは異議に根拠がなかったか又は明白に法的根拠を欠いていたかについて検討するものとし、また、紛争当事者に対する意見を述べる合理的な機会を与える。

20 (a) 仲裁裁判所は、紛争締約国の要請に基づき投資紛争において係争中であるこの章の規定に係る共同の解釈を要請するものとし、また、職権により当該共同の解釈を要請することができる。全締約国は、仲裁裁判所に対し、その要請を受領した日から六十日以内に、当該共同の解釈について宣言するための共同の決定であってコンセンサス方式によるものを書面により提出する。全締約国が六十日以内にそのような決定を行うことができない場合には、(b)の規定の適用を妨げることなく、締約国が提出した解釈について紛争当事者及び仲裁裁判所に送付するものとし、当該仲裁裁判所は、職権によりこの問題を決定する。

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 first 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) 第十一条2(e)(iv)の規定に基づくこの章の規定の解釈に関する合同委員会の決定は、仲裁裁判所を拘束するものとし、仲裁裁判所が下すいかなる決定又は裁定も、当該合同委員会の決定に適合するものでなければならない。

21 仲裁は、紛争当事者が別段の合意をする場合を除くほか、ニューヨーク条約の当事国において行う。

22 各締約国は、自国の領域において裁定を執行するために必要な手段を定める。

23 仲裁裁判所の裁定は、最終的なものであり、かつ、紛争当事者を拘束する。裁定は、紛争当事者間において、かつ、特定の事件に関してのみ、拘束力を有する。

#### 第五十一・十四条 一般的例外

この章のいかなる規定も、締約国が次の措置を採用し、又は実施することを妨げるものと解してはならない。ただし、これらの措置を、同様の条件の下にある全締約国の間若しくはその投資家の間における恣意的若しくは不当な差別の手段又は他の締約国の投資家若しくはその投資財産に対する偽装した制限となることとなる態様で適用しないことを条件とする。

(a) 公衆の道徳の保護又は公の秩序の維持のために必要な措置。もつとも、公の秩序を理由とする例外は、社会の基本的な利益のうちのいずれかに対し真正かつ重大な脅威がもたらされる場合に限り、援用することができる。

(b) 人、動物又は植物の生命又は健康の保護のために必要な措置

(c) この章の規定に反しない法令の遵守を確保するために必要な措置。この措置には、次のいずれかの事項に関する措置を含む。

(i) 欺まんの若しくは詐欺的な行為の防止又は契約の不履行がもたらす結果の処理

(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) 個人の情報を処理し、及び公表することに関連するプライバシーの保護又は個人の記録及び勘定の秘密の保護

(iii) 安全

(d) 美術的、歴史的又は考古学的価値のある国家的財産の保護のためにとる措置

(e) 有限天然資源の保存に関する措置。もっとも、この措置が国内の生産又は消費に対する制限と関連して実施される場合に限る。

#### 第五十一・十五条 特別な手続及び情報の要求

1 第五十一・三条のいかなる規定も、締約国が投資財産に関して特別な手続（投資財産が適法に設立され、又は登録の要件を満たさなければならないとの要件に従うことを含む。）を定める措置を採用し、又は維持することを妨げるものと解してはならない。ただし、当該手続が、当該締約国がこの章の規定に従って他の締約国の投資家及び投資財産に対して与える権利を実質的に害するものでないことを条件とする。

2 第五十一・三条の規定にかかわらず、締約国は、他の締約国の投資家又はその対象投資財産に対し、専ら参考情報として入手すること又は統計を収集することを目的として、当該対象投資財産に関する情報を提供することを求めることができる。当該締約国は、秘密の情報については、公私の特定の法人の正当な商業上の利益又は当該投資家若しくは当該対象投資財産の競争上の立場を害することとなる開示から保護する。この2のいかなる規定も、締約国が自国の法令の衡平かつ誠実な適用に関連して他の方法により情報を入手し、又は開示することを妨げるものと解してはならない。

#### 第五十一・十六条 新規ASEAN構成国に対する特別のかつ異なる待遇

新規ASEAN構成国のためのこの章の規定による利益を増進するため並びに第一条、第三条及び第五十二条の規定に従い、特別のかつ異なる待遇については、この章の規定に基づいて、次の事項を通じて新規ASEAN構成国に与えるべきである。

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(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:

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- (a) 他の締約国の投資政策に関する情報、事業活動に関する情報、関連するデータベース及び投資の促進のための連絡部局へのアクセス
- (b) 投資政策及び投資の促進（人材養成等の分野におけるものを含む。）に関する新規ASEAN構成国の能力を強化するための技術援助
- (c) 新規ASEAN構成国が関心を有する分野における約束
- (d) 各新規ASEAN構成国による約束がそれぞれの発展段階に応じて行われることの認識

### 第五十一・十七条 投資の促進

- 1 各締約国は、全締約国間の経済関係を強化するために投資を更に促進すべきである。
- 2 全締約国は、自国の法令及び資金の利用可能性に従うことを条件として、可能な場合には特に次の事項を通じて、ASEAN及び日本国を一つの投資地域として認識することを促進し、及び向上させるよう協力する。
  - (a) 投資の促進に関する活動を組織すること。
  - (b) 事業取引のあっせんを促進すること。
  - (c) 投資の機会並びに投資に関する法令及び政策についての様々な説明会及びセミナーを組織し、及び支援すること。
  - (d) 投資の促進及び円滑化に関係する相互に関心を有する他の事項についての情報交換を行うこと。

### 第五十一・十八条 投資の円滑化

- 1 各締約国は、自国の領域における他の締約国の投資家による投資の拡大を奨励するため、安定した、良好な、かつ、透明性のある条件を更に作り出すよう努める。

- (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 全締約国は、自国の法令及び資金の利用可能性に従うことを条件として、可能な場合には特に次の事項を通じて、日本国と全 A S E A N 構成国との間の投資を円滑にするために協力する。

- (a) あらゆる形態の投資に必要な環境を作り出すこと。
- (b) 投資の申請及び承認のための手続を簡素化すること。
- (c) 投資に関する情報（投資に関する規則、政策及び手続を含む。）の周知を促進すること。
- (d) 投資を受け入れるそれぞれの締約国において、産業界に対して支援及び助言（免許及び許可に関する業務の円滑化を含む。）を行うため、投資に関する総合窓口を設置すること。

#### 第五十一・十九条 一時的なセーフガード措置

1 いずれの締約国も、次のいずれかの場合には、第五十一・三条の規定に基づく義務であつて国境を越える資本取引に係るもの及び第五十一・十一条の規定に基づく義務に適合しない措置を採用し、又は維持することができる。

- (a) 国際収支及び対外支払に関して重大な困難が生じている場合又は生ずるおそれがある場合
- (b) 例外的な状況において、資本の移動が経済全般の運営、特に通貨及び外国為替に係る政策に重大な困難をもたらし、又はもたらすおそれがある場合

2 1 に規定する措置は、次の全ての要件を満たすものとする。

- (a) I M F 協定に適合するものであること。
- (b) 他の締約国の商業上、経済上又は金融上の利益に対して不必要な損害を与えることを避けるものであること。
- (c) 1 に規定する状況に対処するために必要な限度を超えないものであること。

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;

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- (d) 一時的なものであり、かつ、1に規定する状況が改善するに伴い漸進的に廃止されるものである」と。
- (e) 他のいずれかの締約国に対し、当該他のいずれかの締約国以外の締約国又は非締約国よりも不利でない待遇を与えるよう適用されるものであること。

- 3 1の規定に基づいて採用し、又は維持する措置については、他の締約国に対して速やかに通報する。

### 第五十一・二十条 信用秩序の維持のための措置

- 1 この章の他の規定にかかわらず、締約国は、信用秩序の維持のための金融サービスに関連する措置（投資家、預金者、保険契約者若しくは信託上の義務を金融サービスを提供する事業者が負う者を保護し、又は金融システムの健全性及び安定性を確保するための措置を含む。）をとることを妨げられない。

- 2 締約国は、1の規定に基づいてとる措置がこの章の規定に適合しない場合には、当該措置をこの章の規定に基づく当該締約国の約束又は義務を回避するための手段として用いてはならない。

- 3 この章のいかなる規定も、締約国に対し、個々の顧客に関する事項及び勘定に関連する情報、公的機関が所有する秘密の情報又は公的機関が専有する情報の開示を要求するものと解してはならない。

### 第五十一・二十一 利益の否認

- 1 締約国は、他の締約国の投資家であって当該他の締約国の法人であるものが非締約国の投資家によって所有され、又は支配されており、かつ、次のいずれかの場合に該当するときは、当該他の締約国の投資家及びその投資財産に対し、この章の規定による利益を否認することができると。

- (a) 当該締約国が当該非締約国と外交関係を有していない場合

- (b) 当該非締約国に関する措置であって、当該他の締約国の法人との取引を禁止するもの又は当該他の締約国の法人若しくはその投資財産に対してこの章の規定による利益を与えることにより当該措置に違反し、若しくは当該措置を阻害することとなるものを当該締約国が採用し、又は維持する場合

- (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 締約国は、他の締約国の投資家であつて当該他の締約国の法人であるものが非締約国又は当該締約国の投資家によつて所有され、又は支配されており、かつ、当該法人が当該他の締約国の領域において実質的な事業の運営を行っていないときは、当該他の締約国の投資家及びその投資財産に対し、この章の規定による利益を否認することができる。

注釈 当該締約国は、他の締約国に対し、当該他の締約国の投資家に対してこの章の規定による利益を否認する旨の当該締約国の決定を通報するよう努める。

3 この条の規定の適用上、

(a) 法人が投資家によつて「所有」されるとは、当該投資家が当該法人の五十パーセントを超える持分を受益者として所有する場合をいう。

(b) 法人が投資家によつて「支配」されるとは、当該投資家が当該法人の役員の過半数を指名し、又は当該法人の活動につき法的に指示する権限を有する場合をいう。

4 1 から3までの規定の適用を妨げることなく、フィリピン共和国は、2に規定する通報に従い、「ダミー防止法」としても知られ、大統領令第七百十五号により改正された「特定の権利、地域的独占権又は特権の国有化に関する法律を回避する行為を処罰する法律」（連邦法第八号）（その改正を含む。）の規定に違反して他の締約国の投資家が投資を行ったことを証明する場合には、当該他の締約国の投資家及びその投資財産に対してこの章の規定による利益を否認することができる。

#### 第五十一・二十二条 投資に関する小委員会

1 この章の規定を効果的に実施し、及び運用するため、投資に関する小委員会（以下この条において「小委員会」という。）を第十一条の規定に従つて設置する。

2 小委員会は、次の事項を任務とする。

(a) この章の規定の実施及び運用について討議及び見直しを行うこと。

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;

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(b) 第五十一・七条１の規定に従って維持され、改正され、修正され、又は採用された例外措置について、その削減又は撤廃に寄与することを目的として見直しを行うこと。

(c) 第五十一・七条２の規定に従って採用され、又は維持された例外措置について、全締約国の投資家にとり良好な条件の整備を促進することを目的として討議すること。

(d) 投資に関連する他の問題であつてこの章の規定に関するものについて討議すること。

(e) 適当な場合には、合同委員会に対し小委員会の所見を報告すること。

3 (a) 小委員会は、日本国政府及び全ASEAN構成国政府の代表者から成る。

(b) 小委員会は、日本国政府の職員及び一のASEAN構成国である締約国の政府の職員をその共同議長とする。

4 小委員会は、全締約国が合意する場所及び時期において会合する。

5 小委員会は、全締約国の同意に基づき、全締約国政府以外の関係団体の代表者であつて討議される問題に関連する必要な専門知識を有するものを招請すること及び民間部門との共同会合を開催することができ。

### 第五十一・二十三条 作業計画

1 全締約国は、第一議定書が効力を生じた日の後速やかに、日本国及び全ASEAN構成国の参加を得て、第五十一・七条に規定する留保に係る表に関する協議を開始する。前条に規定する投資に関する小委員会は、この問題を討議する場として機能する。

2 1に規定する協議は、全締約国が別段の合意をする場合を除くほか、第一議定書が生じた日から二年以内に終了する。

(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 1に規定する協議の結果としての全締約国の留保に係る表は、第七十七条の規定に従って効力を生じ、並びにこの協定に附属書十一I及び附属書十一IIとして組み込まれる。

4 第五十一・七条の規定は、3に規定する留保に係る表が効力を生ずる日まで、適用しない。日本国及び全ASEAN構成国は、投資の自由化を更に促進する可能性を検討するため、同条1(d)の規定を見直すための更なる討議を行う。

5 第五十一・三条の規定は、各締約国が投資の許可のための条件及び制限を定める措置（外国人による所有及び支配に関するものを含む。）を採用し、維持し、又は適用する権利に影響を及ぼすものではない。3に規定する留保に係る表が生じた後は、この5の規定は、効力を失う。

6 第五十一・三条の規定は、3に規定する留保に係る表が効力を生ずる日まで、投資財産の設立、取得及び拡張に関して締約国が採用し、又は維持する措置については、適用しない。

7 3に規定する留保に係る表が効力を生ずるまでの間、

(a) ASEAN構成国は、第五十一・三条の規定に適合しない措置について採用し、維持し、又は適用することができる。ただし、次の場合に限る。

(i) 日本国の投資家又はその投資財産については、当該措置が、日本国及び当該ASEAN構成国の双方が当事国である他の国際投資協定に適合していること。

(ii) 他のASEAN構成国の投資家又はその投資財産については、当該措置が、全ASEAN構成国による他の国際投資協定であって当該ASEAN構成国が当事国であるものに適合していること。

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

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(b) 日本国は、第五十一・三条の規定に適合しない措置について採用し、維持し、又は適用することができ。ただし、ASEAN構成国の投資家又はその投資財産については、当該措置が、日本国及び当該ASEAN構成国の双方が当事国である他の国際投資協定に適合している場合に限る。

注釈 1 (a)及びこの(b)の規定の適用上、「他の国際投資協定」とは、次のいずれかの協定(その関連文書及び改正文書を含む。)をいう。

- (i) 二千二年一月十三日にシンガポールで作成された新たな時代における経済上の連携に関する日本国とシンガポール共和国との間の協定
- (ii) 二千五年十二月十三日にクアラルンプールで作成された経済上の連携に関する日本国政府とマレーシア政府との間の協定
- (iii) 二千六年九月九日にヘルシンキで作成された経済上の連携に関する日本国とフィリピン共和国との間の協定
- (iv) 二千七年四月三日に東京で作成された経済上の連携に関する日本国とタイ王国との間の協定
- (v) 二千七年六月十四日に東京で作成された投資の自由化、促進及び保護に関する日本国とカンボジア王国との間の協定
- (vi) 二千七年六月十八日に東京で作成された経済上の連携に関する日本国とブルネイ・ダルサラーム国との間の協定

(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;

(vi) 二千七年八月二十日にジャカルタで作成された経済上の連携に関する日本国とインドネシア共和国との間の協定

(vii) 二千八年一月十六日に東京で作成された投資の自由化、促進及び保護に関する日本国とラオス人民民主共和国との間の協定

(ix) 二千八年十二月二十五日に東京で作成された経済上の連携に関する日本国とベトナム社会主義共和国との間の協定

(x) 二千十三年十二月十五日に東京で作成された投資の自由化、促進及び保護に関する日本国政府とミャンマー連邦共和国政府との間の協定

注釈 2 (a)(ii)の規定の適用上、「他の国際投資協定」とは、次のいずれかの協定（その関連文書及び改正文書を含む。）をいう。

(i) 二千九年二月二十六日にチャムで作成された東南アジア諸国連合の包括的な投資協定

(ii) 二千九年二月二十七日にチャムで作成された東南アジア諸国連合、オーストラリア及びニュージーランドの間の自由貿易地域を設定する協定

(iii) 二千九年六月二日に濟州島で作成された東南アジア諸国連合構成国政府と大韓民国政府との間の包括的な経済協力に関する枠組協定に基づく投資協定

(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 Member Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea, done at Jeju-do, 2 June 2009;

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(iv) 二千九年八月十五日にバンコクで作成された東南アジア諸国連合と中華人民共和国との間の包括的な経済協力に関する枠組協定に基づく投資協定

(v) 二千十四年十一月十二日にネービードーで作成された東南アジア諸国連合とインド共和国との間の包括的な経済協力に関する枠組協定に基づく投資協定

(vi) 二千十八年五月十八日にハノイで作成された中華人民共和国香港特別行政区政府と東南アジア諸国連合構成国政府との間の投資協定

8 第五十一・五条及び第五十一・六条の規定は、3に規定する留保に係る表が効力を生ずる日まで、適用しない。

9 全締約国は、また、この章の規定（留保に係る表についてのものを含む。）に最恵国待遇を適用することに合意するため、討議を開始する。

10 全締約国は、また、収用を構成する租税に係る課税措置に第五十一・九条及び第五十一・十三条の規定を適用することに合意するため、協議を開始する。

第七章の附属書 A 収用及び補償

1 締約国による一の行為又は一連の関連する行為は、対象投資財産における有体又は無体の財産権又は財産権の持分を害しない限り、収用を構成しない。

2 第五十一・九条の規定は、次の二の事態を取り扱う。

(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) 第一の事態は、直接的な収用である。直接的な収用とは、対象投資財産が正式な権原の移転又は明白な差押えを通じて国有化され、又は他の方法により直接的に収用される場合をいう。

(b) 第二の事態は、締約国による一の行為又は一連の関連する行為が正式な権原の移転又は明白な差押えなしに直接的な収用と同等の効果を有する場合である。

3 締約国による一の行為又は一連の関連する行為が特定の事実関係において2(b)に規定する類型の収用を構成するか否かを決定するに当たっては、特に次の事項を考慮し、事案ごとに、事実に基づいて調査するものとする。

(a) 政府の行為の経済的な影響（ただし、締約国によるそのような一の行為又は一連の関連する行為が投資財産の経済的価値に悪影響を及ぼすという事実のみをもって当該収用が行われたことが確定するものではない。）

(b) 投資家に対する政府の拘束力のある書面による事前の約束（契約、免許その他の法的文書によるもの）か否かを問わない。（この当該政府の行為による違反の有無

(c) 政府の行為の性質（その行為の目的及びその行為が公共の目的に比して均衡を失うものであるか否かを含む。）

4 公共の福祉に係る正当な目的（公衆の衛生、安全及び環境の保護等）を達成するために立案され、及び適用される締約国による差別的でない規制措置は、2(b)に規定する類型の収用を構成しない。

(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)."

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第七条 A J C E P協定第十章（最終規定）の改正

A J C E P協定第七十七条を次のように改める。

- 5 2の規定にかかわらず、次に掲げるもののみについての改正は、合同委員会が採択することとする。当該改正は、合同委員会が合意する日から全締約国について効力を生じ、実施される。
- (a) 附属書一（ただし、統一システムの改正を反映するために附属書一を更新することを目的とする改正であつて、合同委員会によつて採択された方法及び手続によるものに限る。）

(b) 附属書二

(c) 附属書四の付録

(d) 附属書五

注釈 この5の規定は、各締約国政府が必要な内部手続を完了することを妨げるものではない。

第八条 効力発生

- 1 各署名国政府は、この議定書の効力発生に必要なそれぞれの国内手続が完了した旨を書面により他の署名国政府に通告する。この議定書は、日本国政府及び少なくとも一のASEAN構成国の政府がその通告を行った日の属する月の後二番目の月の初日に、それらの通告のうち最後のものが行われた日までに自国の政府がそのような通告を行った署名国の間で、効力を生ずる。

- 2 日本国政府及び少なくとも一のASEAN構成国の政府が1の規定に従つて通告を行った日の後、1の規定に従つて通告を行うASEAN構成国については、この議定書は、当該ASEAN構成国が当該通告を行った日の属する月の後二番目の月の初日に効力を生ずる。

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 2に規定するASEAN構成国は、この議定書が自国について効力を生ずる時までにAJCEP協定第七十七条の規定に従って合同委員会によって採択され、効力を生ずる改正により拘束される。(3)3の規定は、この議定書の効力が生じたAJCEP協定の締約国が、この議定書が当該ASEAN構成国について効力を生ずる日の前に当該ASEAN構成国について当該改正を適用することを妨げるものではない。

4 この議定書は、AJCEP協定が有効である限り効力を有する。

以上の証拠として、下名は、各自の政府から正当に委任を受けてこの議定書に署名した。

英語により本書二通を作成し、二十十九年二月二十七日に東京で、二十十九年三月二日にカンボジアのシエムリアップで、及び二十十九年四月二十四日にハノイで署名した。

日本国政府のために

河野太郎

ブルネイ・ダルサラーム国政府のために

アミン

カンボジア王国政府のために

ソラサック

インドネシア共和国政府のために

エンガル

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

日・ASEAN包括的経済連携協定第一改正議定書

ラオス人民民主共和国政府のために

K・P

マレーシア政府のために

ダレル

ミャンマー連邦共和国政府のために  
タウン・トゥン

フィリピン共和国政府のために

R m L

シンガポール共和国政府のために

C S

タイ王国政府のために

チュティマ・ブンヤブラバサラ

一一四

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:

C S

For the Government  
of the Kingdom of Thailand:  
Chutima Bunyapraphasara

---

ベトナム社会主義共和国政府のために  
トゥアン・アイン

For the Government  
of the Socialist Republic  
of Viet Nam:  
Tuan Anh

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Annex 9

Specific Commitments for the Movement of Natural Persons

附属書六 特定の約束に係る表

(ASEAN構成国の特定の約束に係る表は省略)

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.	3) Unbound except with respect to existing commercial presence: <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>	
		4) Unbound except for measures concerning the entry and temporary	4) Unbound except for measures concerning categories of natural	

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
		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:  a) Passes examination in accountancy from any recognised professional accountancy body listed below:  i) CPA Australia ii) ACCA iii) The Institute of Chartered Accountants of Australia iv) The Institute of Chartered Accountants of Canada v) The Institute of Chartered Accountants of England and Wales vi) The Institute of Chartered	

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
			<ul style="list-style-type: none"> <li>vii) Accountants of Ireland</li> <li>viii) The Institute of Chartered Accountants of New Zealand</li> <li>ix) the Institute of Chartered Accountants of Scotland</li> <li>b) Relevant audit practical experience of not less than three (3) years cumulatively within five (5) years period.</li> <li>c) Fulfil 40 units/hours of Continuous Professional Education (CPE) requirement;</li> <li>d) Must be a member of Brunei Darussalam Institute of Certified Public Accountants (BICPA) as National Accountancy Body.</li> </ul>	

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
		<ul style="list-style-type: none"> <li>2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</li> </ul>	<ul style="list-style-type: none"> <li>2) Professional accountants who intends to become a Public Account must possess the following prescribed by Ministry of Finance: <ul style="list-style-type: none"> <li>a) Passes examination in accountancy from any recognised professional accountancy body listed below: <ul style="list-style-type: none"> <li>i) CPA Australia</li> <li>ii) ACCA</li> <li>iii) The Institute of Chartered Accountants of Australia</li> <li>iv) The Institute of Chartered Accountants of Canada</li> <li>v) The Institute of Chartered Accountants of England and Wales</li> <li>vi) The Institute of Chartered Accountants of Ireland</li> <li>vii) The Institute of Chartered Accountants of New Zealand</li> </ul> </li> </ul> </li> </ul>	

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
			<p>viii) the Institute of Chartered Accountants of Scotland</p> <p>b) Relevant audit practical experience of not less than three (3) years cumulatively within five (5) years period.</p> <p>c) Fulfil 40 units/hours of Continuous Professional Education (CPE) requirement;</p> <p>d) Must be a member of Brunei Darussalam Institute of Certified Public Accountants (BICPA) as National Accountancy Body.</p>	
		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	<p>3) a) To maintain a localization programme.</p> <p>b) For applicants who are citizens or permanent residents of Brunei:</p>	

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
		by the Ministry of Finance.	<p>(i) Must be residing in Brunei Darussalam for at least 90 days in a year.</p> <p>(ii) Must have at least one local partner who is a Public Accountant at the same form.</p> <p>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.</p>	
		4) Unbound, except as indicated under horizontal measures.	4) Unbound, except as indicated under horizontal measures.	

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) Architectural Services (CPC 8671)		1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam.  2) None  3) a) The company should be registered with the Registry of Companies and Business Names, Ministry of Finance  b) Not less than 50% equity should be held by Brunei Citizens.  c) The company should be registered with the Ministry of Development  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  2) None  3) Unbound        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  2) None  3) Foreign Equity participation shall not exceed 50%  4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	1) None  2) None  3) Unbound  4) Unbound	
f) Integrated Engineering Services (CPC 8673) - 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  2) None	1) None  2) None	

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
<ul style="list-style-type: none"> <li>- for Water Supply and Sanitation Works Turnkey Projects (CPC 86732)</li> <li>- for the Construction of Manufacturing Turnkey Projects (CPC 86733)</li> <li>- for Other Turnkey Projects (CPC 86739)</li> </ul>		3) The company should comply with the Companies Act (CAP. 39) and Registration of Professional Act.  Foreign equity participation is opened up to 55% max.  4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	3) Unbound   4) Unbound	
g) Landscape Architectural Services (CPC 86742)		1) None 2) None 3) a) The Company should comply with the Companies Act (CAP. 39) and Registration of Professional Act.  b) Foreign equity participation is opened up to 50%. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound   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 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
<b>B. Computer and Related Services</b>				
a) Consultancy services related to installation of computer hardware (CPC 841)		1) None 2) None 3) The company should be registered with the Registry of Companies and Business Names, Ministry of Finance. 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) Software implementation services (CPC 842)				
c) Data processing services (CPC 843)				
e) Other (CPC 845+849)				

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 2) None 3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam. 4) Unbound, except as indicated under horizontal measures	1) None 2) None 3) None 4) Unbound, except as indicated under horizontal measures	
e) Maintenance and repair services of office machinery and equipment including computer (CPC 845) Other Computer Services (CPC 849)		1) None 2) None 3) The company should be registered with the Registry of Companies and Business Name, Ministry of Finance. 4) Unbound, except Director and Needed Technical Experts	1) None 2) None 3) None 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 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
b) R&D services on social sciences and humanities (CPC 852/8520)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
c) Interdisciplinary R&D services (CPC 853/8530)		1) None 2) None 3) Foreign equity participation should not exceed 30%	1) None 2) None 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>E. Rental and Leasing Services without Operators</b>				
b) Rental/leasing services relating to aircraft without operators (CPC 83104)		1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.  2) None  3) Unbound, except: (a) Only through a representative office; (b) Only by appointment of a General Sales Agent, that is Bruneian controlled company; and (c) Permanent address in Brunei Darussalam is required with respect to (a).  4) Unbound, except with respect to (b), one technical post subject to local availability test, designation of a specified number of Brunei trainees.	1) None  2) None  3) Unbound  4) Unbound, except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the	

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
			following conditions must be met:  (a) Residency (b) Registration.	
d) Relating to other machinery and equipment (CPC 83106-83109)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
e) Rental/Leasing services concerning personal and household goods (CPC 8320)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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
F. Other Business Services				
a) Sale or leasing services of advertising space or time (CPC 8711)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
a) Planning, creating and placement services of advertising (CPC 8712)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
a) Other advertising services (Advertising consultancy services) (CPC 8719)		1) None 2) None 3) Foreign equity participation should not exceed 30%	1) None 2) None 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 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
c) Management consulting service (CPC 865/8650)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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) Services related to management consulting (including management services n.e.c) (CPC 866/8660)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
e) Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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
m) Related scientific and technical consulting services (CPC 8675)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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
p) Photographic services (CPC 875/8750)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
q) Packaging services (CPC 876/8760)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
t) Translation and interpretation services (CPC 87905)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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) Mailing list compilation and mailing services (CPC 87906)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
t) Specialty design services (CPC 87907)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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) Convention services (Exhibition only) (CPC 87909*)		1) None 2) None 3) Foreign equity participation should not exceed 40% 4) Unbound	1) None 2) None 3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License' 4) Unbound	
2. COMMUNICATION SERVICES				
C. Telecommunication Services				
Public Non-Fixed		1) None, except subject to commercial arrangements with licensed operator(s) 2) None, except subject to commercial arrangements with licensed operator(s) 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None, except as indicated in horizontal section 4) Unbound, except as indicated in the horizontal section	Based on the licensing regime under the Telecommunications Order 2001.  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 Public Switched Voice Telephone		1) Subject to commercial arrangements with licensed operator(s) 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	
Public payphone services		1) None, except subject to commercial arrangements with licensed operator(s) 2) None, except subject to commercial arrangements with licensed operator(s) 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in horizontal section 4) Unbound, except as indicated in the horizontal section	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: Public Switched Voice Telephone Services		1) Subject to commercial arrangements with licensed operator(s) 2) Subject to commercial arrangements with licensed operator(s) 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	
Mobile Services: Public Cellular Mobile Telephone Service		1) Subject to commercial arrangements with licensed operator(s) 2) Subject to commercial arrangements with licensed operator(s) 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	

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) 2) Subject to commercial arrangements with licensed operator(s) 3) Foreign Equity should not exceed 40% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	
Prepaid Telecommunications Services		1) None, except subject to commercial arrangements with licensed operator(s) 2) None, except subject to commercial arrangements with licensed operator(s) 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in horizontal section 4) Unbound, except as indicated in the horizontal section	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
b) Packet-switched data transmission services (CPC 7523**)		1) None 2) None 3) Foreign Equity should not exceed 40% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 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 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Telex services (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	
e) Telegraph services (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	

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
f) Facsimile services (CPC 7521***7529**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
f) Paging services (CPC 75291)		1) None 2) None 3) Foreign Equity should not exceed 40% 4) Unbound, except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.	
f) Video text (CPC 75299*)		1) Subject to commercial arrangements with licensed operator(s) 2) Subject to commercial arrangements with licensed operator(s) 3) Foreign Equity should not exceed 40%	1) None 2) None 3) None	

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, except as indicated in the horizontal section.	
h) Electronic mail (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
i) Voice mail (CPC 7523**)		1) Subject to commercial arrangements with licensed operator(s) 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound, except as indicated in the horizontal section	

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
j) On-line information and database retrieval (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	
k) Electronic data interchange (EDI) (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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
m) Code and protocol conversion		1) None 2) None 3) Foreign Equity should not exceed 40% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
n) Online information and data base processing (including transaction processing) (CPC 843*)		1) None 2) None 3) Foreign Equity should not exceed 40% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated in horizontal section 4) Unbound, except as indicated in the horizontal section	Based on the licensing regime under the Telecommunications Order 2001.
Trunked Radio Services		1) None, except subject to commercial arrangements with licensed operator(s) 2) Subject to commercial arrangements with licensed operator(s)	1) None 2) None	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
		3) Foreign Equity should not exceed 40%	3) None, except as indicated in horizontal section	
		4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES				
A. Construction Work for Buildings (CPC 512)		1) Unbound due to lack of technical feasibility	1) Unbound due to lack of technical feasibility	
B. Construction Work for Civil Engineering (CPC 513)		2) None	2) None	
C. Assemble and Erection of Prefabricated Constructions (CPC 514)		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.	3) Unbound	
C. Installation and Assembly Work (CPC 516)		Foreign Citizen registered may hold up to maximum 55% equity		
D. Building Completion and Finishing Work (CPC 517)		4) Unbound, except as indicated in the horizontal section	4) Unbound	
E. Pre-erection Work at Construction Site (CPC 511)				

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)				
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	1) None	
		2) None	2) None	
		3) Foreign equity participation should not exceed 40%	3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License'	
		4) Unbound	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 2) None 3) Only through a joint venture with foreign equity not exceeding 49% 4) Unbound	1) None 2) None 3) a majority of the senior managers in any such enterprise are Bruneian nationals 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 2) None 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam 4) Unbound	1) Unbound 2) None 3) None 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
b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee (CPC 8129)		1) Unbound 2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. 3) Commercial presence is permitted only through insurance companies that are registered 4) Unbound	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound	
c) Reinsurance and retrocession (life and non-life) (CPC 81299*)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) None 2) None 3) None 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 2) Insurance intermediation is not allowed to act for unregistered insurers, 3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF (ii) Broker, underwriting and insurance managers require approval 4) Unbound	1) Unbound 2) None 3) Unbound 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) Services auxiliary to insurance, as follows:		1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
a) Consultancy (excludes insurance agency services to insurance industry)				
b) actual risk assessment				
c) Risk management				
d) Maritime loss adjusting				
B. Banking and other financial services				
1) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (CPC 8131)		1) None 2) None 3) Ministry of Finance approval is required 4) Unbound	1) None 2) None 3) Ministry of Finance approval is required 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
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>				
A. Healthcare Services (CPC 9311)		1) Unbound due to lack of technical feasibility	1) Unbound due to lack of technical feasibility	
A. Hospital services (CPC 9311/93110)		2) None	2) None	
		3) None *only through specific requirements and domestic rules and regulations of the country	3) None	
		4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>				
A. Hotel Lodging Services (CPC 64110)		1) None	1) None	
		2) None	2) None	
		3) Foreign equity participation shall not exceed 30%	3) Unbound	
		4) Unbound	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)	1) None* (no alcoholic drinks and beverages is allowed)	
		2) None	2) None	
		3) Foreign equity participation shall not exceed 30%	3) Unbound	
		4) Unbound	4) Unbound	
D. Other Tourism Services		1) None	1) None	
- Youth Hostel		2) None	2) None	
- Golf Course		3) Foreign equity participation shall not exceed 30%	3) Unbound	
- Marina Facilities		4) Unbound	4) Unbound	
<b>10. RECREATION, CULTURAL AND SPORTING SERVICES</b>				
Theme Parks		1) None	1) None	
		2) None	2) None	
		3) Foreign equity shall not exceed 30%	3) Unbound	
		4) Unbound	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 2) None 3) Foreign equity participation shall not exceed 40% 4) None, except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section.	
b) Freight transportation (CPC 7212)		1) None 2) None 3) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods: foreign equity participation shall not exceed 40%  The supply of international maritime transport of energy goods: Unbound	1) None 2) None 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) 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 2) None 3) Unbound except: i) Only through a representative office; or ii) Only by appointment of a General Sales Agent that is owned by a company controlled by Bruneian persons; and Permanent address in Brunei Darussalam is required with respect to i) 4) Unbound, except one technical post subject to:	1) None 2) None 3) Unbound 4) None	

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
		i) Local availability test; whether the technical post can be filled by Bruneian persons, ii) Designation of a specified number of Brunei Trainees		
d) Maintenance and repair of aircraft (CPC 8868**)		1) None 2) None 3) Unbound 4) None	1) None 2) None 3) Unbound 4) None	
D. Space Transport (CPC 733/7330)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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. Rail Transport Services				
a) Passenger transportation (CPC 7111)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
b) Freight transportation (CPC 7112)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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
c) Pushing and towing services (CPC 7113)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound	
d) Maintenance and repair of rail transport equipment (CPC 8868)		1) None 2) None 3) Foreign equity participation should not exceed 30% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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 2) None 3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 30% 4) Unbound	1) None 2) None 3) Unbound 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 2) None 3) In commercial association with Cambodia law firms <sup>1</sup> , and may not directly represent clients in courts 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

<sup>1</sup> 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 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
c) Taxation services (CPC 8630)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Architectural services (consulting, planning or design services) (CPC 8671)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP	1) None 2) None 3) None 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)	1) None	1) None	
f) Integrated engineering services (CPC 8673)	2) None	2) None	
g) Urban planning and landscape architectural services (CPC 8674)	3) None	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
h) Specialized medical services (CPC 93122)	1) Unbound	1) Unbound	
Dental services (CPC 93123**)	2) None	2) None	
These services are limited only to orthodontic services, oral surgery, and other specialized dental services	3) Provision of services is permitted through a joint venture with Cambodian juridical persons 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 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>B. Computer and Related Services</b>			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Software implementation services (CPC 842)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
c) Data processing services (CPC 843)			
d) Data base services (CPC 844)			
e) Other (CPC 845 + 849)			
<b>E. Rental / Leasing Services without Operators</b>			
d) Renting and leasing of studio recording equipment (CPC 83109**)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
b) Market research services (CPC 86401)	1) None 2) None	1) None 2) None	
c) Management consulting services (CPC 865)	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Services related to man. consulting (CPC 866)			
e) Technical testing and analysis services (CPC 8676)			

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**)	1) None 2) None	1) None 2) None	
j) Services incidental to energy distribution (CPC 887**)	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
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			
k) Placement and supply services of Personnel (CPC 872)	1) None 2) None	1) None 2) None	
m) Engineering related scientific and technical consulting services (CPC 8675)	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
q) Packaging services (CPC 876)			

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>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services</b>			
Courier services (CPC 7512)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
<b>C. Telecommunication Services</b>			
Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
a) Voice telephone services (CPC 7521)	1) None 2) None	1) None 2) None	Cambodia undertakes obligations contained in the Reference Paper attached.
b) Packet-switched data transmission services (CPC 7523**)	3) None, except subject to requirement for local shareholding of up to 49%	3) None	
c) Circuit-switched data transmission services (CPC 7523**)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Telex services (CPC 7523**)			
e) Telegraph services (CPC 7522)			

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) Facsimile services (CPC 7521** + 7529**)			
g) Private leased circuit services (CPC 7522** + 7523**)			
h) E-mail (CPC 7523**)	1) None	1) None	
i) Voice-mail (CPC 7523**)	2) None	2) None	
j) On-line information and data base-retrieval (CPC 7523**)	3) None	3) None	
k) Electronic data interchange (CPC 7523**)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)			
m) Code and protocol conversion			
n) On-line information and/or data processing (including transaction processing)			

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 (CPC 843**)	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Other services:  - Mobile services	1) None  2) None  3) None  4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None  2) None  3) None  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)	1) Unbound*  2) None	1) Unbound*  2) None	
B. General construction work for civil engineering (CPC 513)	3) None  4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None  4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
C. Installation and assembly work (CPC 514; CPC 516)			
D. Building completion and finishing work (CPC 517)			
E. Other (CPC 511, 515, 518)			

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>4. DISTRIBUTION SERVICES</b>			
<b>A. Commission Agents' Services</b> (CPC 621)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
<b>B. Wholesale Trade Services</b>  Wholesale trade services of motor vehicles (CPC 61111)  Sales of parts of motor vehicles (CPC 6113)  Sales of motorcycles and related parts (CPC 6121)  Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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>C. Retailing Services</b>  - Retail sales of motor vehicles (CPC 61112)  - Sales of parts of motor vehicles (CPC 6113)  - Sales of motorcycles and related parts (CPC 6121)  For supermarkets and large department stores only: <sup>2</sup>  - Food and non-food retailing services (CPC 631 + 632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211)  - Retailing services of radio and television equipment, musical instruments, music scores, and audio and video records	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

<sup>2</sup> Large supermarkets and department stores are those of floor space no less than 2,000 m2.

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 and tapes (CPC 63234)	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Franchising Services (CPC 8929)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
E. Other - Retail sales of motor fuel (CPC 613)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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)	1) None	1) None	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.
D. Adult education (CPC 924)	2) None	2) None	
E. Other education services (CPC 929)	3) None	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
6. ENVIRONMENTAL SERVICES			
A. Sewage services (CPC 9401)	1) None	1) None	
B. Refuse disposal services (CPC 9402)	2) None	2) None	
C. Sanitation and similar services (CPC 9403)	3) None	3) None	
D. Other services	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
- Cleaning of exhaust gases (CPC 9404)			
- Noise abatement services (CPC 9405)			
- Nature and			

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
landscape protection services (CPC 9406)  - 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  2) None  3) None  4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None  2) None  3) None  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  Marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.  For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.  2) None  3) None  4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None  2) None  3) None  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) Reinsurance and retrocession (CPC 81299)	1) None 2) None 3) None, except companies must reinsure 20% of their risk in Cambodia 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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>B. Banking and Other Financial Services</b>			
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 3) None, except only permitted through authorized financial institutions as banks 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	2) None 3) None 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 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.	1) Unbound 2) None	1) None 2) None	
c) Financial leasing	3) Unbound until related laws and regulations are established	3) None	
e) Guarantees and commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	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: - money market instruments (including cheques, bills, certificates of deposits); - foreign exchange; - derivative products including, but not limited to, futures and options; - exchange rate and	1) Unbound 2) None 3) Unbound for sub-sectors f) - i) until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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
interest rate instruments, including products such as swaps, forward rate agreements; - transferable securities; - other negotiable instruments and financial assets, including bullion.			
g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of services related to such issues			
h) Money broking			
i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust			

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
services			
j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments			
k) Provision of financial information, and financial data processing and related software by suppliers of other financial services			
l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs 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
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital Services	1) None	1) None	
Ownership and management of private hospitals and clinics only	2) None	2) None	
	3) None, except at least one director for technical matters must be Cambodian	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotels (CPC 64110)	1) None	1) None	
	2) None	2) None	
	3) None for hotel three (3) stars or higher <sup>4</sup>	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

<sup>4</sup> 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* 2) None 3) Permit is granted taking into account characteristics of the area <sup>5</sup> 4) Unbound <sup>5</sup>	1) Unbound* 2) None 3) Unbound 4) Unbound	
B. Travel agencies and tour operators services (CPC 7471)	1) None 2) None 3) None, except foreign equity participation limited to 51% for travel agencies 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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.

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. Tourist guides services (CPC 7472)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments. Cambodia nationality requirement for tourist guides.	1) None 2) None 3) None 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): - Cinema theatre services, including cinema projection services	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	Where not otherwise made available to the international maritime transport suppliers pursuant to subparagraph (k) (ii) of Article 50.1, no measures shall be applied which deny reasonable and non-discriminatory access to the following services:  1. Towing and tug assistance;  2. Provisioning, fuelling and watering;  3. Garbage collecting and ballast waste disposal;  4. Emergency repair facilities;  5. Lightering and water taxi services;  6. Ship agencies;  7. Custom brokers;  8. Stevedoring and terminal services; and  9. Surveying and

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
classification services.			
C. Air Transport Services			
d) Aircraft repair and maintenance services (CPC 8868)	1) None 2) None	1) None 2) None	
e) Selling and marketing of air transport services	3) None	3) None	
e) Computer reservation system services (CRS)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
F. Road Transport Services			
a) Passenger transportation (CPC 7121 + 7122)	1) None 2) None	1) None 2) None	
b) Freight transportation (CPC 7123)	3) None	3) None	
c) Rental of commercial vehicles with operator (CPC 7124)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	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
d) Maintenance and repair of road transport equipment (CPC 6112 + 8867) e) Supporting services for road transport services (CPC 744)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
G. Pipeline Transport Services			
a) Transport of fuels (CPC 7131) b) Transport of other goods (CPC 7139)	1) Services must be provided through a contract of concession granted by the State on case-by-case basis 2) None 3) Services must be provided through a contract of concession granted by the State on case-by-case basis 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 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
<b>HORIZONTAL COMMITMENTS</b>			
All Sectors Included In This Schedule	<p>3) Commercial presence of the foreign service provider(s) shall be in the form of joint venture enterprise, unless mentioned otherwise.</p> <p>Joint venture enterprise should meet the following requirements:</p> <p>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT); and</p> <p>(ii) not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s).</p>	<p>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:</p> <p>(a) interest</p> <p>(b) royalties</p> <p>(c) dividend</p> <p>(d) fee from service performed in Indonesia</p> <p>Land Acquisition</p> <p>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.</p>	

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
	<p>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.</p> <p>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.</p>	<p>4) Expatriate Charges</p> <p>Any foreign natural persons supplying services are subject to charges levied by the central and local governments.</p> <p>Labor Laws and Regulations</p> <p>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.</p>	

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)	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except for foreign lawyers (advokat)</p> <p>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.</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except for foreign lawyers (advokat)</p> <p>Foreign lawyers (advokat) are:</p> <ul style="list-style-type: none"> <li>- only allowed as employees or experts in Indonesian law firm;</li> <li>- obliged to transfer legal knowledge and professional capabilities to Indonesian lawyers; and</li> <li>- obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each</li> </ul>	

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
		month free of charge.  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**)  - Mould and dies (die-casting, forging, stamping, etc)  - Powder metallurgy	1) Unbound  2) None  3) Joint venture with foreign equity participation up to 35%        4) Unbound	1) Unbound  2) None  3) License Fee is required in accordance with the relevant laws and regulations;  Requirement:  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.  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  - Mould and dies (die-casting, forging, stamping, etc)  - Powder metallurgy	1) Unbound  2) None  3) Joint venture with foreign equity participation up to 49%        4) Unbound	1) Unbound  2) None  3) License Fee is required in accordance with the relevant laws and regulations;  Requirement:  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.  4) As specified in the Horizontal Section	
<b>B. Computer and Related Services</b>			
a) Consultancy Services related to the Installation of Computer Hardware (CPC 841)	1) Unbound  2) None  3) Only through a locally incorporated joint venture corporation in the form of limited liability enterprise (Perseroan Terbatas/PT)	1) Unbound  2) None  3) 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
	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 4) Unbound	4) Unbound	
C. Research and Development Services			
c) Interdisciplinary R&D (CPC853, limited to Industrial Activities)	1) None 2) None 3) Joint venture with foreign equity participation up to 35 per cent 4) Unbound	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
E. Rental and Leasing Services without Operators			
a) Rental of Vessel without Crew (CPC 83103)	1) None 2) None 3) The commercial presence must be established only through joint venture enterprise,	1) None 2) None 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.

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
	with foreign equity share allowable up to maximum 49%. 4) Unbound	4) Unbound	
F. Other Business Services			
i) Services Incidental to Manufacturing (CPC884&885) not including CPC 88411,88412,88423,88430 , 88460,88491	1) None 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia. 4) Unbound	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 4) As specified in the Horizontal Section	
i) Services Incidental to Manufacturing (CPC884) not including CPC 88411,88412,88423,88430 , 88460,88491	1) None 2) None 3) Joint venture with foreign equity participation up to 35 per cent 4) Unbound	1) None 2) None 3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association 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 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia 4) Unbound	1) None 2) None 3) The Indonesian participant in joint operation must be a member of Indonesian Consultant Association 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 2) None 3) Only through a locally incorporated joint venture corporation in the form of limited liability enterprise (Perseroan Terbatas/PT) with Indonesian individuals or Indonesian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 35 per cent 4) Unbound	1) Unbound 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association 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:	1) Unbound	1) Unbound	
a) Public Switched Telephone Service (CPC 7521)	2) None	2) None	
b) Circuit Switched Public Data Network Services (CPC 7523**)	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.	3) None	
Teleconferencing services (CPC 75292)	4) Natural persons for management and technical expert is limited to 20 persons	4) As specified in horizontal measures	
Long distance:	1) Unbound	1) Unbound	
a) Public Switched Telephone Services (7521)	2) None	2) None	
b) Circuit Switched Public Data Network Services (7523**)	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent	3) None	
Teleconferencing Services (75292)	4) Natural persons for management and technical expert is limited to 20 persons	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:	1) Unbound	1) Unbound	
a) Public Switched Telephone Services (7521)	2) None	2) None	
b) Circuit Switched Public Data Network Services (7523**)	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.	3) None	
Teleconferencing services (75292)	4) Natural persons for management and technical expert is limited to 20 persons	4) As specified in Horizontal measures	
g) Packet-switched Public Data Network Services (7523**)	1) Unbound	1) Unbound	
- X.25	2) None	2) None	
- Frame relay	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.	3) None	
- Local	4) Natural persons for management and technical expert is limited to 20 persons	4) As specified in horizontal measures	
- Local Distance			
- International			

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) Telex Services	1) Unbound	1) Unbound	
	2) None	2) None	
	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.	3) None	
	4) Natural persons for management and technical expert is limited to 20 persons	4) As specified in horizontal measures	
e) Telegraph Services	1) Unbound	1) Unbound	
	2) None	2) None	
	3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent.	3) None	
	4) Natural persons for management and technical expert is limited to 20 persons	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: a) Mobile Cellular Telephone Services (75213)	1) Unbound 2) None 3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent. 4) Natural persons for management and technical expert is limited to 20 persons	1) Unbound 2) None 3) None 4) As specified in horizontal measures	
Domestic: Personal Mobile Cellular Communication Services	1) Unbound 2) None 3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent. 4) Natural persons for management and technical expert is limited to 20 persons	1) Unbound 2) None 3) None 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 2) None 3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent. 4) Natural persons for management and technical expert is limited to 20 persons	1) Unbound 2) None 3) None 4) As specified in horizontal measures	
Domestic: Regional and National Paging Services (75291)	1) Unbound 2) None 3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent. 4) Natural persons for management and technical expert is limited to 20 persons	1) Unbound 2) None 3) None 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: Public Payphone Services	1) Unbound 2) None 3) Only through joint venture with local private sector. Foreign equity participation is limited to 35 per cent. 4) Natural persons for management and technical expert is limited to 20 persons	1) Unbound 2) None 3) None 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 2) None 3) Services must be supplied through: (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 (b) joint venture	1) Unbound 2) Unbound 3) (a) 1. License fee is required in accordance with the relevant laws and regulations. 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction	

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
	enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations. Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseoran Terbatas/PT) may be owned by foreign partner(s). 4) As specified in the Horizontal Section	Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big. 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 2) None 3) Services must be supplied through: (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 (b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations. Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise	1) Unbound 2) Unbound 3) (a) 1. License fee is required in accordance with the relevant laws and regulations. 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.	

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
	(Perseroan Terbatas/PT) may be owned by foreign partner(s). 4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
B. Construction Work for Civil Engineering (CPC 513)	1) Unbound 2) None	1) Unbound 2) Unbound	
C. Assembly and Erection of Prefabricated Constructions (CPC 514)	3) Services must be supplied through: (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 (b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.	3) (a) 1. License fee is required in accordance with the relevant laws and regulations. 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture enterprise shall be	
E. Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)			

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
	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).	registered by Construction Services Development Board and having qualification A/Big.	
	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
E. Steel Binding and Erection (including welding) (CPC 51550)	1) Unbound	1) Unbound	
	2) None	2) Unbound	
E. Foundation work including pile driving (CPC 51510)	3) Services must be supplied through:  (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  (b) joint venture enterprise by fulfilling the requirements as	3) (a) 1. License fee is required in accordance with the relevant laws and regulations.  2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development	

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
	specified in the Horizontal Section and the Investment Law and its implementing regulations.	Board and having qualification A/Big.	
	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).	(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.	
	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
C. Gas Fitting Construction Work (CPC 51630)	1) Unbound	1) Unbound	
	2) None	2) Unbound	
C. Fire Alarm Construction Work (CPC 51642)	3) Services must be supplied through:  (a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three	3) (a) 1. License fee is required in accordance with the relevant laws and regulations.  2. Registered foreign company shall form a joint operation	
C. Burglar Alarm System Construction Work (CPC 51643)			
C. Lift and Escalator Construction Work (CPC 51691)			

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
	<p>years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>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).</p> <p>4) As specified in the Horizontal Section</p>	<p>with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.</p> <p>(b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	

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)	<p>1) Unbound</p> <p>2) None</p> <p>3) (a) Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua</p> <p>(b) Shall establish distribution supporting facilities</p> <p>(c) Permitted only operate in capital regency</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>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</p> <p>(b) Have to be located in the suburbs</p> <p>4) Unbound</p>	All wholesalers in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration.
B. Wholesale Trade Services of Textile, Clothing and Footwear with Minimum Space Above 5,000 meter square (CPC 6223)			

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
<p>B., C.</p> <p>Wholesale Services (CPC 6111, 6224, 6228)</p> <p>Service Supplied by a Japanese Company Established in Indonesia, including its Local Group Companies, relating to the Wholesale Distribution of:</p> <ul style="list-style-type: none"> <li>- Automobile (excluding motor cycle)</li> <li>- Household Electrical Appliances</li> <li>- Office Machineries</li> <li>- Construction Machineries</li> </ul>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) According to the laws and regulations at the time that this Agreement comes into force</p> <p>Above mentioned commitment shall be maintained for 10 years after this Agreement enters into force, is subject to review.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound, except as indicated in the Horizontal Section</p> <p>4) Unbound</p>	<p>All wholesalers in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration.</p>

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
<p>C. Retail Sales of Food, Beverages and Tobacco with Space between 1,200 up to 5,000 Meter Square (only supermarket) (CPC 6310)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Joint venture with foreign equity participation up to 35%</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) (a) Permitted only operate in the islands of Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua</p> <p>(b) Shall establish distribution supporting facilities</p> <p>(c) Permitted only operate in capital regency</p> <p>4) Unbound</p>	<p>All supermarkets in Indonesia shall maintain configuration between the local products and the imported products in 80:20 configuration.</p>
<p>D. Franchise Services (CPC 8929) Limited only for Franchisor</p>	<p>1) None</p> <p>2) None</p> <p>3) Joint venture with foreign equity participation up to 51%</p> <p>4) Unbound, except as indicated in the Horizontal Section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound, except as indicated in the Horizontal Section</p>	

## 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 2) None 3) Unbound, except as indicated in the Horizontal Section 4) Unbound, except as indicated in the Horizontal Section	1) None 2) None 3) Unbound, except as indicated in the Horizontal Section 4) Unbound, except as indicated in the Horizontal Section	
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 Services (electronic, automotive, agriculture, marine, health) (CPC 92230)	1) Unbound 2) None 3) Joint venture with foreign equity participation up to 40% 4) Unbound	1) Unbound 2) None 3) As indicated in the Horizontal Section and General Conditions 4) Unbound	
6. ENVIRONMENTAL SERVICES			
A. Sewage Services (CPC 9401) Only for Wastewater Management	1) Unbound 2) None for training, technical consultation, sample testing 3) Joint venture with foreign equity participation up to 49% 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
B. Refuse Disposal Services (CPC 9402)  Solid Waste Disposal Services, only for: - Integrated hazardous waste treatment facility services for oil	1) Unbound 2) None 3) Conditions: (a) joint venture with not more than 49% of capital share may be owned by foreign partners	1) Unbound 2) None 3) 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
sludge and waste mercury treatment in a particular area. The services provider must be equipped with modern and sophisticated technology and environmental safety. The product will be used as a new material or energy power - In site hazardous waste treatment facility services for the treatment of waste of mining product and waste of fly ash and bottom ash of coal product	(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)  4) Unbound	4) Unbound	
D. Other			
Cleaning Services of Exhaust Gases (CPC 9404)  Only for Air Pollution Control	1) Unbound 2) None 3) Joint venture with foreign equity participation up to 49% 4) Unbound	1) Unbound 2) None 3) 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
Other Environmental Protection Services (CPC 9409)  Limited to Laboratory Services for Environment	1) Unbound 2) None 3) Joint venture with foreign equity participation up to 49% 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-related Services			
Non-banking services			
General Conditions on Non-banking Financial Services Subsector:			
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. 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. 3. The share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors. 4. All joint ventures companies shall provide training for their employee. 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. 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 2) Unbound except if: (a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question. (b) There is no insurance company in Indonesia which want to carry out an insurance coverage of the object in question. 3) As specified in the Horizontal Section and General Conditions 4) Unbound, except for director and technical advisor/expert	1) Unbound 2) Unbound 3) As specified in the Horizontal Section and General Conditions 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 2) Reinsurance service suppliers from other Parties must be rated minimum as BBB by Standard and Poor or equivalent 3) As specified in the Horizontal Section and General Conditions 4) Unbound, except for director and technical advisor/expert	1) None 2) Unbound 3) As specified in the Horizontal Section and General Conditions 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 2) Unbound, except if: a) There is no insurance company in Indonesia, either individually or group, which could handle the insurance risks of the object in question. b) There is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question. c) The owners of insurance objects in question are not Indonesian citizens or Indonesian legal entities. 3) As specified in the Horizontal Section and General Conditions 4) Unbound, except for director and technical advisor/expert	1) Unbound 2) Unbound 3) As specified in the Horizontal Section and General Conditions 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 2) None 3) As Specified in Horizontal Section and General Conditions 4) Unbound, except for director and technical advisor/expert	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) As specified in the Horizontal Section and General Conditions	
d) Reinsurance Brokerage Services (CPC 8140)	1) Unbound 2) None 3) As specified in Horizontal Section and General Conditions 4) Unbound, except for director and technical advisor/expert	1) None 2) None 3) As specified in Horizontal Section and General Conditions 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 2) None 3) As specified in Horizontal Section and General Conditions 4) Unbound, except as indicated in the Horizontal Section	1) None 2) None 3) As specified in Horizontal Section and General Conditions 4) As specified in Horizontal Section and General Conditions	
Factoring Services (CPC 8113)	1) None 2) None 3) As specified in the Horizontal Measures and General Conditions 4) Unbound, except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	

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
Credit Card Business (Issuer and agent of credit card) (CPC 8113)  Consumers Finance Services (CPC 8113)	1) None 2) None 3) As specified in the Horizontal Measures and General Conditions 4) Unbound, except as indicated in the Horizontal Section	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
Securities Business Trading for Own Account or for Account of Customers, on an Exchange or Over-the Counter Market  - Listed shares  - Bonds	1) Unbound 2) None 3) Through establishment of a securities broker/dealer or underwriter 4) Unbound, except as indicated in the Horizontal Section	1) Unbound 2) None 3) As specified in the General Conditions 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 2) None 3) Through establishment of a securities companies as underwriter 4) Unbound, except as indicated in the Horizontal Section	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
Portfolio Management, all Forms of Collective Investment Management  Asset Management Limited only to Investment Fund Management	1) Unbound 2) None 3) Through establishment of a securities companies as an investment manager 4) Unbound, except as indicated in the Horizontal Section	1) Unbound 2) None 3) As specified in the General Conditions 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 2) None 3) Through establishment of an investment advisory company 4) Unbound, except as indicated in the Horizontal Section	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
<b>B. Banking and Other Financial Services</b>			
<u>Banking Sub Sectors</u>			
Banking Subsector: General Conditions on Banking Subsector			
<ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>Unbound for new license</li> <li>Only financial institutions are permitted to establish joint venture banks</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>A person shall be a "controlling shareholder" in only one bank.</li> </ol>			

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
<p>Definition:</p> <p>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.</p> <p>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.</p> <p>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.</p>			
Commercial Banking Business			
a) Acceptance of Deposits and Other Repayable Funds from the Public	1) None 2) None	1) None 2) None	
b) Lending of all Types including Consumer Credit, Mortgage, Credit, Factoring and Financing of Commercial Transaction	3) (a) Bound only 2 (two) sub-branches and 2 (two) auxiliary offices for foreign bank's branch office.	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.	
c) All Payment and Money Transmission Services including Credit, Charge and Debit Cards, Travellers Cheques and Bankers Drafts.	(b) Bound only 2 (two) branches and 2 (two) sub-branches for joint venture bank	(b) For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the	
e) Guarantees and Commitments			

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
f) Trading for own Account or for Account of Customers whether on an Exchange, in an Over-the-counter Market or Otherwise, the following:	4) Unbound, except as indicated in the Horizontal section and General Conditions on Banking Subsector	ownership sharing. 4) Unbound, except as indicated in the Horizontal Measures and General Conditions on Banking Subsector	
<ul style="list-style-type: none"> <li>- Money Market Instruments (including cheques, bills, certificates of deposits)</li> <li>- Foreign Exchange</li> <li>- Exchange Rate and Interest Rate Instruments, including Products such as Swaps, Forward Rate Agreements</li> <li>- Transferable Securities issued in the Money Market</li> </ul>			
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:			
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) (CPC 9311)	1) None 2) None 3) As indicated in the Horizontal Section and General Conditions: - The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor - Approval subject to the social function of hospital services offered - The medical services shall be provided by persons with medical licenses issued by Ministry of Health and Health professional organization/	1) None 2) None 3) The health professionals shall be Indonesian	

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
	council - Foreign health professionals are obliged to transfer medical knowledge and professional capabilities to Indonesian health professional as consultant only - A non-Indonesian health professional employed as managers or as technical experts shall have at least two Indonesian under studies during his/her term 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 (CPC 64110) (3, 4, 5 starred hotels)	1) None 2) None 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 4) Unbound, except for: (1) Top Management Level in Hotel business comprised of: (i) General Manager (ii) Food and Beverage Manager (iii) Resident Manager (iv) Comptroller (v) Marketing	1) None 2) None 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. 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
	Director (2) Highly Skilled Professionals comprised of: (i) Executive Chef (ii) Sous Chef (iii) Specialty Cook		
Tourist Resorts <sup>1</sup> including: - Hotel (3, 4 and 5 stars) - Marinas - Golf Courses and Other Sport Facilities	1) None 2) None 3) Notwithstanding limitations specified in the Horizontal Section, Kalimantan, Bengkulu, Jambi and Sulawesi, 100% of the capital share can be owned by foreign investor 4) Unbound, except for Resort Manager	1) None 2) None 3) Higher paid-up capital is required of foreign service suppliers than of domestic service suppliers. This measure will be eliminated in the year 2020. 4) As specified in the Horizontal Section	

<sup>1</sup> 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 2) None 3) Foreign equity participation 51% maximum 4) Unbound, except for: (1) Top Management Level in Hotel/restaurant business including of: - General Manager - Food and Beverage Manager - Comptroller (2) Highly Skilled Professionals: - Executive Chef	1) Unbound 2) None 3) Foreign investors must employ a minimum of 50% from the local labor force 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 2) None 3) Foreign equity participation 51% maximum 4) Unbound, except for: (1) Top Management Level in Hotel/restaurant business including of: - General Manager - Food and Beverage Manager - Comptroller (2) Highly Skilled Professionals: - Executive Chef	1) Unbound 2) None 3) Foreign investors must employ a minimum of 50% from the local labor force 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 2) None 3) Foreign equity participation 51% maximum 4) Unbound, except for: (1) Top Management Level in Hotel/restaurant business including of: - General Manager - Food and Beverage Manager - Comptroller (2) Highly Skilled Professionals: - Executive Chef	1) Unbound 2) None 3) Foreign investors must employ a minimum of 50% from the local labor force 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 2) None 3) Foreign equity participation 51% maximum 4) Unbound, except for: (1) Top Management Level in Hotel/restaurant business including of: - General Manager - Food and Beverage Manager - Comptroller (2) Highly Skilled Professionals: - Executive Chef	1) Unbound 2) None 3) Foreign investors must employ a minimum of 50% from the local labor force 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 2) None 3) Foreign equity participation 51% maximum 4) Unbound, except for: (1) Top Management Level in Hotel/restaurant business including of: - General Manager - Food and Beverage Manager - Comptroller (2) Highly Skilled Professionals: - Executive Chef	1) Unbound 2) None 3) Foreign investors must employ a minimum of 50% from the local labor force 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 2) None 3) Maximum number of services provider is limited to 35 TA & TO 4) Unbound except for technical expert/advisor	1) None 2) None 3) Tour operator must be Travel Agent located in Jakarta and Bali 4) As specified in the Horizontal Section	
International Hotel Operator (CPC 91135)	1) None 2) None 3) The commercial presence must be established through joint venture enterprise, as indicated in the Horizontal Section 4) Unbound, except for: (1) Top Management Level in Hotel business comprised of: - General Manager - Food and Beverage Manager	1) None 2) None 3) Unbound, except as indicated in the Horizontal Section 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
	<ul style="list-style-type: none"> <li>- Resident Manager</li> <li>- Comptroller</li> <li>- Marketing Director</li> <li>- (2) Highly Skilled Professionals comprised of: <ul style="list-style-type: none"> <li>- Executive Chef</li> <li>- Sous Chef</li> <li>- Specialty Cook</li> </ul> </li> </ul>		
Spa Services	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) The commercial presence must be established only through joint venture enterprise, as indicated in the Horizontal Section</li> <li>4) Unbound, except as indicated in the Horizontal Section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) As indicated in the Horizontal Section</li> <li>4) Unbound, except as indicated in the Horizontal Section</li> </ul>	

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>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
a) International Passenger Transport excluding Cabotage (CPC 7211)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%</li> <li>4) As specified in the Horizontal Section</li> </ul>	<ul style="list-style-type: none"> <li>1) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent</li> <li>2) None</li> <li>3) As specified in the Horizontal Section</li> <li>4) As specified in the Horizontal Section</li> </ul>	Access to and use of port facilities in the port which is opened for international shipping are permitted.
b) International Freight Transport excluding Cabotage (CPC 7212)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to</li> </ul>	<ul style="list-style-type: none"> <li>1) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent</li> <li>2) None</li> <li>3) As specified in the Horizontal Section</li> </ul>	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
	maximum 49%		
	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
C. Air Transport Services			
d) Aircraft Repair and Maintenance Services (CPC 8868)	1) Unbound 2) None 3) Should be in the form of limited liability enterprise with maximum foreign equity 49% 4) Unbound, except as indicated in horizontal section	1) Unbound 2) None 3) As indicated in Horizontal Section 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 2) None 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 2) None 3) 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
	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)  The aggregate foreign shareholding in the joint venture corporation shall not exceed 35 per cent. 4) Unbound		
		4) As indicated in the Horizontal Section	
H. Services Auxiliary to All Modes of Transport			
a) Maritime Cargo Handling Services (CPC 741)	1) Unbound 2) None 3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49% 4) As specified in the Horizontal Section	1) Unbound 2) None 3) As indicated in the Horizontal Section 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			
<u>Energy Services</u>			
General condition on energy services			
Indonesia's Schedule of Specific Commitments on energy services sector based on 2 <sup>nd</sup> Revised Indonesian proposal of energy services classification.			
Core Analysis and Other Lab Test, only for Isotop Analysis (1A.2.7.3)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound, except for directors and technical experts	1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	
Geological and Geophysical Services, only for Seismic Data Acquisition (1A.1.4.1.1)	1) None 2) None 3) Joint operation through a representative office in Indonesia 4) Unbound, except for directors and technical experts	1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	

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	1) Unbound 2) None	1) Unbound 2) None	
According to Indonesia Proposal of Energy Services Classification is under:	3) Joint operation through a representative office in Indonesia	3) As specified in the horizontal section	
- Coal Liquefaction (2.4.4.4)	4) Unbound	4) Unbound	
- Coal Gasification (2.4.4.5)			
According to W/120 is under Services Incidental to Manufacturing (CPC 884)			

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) 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) 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  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:  A. <u>Business visitors</u> : Natural persons who:  - Enter Lao PDR to be engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier;  - Stay in Lao PDR without receiving remuneration from sources within Lao PDR; and  - Do not engage in	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 <i>inter alia</i> unemployment and pension benefits.	

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
	<p>making direct sales to the general public or supplying services.</p> <p>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.</p> <p>B. <u>Intra-Corporate Transferees:</u></p> <p>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:</p> <p>a) <u>Executives:</u> Natural persons</p>		

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
	<p>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</p> <p>b) <u>Managers:</u> 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</p>		

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
	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 <sup>1</sup> , nor do they include employees who primarily perform tasks necessary for the supply of the service.		
	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.

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
	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.		
	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
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal services, excluding: - Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR; - Legal documentation and certification services of the laws of Lao PDR; (Part of CPC 861).	1) None 2) None 3) Foreign equity participation limited to 49% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 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 2) None 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 (LICPA) is required?	Limitations on National Treatment	Additional Commitments
	4) Unbound	4) Unbound	
c) Taxation consulting services (Part of CPC 863)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Architectural services (CPC 8671)	1) None 2) None 3) As specified in the horizontal section 4) As specified in the horizontal section	1) None 2) None 3) As specified in the horizontal section 4) As specified in the horizontal section	

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 2) None 3) As specified in the horizontal section <sup>3</sup> 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) As specified in the horizontal section 4) Unbound, except as indicated in the horizontal section	
f) Integrated engineering services <ul style="list-style-type: none"> <li>- Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731)</li> <li>- Integrated engineering and project management services (CPC 86732)</li> <li>- Integrated engineering services for the construction of manufacturing</li> </ul>	1) None 2) None 3) Joint venture with Lao services supplier is required and foreign equity participation limited to 2/3 4) As indicated in horizontal section	1) None 2) None 3) As indicated in horizontal section 4) As indicated in horizontal section	

<sup>3</sup> 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
turnkey projects (CPC 86733)			
g) Urban planning and landscape architectural services <ul style="list-style-type: none"> <li>- Urban planning services (CPC 86741)</li> <li>- Landscape architectural services (CPC 86742)</li> </ul>	1) None 2) None 3) As indicated in horizontal section <sup>4</sup> 4) Unbound, except as indicated in horizontal section	1) None 2) None 3) As indicated in horizontal section 4) Unbound, except as indicated in horizontal section	
B. Computer and Related Services <ul style="list-style-type: none"> <li>Computer and Related Services (CPC 84)</li> </ul>	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

<sup>4</sup> 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>C. Research and Development Services</b>			
a) R&D services on natural sciences and engineering (CPC 851)	1) None 2) None 3) Joint venture with Lao services suppliers is required. Foreign equity participation limited to 51%	1) None 2) None 3) None	
b) Research and experimental development services (CPC 852)			
c) Interdisciplinary R&D services (CPC 853)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>E. Rental and Leasing Services without Operators</b>			
a) Rental/Leasing services relating to ships (CPC 83103)	1) None 2) None	1) None 2) None	
d) Leasing or Rental services concerning construction machinery and equipment without operator (CPC 83107)	3) As indicated in the horizontal section 4) As indicated in the horizontal section	3) As indicated in the horizontal section 4) 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
d) Rental/Leasing services relating to the other machinery and equipment (CPC 83106 - 83109)	1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal measure	1) None 2) None 3) As indicated in the horizontal section 4) Unbound, except as indicate in the horizontal measure	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871) - Contents shall be approved by the Ministry of Information and Culture of Lao PDR	1) None 2) None 3) As indicated in the horizontal section <sup>5</sup> 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

<sup>5</sup> 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 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
c) Management consulting services (CPC 865)	1) None 2) None 3) For 3 years after WTO accession, foreign equity participation limited to 51%. Thereafter: None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) The majority of the directors must be engineers who are Lao PDR nationals 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
m) Related scientific and technical consulting services (CPC 86751 and 86752 only)	1) None 2) None 3) Foreign equity participation limited to 51%. After 5 years from the date of accession, foreign equity participation limited to 70% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) The majority of directors must be engineers who are Lao PDR nationals 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 2) None 3) Joint venture with Lao services suppliers is required. Foreign equity participation limited to 51% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 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 2) None 3) As indicated in the horizontal section <sup>6</sup> 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound, except as indicated in the horizontal commitment 4) Unbound, except as indicated in the horizontal section	
t) Specialty design services (CPC 87907)	1) None 2) None 3) Joint venture with maximum 49% foreign equity share 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

<sup>6</sup> 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>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services</b>			
Multi-modal courier services (CPC 75121)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
<b>C. Telecommunications Services</b>			
The following services can be supplied only on a facilities basis, for public use, with regard to local and national long-distance services.  a) Voice telecom services (CPC 7521)	1) None 2) None 3) None, allow 100% foreign owned enterprise, or Joint-venture Enterprise 4) This has to be in consistence with the labour law and law on the promotion and management of foreign investment	1) None 2) None 3) None, except service falls under license type 1 in accordance with amended telecommunication law 4) 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
b) Package-switched data transmission services (CPC 7523**)	1) None	1) None	
c) Circuit-switched data transmission services (CPC 7523**)	2) None	2) None	
d) Telex services (CPC 7523**)	3) None <sup>7</sup>	3) None	
e) Telegraph services (CPC 7522)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
f) Facsimile services (CPC 7521**+7529**)			
g) Private leased circuit services (CPC7522**+7523**)			
o) Other:			
- Terrestrial-based mobile phone services			

\*\* 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).

<sup>7</sup> 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)	1) None	1) None	
- Data and message transmission services (CPC 7523)	2) None	2) None	
	3) None	3) None	
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
- Telecommunication consulting services (CPC 75440)	1) None	1) None	
	2) None	2) None	
	3) None	3) None, but shall be in accordance with the amended telecommunication law	
	4) Unbound, except as indicated in the horizontal section	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:	1) None	1) None	
h) Electronic-mail (CPC 7523**)	2) None	2) None	
i) Voicemail (CPC 7523**)	3) None*, except that foreign capital participation direct/indirect in existing operators limited to 49%	3) None, except that board members and auditors in existing operators are required to have Lao National	
j) Online information and data base retrieval (CPC 7523**)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
k) Electronic data interchange (EDI) (CPC 7523**)			
l) Enhance/value-added facsimile services, including store and forward, store and retrieve. (CPC 7523**)			
m) Code and protocol conversion services			
n) On-line information and/or data processing (including transaction processing) (CPC 843**)			

\* 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
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General Construction Work for Buildings (CPC 512)	1) Unbound 2) None	1) Unbound 2) None	
B. General Construction Work for Civil Engineering (CPC 513)	3) Foreign equity participation limited to 70%	3) None	
C. Installation and Assembly Work (CPC 514, 516)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
D. Building Completion and Finishing Work (CPC 517)			
E. Other (CPC 511 + 515 + 518)			

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			
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	1) None	1) None	
- Sale on a fee or contract basis of textiles, clothing and footwear (Part of CPC 621)	2) None	2) None	
- Wholesale trade services on a fee or contract basis of textiles, clothing and footwear (Part of CPC 622)	3) Joint venture with Lao services providers is required. Foreign equity participation is limited to 51%. Subject to meeting economic needs test	3) Unbound	
	4) Unbound	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	1) None	
	2) None	2) None	
	3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests <sup>9</sup> .	3) Unbound	
	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	
C. Retailing Services (Part of CPC 61112, 6113, 6121)	1) Unbound	1) Unbound	
	2) Unbound	2) Unbound	
	3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests <sup>10</sup> .	3) Unbound	

<sup>9</sup> The main criteria include the number of existing services suppliers in a particular area, the stabilities of market and geographical scale.

<sup>10</sup> The main criteria include the number of existing services suppliers in a particular area, the stabilities of market and geographical scale.

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) 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 2) None 3) Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests <sup>11</sup> . 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) None 2) None 3) Unbound 4) Unbound, except for executives and managers as per conditions in the horizontal section	

<sup>11</sup> 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  The education curriculum and contents must be approved by Ministry of Education of Lao PDR  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.  The scope of private education services only fully-privately funded services.			
A. Primary Education Services (Part of CPC 921)	1) Unbound 2) None	1) Unbound 2) None	
B. Secondary Education Services (Part of CPC 922)	3) Foreign equity participation limited to 51% 4) Unbound, except as indicated in the horizontal section	3) Directors must be qualified teachers who are Lao PDR national 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)	1) Unbound 2) None	1) Unbound 2) None	
D. Adult Education Services (part of CPC 924)	3) Foreign equity participation limited to 51%	3) Directors must be qualified teachers who are Lao PDR national	
E. Other Education services: - Short term foreign language training only (Part of CPC 929)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
6. ENVIRONMENTAL SERVICES <sup>12</sup>  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)	1) Unbound, except related consulting services	1) Unbound, except related consulting services	
B. Waste management (part of CPC 9402 and 9403)	2) None 3) None	2) None 3) None	
C. Protection of ambient air and climate	4) Unbound, except as indicated in the	4) Unbound, except as indicated in the	

<sup>12</sup> Environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

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
(part of CPC 9404)	horizontal section	horizontal section	
D. Remediation and cleanup of soil and water (part of CPC 9406)			
E. Noise and vibration abatement (part of CPC 9405)			
7. FINANCIAL SERVICES  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.  Direct branching is not allowed. Financial institutions in Lao PDR must adopt a specific legal form.  All the commitments are subject to entry requirements, domestic laws, rules and regulations and the terms and conditions of the Bank of Lao PDR, the Ministry of Finance 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.  A. All Insurance and Insurance-Related Services  Insurance companies are restricted from offering both Life and Non-life insurance services. Excluded from the scope of these commitments are compulsory insurance, including but not limited to motor vehicle insurance, collective accident insurance for workers, depositors' protection fund and social security fund.			
i) Direct insurance (A) Life insurance	1) Unbound 2) Unbound 3) Unbound for 5 years after the date of WTO accession. Thereafter,	1) Unbound 2) Unbound 3) None	

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
	foreign equity participation limited to 51%.  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:  (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  (ii) goods in international transit.	1) Unbound, except for insurance services in international transportation, including of risks relating to:  (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  (ii) goods in international transit.	

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) Unbound, except for insurance services in international transportation, including of risks relating to:  (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  (ii) goods in international transit.  3) Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%.  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:  (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  (ii) goods in international transit.  3) None  4) Unbound, except for executives and managers as per conditions 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
	the horizontal section	the horizontal section	
ii) Reinsurance and retrocession	1) None 2) None 3) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for foreign equity participation limited to 51%. 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) None 2) None 3) None 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 2) None 3) Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%. 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) None 2) None 3) None 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
<b>B. Banking and Other Financial Services (excluding insurance)</b>			
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	1) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for:	1) Unbound for 5 years after the date of WTO accession. Thereafter, unbound except for:	
(vi) Lending of all types, including, <i>inter alia</i> , consumer credit, mortgage credit, factoring and financing of commercial transactions	(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and	(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and	
(vii) Financial leasing	(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.	(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.	
(viii) All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts			
(ix) Guarantees and commitments			
(x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the	2) Unbound for 5 years after the date of WTO	2) Unbound for 5 years after the date of WTO	

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
following:	accession. Thereafter, unbound except for:	accession. Thereafter, unbound except for:	
(A) money market instruments (including cheques, bills, certificates of deposits);	(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and	(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and	
(B) foreign exchange			
(C) derivative products, including, but not limited to, futures and options;	(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.	(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.	
(D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;			
(E) transferable securities;			
(F) other negotiable instruments and financial assets, including bullion	3) For (v) to (x): Unbound for 5 years after the date of WTO accession. Thereafter, foreign equity participation limited to 51%. For (xv) to (xvi): Unbound for 7 years after the date of WTO accession. Thereafter, foreign equity	3) For (v) to (x): None.  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.	
(xv) Provision and transfer of financial information, and financial data processing and related			

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
software by suppliers of other financial services;	participation limited to 51%.		
(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	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 (Other than those listed under II.1.A.h-j.)  The scope of private health related and social services concerns only fully-privately funded services.			
A. Private hospital services (Modern hospital with more than 100 beds in big cities only) (Part of CPC 93110)	1) Unbound 2) None 3) None 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) Unbound 2) None 3) Unbound 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
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotels and restaurants (including catering) (Part of CPC 641 (excluding guesthouses <sup>13</sup> and 6419), CPC 642, and CPC 643)	1) None 2) None 3) For lodging services: limited to establishments with three stars rating or higher 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. Travel Agencies and Tour Operators Services (CPC 7471)	1) None 2) None 3) Foreign equity participation limited to 70% 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) None 2) None 3) Foreign service supplying enterprises can only do inbound services 4) Unbound, except for executives and managers as per conditions in the horizontal section	

<sup>13</sup> 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: - Tourism consultancy services	1) None 2) None 3) None 4) Unbound, except for executives and managers as per conditions in the horizontal section	1) None 2) None 3) None 4) Unbound, except for executives and managers as per conditions in the horizontal section	
<b>11. TRANSPORT SERVICES</b>			
<b>C. Air Transport Services</b>			
d) Maintenance and repair of aircraft (Part of CPC 8868)	1) None 2) None 3) Foreign equity participation limited to 51% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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 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	1) None	1) None	
Computer reservation system (CRS) services	2) None	2) None	
	3) None	3) None	
	4) Unbound, except as indicated in the horizontal section	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

Modes of supply: 1) Cross-border supply 2) 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	<p>3) <u>Acquisition, Mergers and Take-overs</u></p> <p>The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs require approval and apply to the following:</p> <p>(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;</p> <p>(b) any proposed acquisition of assets or interests by any means which will result in ownership or control passing to foreign interest; and</p>	<p>3) <u>Land, Property and Real Estate</u></p> <p>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.</p> <p><u>Incentives/Preferences</u></p> <p>Incentives are limited to eligible Malaysian-owned corporations engaged in services sectors promoted by the Government.</p> <p>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 (NDF) shall be unbound.</p>	

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
	<p>c) control of Malaysian corporations through any form of joint venture agreement, management agreement, technical assistance agreement or other arrangements.</p> <p>Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p> <p>4) Unbound, except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. <u>Intra-Corporate Transferees</u></p> <p>a) senior managers being persons within an</p>	<p>4) Unbound, except for the categories of natural persons referred to under market access</p>	

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
	<p>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</p> <p>b) two specialists or experts per organisation being persons within the organisation who possess knowledge at an advanced level of continued expertise and</p>		

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
	<p>who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management.</p> <p>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</p>		

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
	similar capacity.		
	2. <u>Others</u>		
	a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisations' products and services subject to market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or sub sector.		
	b) professionals being persons who possess necessary		

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
	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		
	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		

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
	<p>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.</p> <p>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.</p>		

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**)  covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	<p>1) None</p> <p>2) None</p> <p>3) Only through a corporation incorporated in the Federal Territory of Labuan</p> <p>Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.</p> <p>4) Unbound, except as indicated in 1a) and b) and 2a) and c) in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except for the categories of natural persons referred to under market access</p>	
b) Accounting, auditing and bookkeeping services (CPC 862)	<p>1) None</p> <p>2) None</p> <p>3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>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</p>

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
	firms and aggregate foreign interests shall not exceed 49 per cent 4) Unbound	4) Unbound	language.
c) Taxation services (CPC 863 / 8630)	1) None  2) None  3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 35 per cent  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  2) Taxation services must be authenticated by an authorised tax agent in Malaysia  3) None  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.

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
	two years, subject to domestic regulations		
d) Architectural services (CPC 8671)	1) None  2) None  3) Architectural services may be supplied only by natural person: 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. b) Architectural services may be supplied through	1) Architectural services must be authenticated by a licensed professional architect in Malaysia  2) Architectural services must be authenticated by a licensed professional architect in Malaysia  3) a) None  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.

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
	APEC Mutual Recognition Arrangement  4) Architectural services may be supplied through APEC Mutual Recognition Arrangement	Architect registered with the board of Architects Malaysia  4) Unbound, except for the categories of natural persons referred to under market access	
e) Engineering services (CPC 8672)	1) None  2) None  3) a) Engineering Services may be supplied only by natural person  b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint	1) Engineering services must be authenticated by a registered professional engineer in Malaysia  2) Engineering services must be authenticated by a registered professional engineer in Malaysia  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.

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
	ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed  4) Unbound	  4) Unbound	
f) Integrated engineering services (CPC 8673)	1) None  2) None  3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia	1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia  2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia  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.

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
	<p>The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.</p> <p>4) 'Unbound</p>	4) Unbound	
g) Urban planning services (CPC 86741) 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	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound, except for:</p> <p>i) Independent professionals* with an employment contract with a registered Malaysian town planning company. Independent professionals must</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	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.

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
	<p>possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;</p> <p>ii) consultations with recognised qualifications and subject to registration for wholly public funded projects and in collaboration with a Malaysian urban planning company; and</p> <p>iii) any other requirements or provisions as spelt out under the relevant legislation</p>		

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
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 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian registered landscape architects or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent 4) Unbound	1) None 2) None 3) None 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 2) None 3) Medical specialty services may be supplied by a natural person 4) Unbound, except as indicated in 2a) in the horizontal section	1) None 2) None 3) None 4) None, except that:  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.

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
medicine (CPC 93122)		Practice to be only at a specified location and a change of location requires approval; and  the setting up of individual or joint group practice is not allowed.	
<b>B. Computer and Related Services</b>			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Software implementation services (CPC 842)	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	
c) Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842**)			
d) Data processing services (CPC 843)			

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
e) Data base services (CPC 8440)			
C. Research and Development Services			
a) Research and development services on medical sciences and pharmacy (CPC 85105**)  Research and experimental development on medical sciences and pharmacy limited to clinical trials and study which evolves any investigation in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmaco-dynamic effects of an investigational product(s), and/or to identify any adverse reactions to an investigational product(s), and/or to study absorption, distribution, metabolism, and excretion of an investigational product(s) with the	1) Unbound 2) Unbound 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 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) Unbound 2) Unbound 3) Unbound 4) Unbound, except for the categories of natural persons referred to under market access	

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
object of ascertaining its safety and/or efficacy.  (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 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	

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
b) Research and experimental development services on economics (CPC 85202)	1) None 2) None 3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 49 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	
E. Rental/Leasing Services without Operators			
a) Relating to ships exclude cabotage and offshore trades (CPC 83103)	1) None 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent 4) Unbound	1) None 2) None 3) None 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 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporations acting as an agent 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) Rental and leasing services without operators, relating to aircraft (CPC 83104)	1) None 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporations acting as an agent 4) Unbound	1) None 2) None 3) None 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
d) Leasing or rental services, without operator relating to construction and mining equipment and industrial plant and equipment (CPC 83107**)	1) None 2) None 3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Leasing or rental services concerning other machinery and equipment without operator (CPC 83109)	1) None 2) None 3) Foreign shareholding shall not exceed 49 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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
e) Leasing or rental services concerning personal and household goods (CPC 832)	1) None 2) None 3) Foreign shareholding shall not exceed 49 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
F. Other Business Services			
a) Advertising services (CPC 8711, 8712, 8719)	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent <u>Advertisement through electronic media</u>	1) None 2) None 3) None	

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
	Advertisement must have at least 80 per cent local content and be made in Malaysia.  4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	4) Unbound, except for the categories of natural persons referred to under market access	
b) Market research services (CPC 86401)	1) None 2) None 3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and Bumiputera shareholding in the joint venture is at least 30 per cent 4) Unbound, except as indicated in the horizontal commitments	1) None 2) None 3) None  4) Unbound, except as indicated in the horizontal commitments	

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
b) Public opinion polling services (CPC 86402)	1) None 2) None 3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and Bumiputera shareholding in the joint venture is at least 30 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments	1) None 2) None 3) None  4) Unbound, except for the categories of natural persons referred to under market access	
c) Management consulting services (a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera	1) None 2) None 3) None	

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
(CPC 8650**)	shareholding in the joint-venture corporation is at least 30 per cent		
(b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650**)	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	
(c) covering advisory and guidance in the field of pharmacy as follows:			
- Basic material manufacturing consultancy in the manufacture of drugs in raw material form;			
- New systems of drug delivery;			
- Biotechnology-new techniques for influencing the process and products of living cells;			
- New techniques in drug develop-			

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
ment and methods of producing drugs and vaccine; and			
- vaccine production (CPC 8650**)			
(d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650**)			
d) Project management services other than for construction (CPC 86601)	1) None 2) None 3) Foreign shareholding shall not exceed 49 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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
e) Technical testing and analysis services (CPC 8676 except 86764)	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	
f) Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including value added services such as preservation techniques, etc (CPC 881**, 882**)	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the	1) None 2) None 3) None	

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
	joint-venture corporation is at least 30 per cent 4) Unbound	4) Unbound	
i) Services incidental to manufacturing (CPC 884, 885 except 88442)	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent 4) Unbound	1) None 2) None 3) None 4) Unbound	
o) Building cleaning services (CPC 8741) covering disinfecting and exterminating services	1) None 2) None 3) Foreign equity shall not exceed 49 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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
p) Specialty photography except aerial photography (CPC 875**)	1) None 2) None 3) Foreign equity shall not exceed 49 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
q) Packing services (CPC 8760) (excludes services that consists solely of printing information on packaging materials)	1) None 2) None 3) Only through joint venture with Malaysian individuals or Malaysians controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	

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
t) Translation and interpretation services (CPC 87905) excluding translation and/or interpretation from the English language to the Malay language or vice versa.	1) None 2) None 3) Translation and interpretation services may be supplied only by a natural person 4) Unbound	1) None 2) None 3) None 4) Unbound	
t) Convention Centre (CPC 87909) (convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events)	1) None 2) None 3) Only through joint venture with Malaysian individuals or Malaysians controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	

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
t) Operational Headquarters (OHQ) Services  Covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia	1) None 2) None 3) None, except OHQ must be locally incorporated, operates in Malaysia and fulfils the criteria of an OHQ 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 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 2) None 3) None 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	

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
<b>2. COMMUNICATION SERVICES</b>			
<b>C. Telecommunication Services</b>			
<u>Basic Telecommunication</u>  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)  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.  Individual License 1. NFP (I) <sup>1</sup> 2. NSP (I) <sup>2</sup> 3. ASP (I) <sup>3</sup>	1) None 2) None 3) With respect to NFP and NSP Components of the services, only through an acquisition of shares of an existing licensed NFP(I), NSP(I).  With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisition of shares of an existing licensed ASP(I) operator/corporations  - For NFP(I) and NSP(I), foreign shareholding of up to 30 per cent in these services providers is allowed  - For ASP(I), foreign	1) None 2) None 3) None	

## 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
	shareholding of up to 49 per cent in these services providers is allowed  The maximum aggregate foreign ownership in Telekom Malaysia shall not exceed 30 per cent.  4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<u>Value-Added Services</u>  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:  Class Licence  1. NFP (C) <sup>4</sup> 2. NSP (C) <sup>5</sup> 3. ASP (C) <sup>6</sup>	1) None 2) None 3) With respect to NFP and NSP components of the service, only through acquisition of shares of existing licensed NFP(C), NSP(C).  With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisition of	1) None 2) None 3) None	

## 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
	shares of an existing licensed ASP (C) operator/ corporations.  - For NFP(C) and NSP (C), foreign shareholding of up to 30 per cent in these services providers is allowed  - With respect to ASP(C), foreign shareholding of up to 49 per cent in these services providers is allowed  4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
<u>Explanatory note for Individual License Categories</u>  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.			

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
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.		
<u>Explanatory note for Class License Categories</u>			
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.		
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.		
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.		
<u>Explanatory Note</u>			
1)	This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.		
2)	Definitions as per Communications and Multimedia Act 1988		
a.	Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.		
	Network facilities provider means a person who is an owner of any network facilities.		

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
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.		

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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
D. Audiovisual services			
a) Motion picture, video tape and audio recording distribution services (CPC 96113)	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction and related engineering services (CPC 511, 512, 513, 514, 515, 516, 517)	1) Unbound due to lack of technical feasibility 2) None 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 2) None 3) None	

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

Sector or 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 4) Unbound	4) Unbound	
4. DISTRIBUTION SERVICES			
A. Commission agents' services (CPC 621**) Only for textile, clothing and footwear	1) None 2) None 3) Foreign equity shall not exceed 51 per cent 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. Wholesale and Retail Trade Businesses (CPC 6111, 6113, 6121, 6130, 6221, 6222, 6224, 6225, 6227, 6228)	1) None 2) None 3) Entry is limited to: i) <u>Equity Structure</u> The aggregate of foreign equity shall not exceed 30 per cent, while local	1) None 2) None 3) None	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>shareholding in the joint-venture corporation should be 70 per cent out of which 30 per cent must be for Bumiputeras.</p> <p>ii) <u>Minimum Capital Requirement</u></p> <p>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.</p> <p>4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions:</p> <p>a. <u>Key Post</u></p> <p>The person applying for the post must hold or has held a management position in the company's</p>	<p>4) Unbound, except as indicated in the horizontal section</p>	

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
	<p>wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit.</p> <p>b. <u>Time Post</u></p> <p>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.</p>		

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)	1) Unbound due to technical feasibility 2) None	1) Unbound due to technical feasibility 2) None	
Technical and vocational secondary school-type education services for handicapped students (CPC 922)	3) Only through a joint venture with foreign equity not exceeding 49 per cent 4) Unbound	3) None 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 2) None 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 2) Unbound 3) Unbound	3) More than 51 per cent foreign equity will be considered subject to additional criteria which include: 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;

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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
	4) Unbound	4) Unbound	b) research-based postgraduate programme; c) collaborative research with local institutions; and d) share of foreign students.
E. Other education services (CPC 929/ 9290/ 92900)	1) Unbound due to technical feasibility 2) None 3) Only through a joint venture with foreign equity not exceeding 49 per cent 4) Unbound	1) Unbound due to technical feasibility 2) None 3) None 4) Unbound	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES, INCLUDING INSURANCE</b>			
ALL FINANCIAL SERVICES HORIZONTAL SECTION			
Horizontal Commitments Applicable to the Financial Services Sector			
<p>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.</p> <p>2. The limitations listed under the all-sector horizontal section shall not apply to financial services, including insurance, unless otherwise indicated.</p> <p>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.</p> <p>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<sup>1</sup>.</p>			
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.  Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of	

<sup>1</sup> This approach is consistent with Malaysia's commitments at the WTO and under existing FTAs.

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
	4) Limitations in the all-sector horizontal section will apply when indicated in each activity	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	
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  3) Entry is confined to Labuan.  Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.  4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence	1), 2) Unbound* except as otherwise specified in this schedule  3) None  4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence	

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	<p>1), 2) Unbound* except as otherwise specified in this schedule</p> <p>3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders.<sup>2</sup></p> <p>Unbound for new licences.</p> <p>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.</p> <p>Foreign commercial banks and investment banks are required to be locally incorporated in accordance with the Financial Services Act 2013.</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed in the sub-sectors below.</p> <p>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:</p> <p>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign bank has significant trade</p>	

<sup>2</sup> 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.

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
	<p>Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.</p> <p>4) Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p> <p>(b) Two senior managers and five specialists or experts for each commercial bank or investment bank.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment,</p>	<p>and investment interests in Malaysia; and</p> <p>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</p> <p>4) Unbound except for the categories of natural persons referred to under market access</p>	

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
	<p>control and operation of the services of the financial service supplier.</p> <p>Specialists or experts for each commercial bank or investment bank for areas relating to:</p> <p>(i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology.</p> <p>(c) For a representative office of a commercial bank or investment bank, two foreign nationals. Only one foreign national for the two top posts.</p> <p>(d) Entry shall be limited to a maximum period of five years.</p>		

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
3. Direct insurance companies	<p>1), 2) Unbound* except as otherwise specified in this schedule</p> <p>3) Foreign insurance companies are required to be locally incorporated in accordance with the Financial Services Act 2013.</p> <p>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<sup>3</sup>.</p> <p>Foreign shareholding not exceeding 51 per cent is also permitted for the existing foreign shareholders<sup>4</sup> of locally incorporated insurance companies</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed in the sub-sectors below.</p> <p>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:</p> <p>(a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p>	

<sup>3</sup> Refers to the branches of foreign insurance companies specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

<sup>4</sup> Refers to the existing foreign shareholders specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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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
	<p>which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 per cent.</p> <p>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.</p> <p>Unbound for new licenses.</p> <p>4) Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial</p>	<p>(b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;</p> <p>(c) The country of the foreign insurance company does not have a significant representation in the Malaysian insurance industry; or</p> <p>(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.</p> <p>4) Unbound except for the categories of natural persons referred to under market access</p>	

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
	<p>presence.</p> <p>(b) Two senior managers and five specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies.</p> <p>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.</p> <p>Specialists or experts for each insurance institution for areas relating to:</p> <p>(i) underwriting of specialized classes of general business;</p> <p>(ii) information</p>		

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
	technology; and (iii) actuarial functions.  (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	<p>1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed</p> <p>2) None</p> <p>3) Only permitted through a commercial bank, an investment bank or an offshore bank.  Offshore banks in Labuan are permitted to accept foreign currency deposits only.  Offshore investment banks in Labuan are not permitted to accept deposits.</p> <p>4) Unbound except as indicated in the all financial services</p>	<p>1) None</p> <p>2) None</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia</p> <p>4) Unbound except as indicated in the all financial services</p>	

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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
	horizontal section	horizontal section	
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions	<p>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</p> <p>3) Entry as a non-bank is limited to:</p> <p>(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</p> <p>(b) A representative office.  Representative offices can only undertake research and liaison</p>	<p>1), 2) None</p> <p>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.  For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p>	

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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
	<p>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.</p> <p>Investment banks are not permitted to provide consumer credit and home mortgages.</p> <p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except one foreign national for a</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except for the categories of natural</p>	

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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
	<p>management post which is not the CEO post, for each establishment.</p> <p>For representative offices of non-banks, two foreign nationals subject to only one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of five years.</p>	<p>persons referred to under market access.</p>	
Financial leasing	<p>1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or investment banks in Malaysia</p> <p>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.</p> <p>Entry as a non-bank is limited to:</p>	<p>1), 2) None</p> <p>3) None</p>	

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
	<p>(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</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>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.</p> <p>Offshore banks and offshore investment banks are permitted to</p>		

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
	<p>carry on financial leasing business in foreign currencies only.</p> <p>4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment.</p> <p>For representative offices, two foreign nationals subject to one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of five years.</p> <p>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access.</p> <p>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts	<p>1) Electronic fund transfer system requires approval</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

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
	<p>3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>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.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound</p>	<p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 per cent.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound</p>	

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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
	<p>except one foreign national for a management post which is not the CEO post, for each establishment.</p> <p>Entry shall be limited to a maximum period of five years.</p>	<p>except for the categories of natural persons referred to under market access.</p>	
Charge cards	<p>1), 2) None</p> <p>3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required</p> <p>4) Unbound except for two senior managers for each establishment.</p> <p>Entry shall be limited to a maximum period of five years.</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) Unbound except for the categories of natural persons referred to under market access</p>	
Guarantees and commitments	<p>1), 2) None except banks established in Malaysia may be given the right of first refusal</p> <p>3) None</p>	<p>1), 2) None</p> <p>3) None</p>	

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
	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  3) Entry is limited to:  (a) equity participation in existing institutions <sup>5</sup> and aggregate foreign shareholding in such institutions shall not exceed 30 per cent; or  (b) the establishment of a branch or subsidiary, by a	1), 2) None        3) None	

<sup>5</sup> Refers to the existing institutions specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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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
	money and foreign exchange broker, registered or incorporated in Labuan.  Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.  4) Unbound.  For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	4) Unbound.  For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
Trading for own account or account of customers in the following: - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments	1) Dealing in securities for account of customers is limited to securities traded on recognised stock exchanges.  Dealing in derivatives for account of customers is limited to derivatives contracts traded on the	1) None	

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
- derivative products, including futures and options - other negotiable instruments, including bullion	derivatives market of a Specified Exchange and are not contracts prohibited by the Malaysian regulatory authorities.  2) None  3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia.  Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.  Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to	2) None  3) None	

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

Sector or 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.  Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.  Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.  None for trading for own account in:  (a) securities that are listed on the Malaysian stock exchange; and (b) standardized derivatives listed on the Malaysian derivatives	4) For banks, unbound except as indicated in the all financial services horizontal section.  For non-banks, unbound except as indicated in the all-sector horizontal section.	

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
	<p>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.</p> <p>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.</p> <p>Trading for the account of customers by a non-bank in standardized derivatives that are listed on the Malaysian</p>		

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
	<p>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.</p> <p>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.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in</p>		

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
	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)	<p>1), 2) Participation in issues and services related to such issues requires authorization</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>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.</p> <p>Participation by a non-bank is permitted only through equity participation in an</p>	<p>1), 2) None</p> <p>3) None</p>	

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
	<p>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.</p> <p>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.</p> <p>Unbound for appointment as principal dealers.</p> <p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

SCHEDULE OF MALAYSIA

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

Underwriting	<p>1) Commercial presence is required</p> <p>2) Authorization is required.</p> <p>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.</p> <p>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.</p> <p>Commercial banks are permitted to underwrite corporate bonds only.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p>	
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SCHEDULE OF MALAYSIA

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

	<p>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.</p> <p>4) For commercial banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>4) For commercial banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	
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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: - cash or portfolio management - all forms of collective investment management - custodial and depository services	1) Commercial presence is required.  2) None  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.  Asset management by a commercial bank requires establishment as a separate entity. Shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.  Entry as a non-bank to undertake fund	1) None  2) None  3) None	

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
	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.  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.  4) For banks, unbound except as indicated in all financial services horizontal section.  For non-banks, unbound except as indicated in	4) For banks, unbound except as indicated in all financial services horizontal section.  For non-banks, unbound except as indicated in	

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 the all-sector horizontal section.	Limitations on National Treatment the all-sector horizontal section.	Additional Commitments
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy	<p>1) Commercial presence is required.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks in Malaysia</p> <p>3) Entry as a non-bank is only permitted through:</p> <p>(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</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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
	<p>cent;</p> <p>(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;</p> <p>(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</p>		

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
	<p>a company is limited to 30 per cent; or</p> <p>(d) A representative office.</p> <p>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.</p> <p>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</p>		

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
	<p>approval, as the case may be.</p> <p>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.</p> <p>4) For banks, one specialist or expert. For non-banks, one senior manager and one specialist or expert.</p> <p>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.</p>	<p>4) For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	
Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for	<p>1), 2) Unbound*</p> <p>3) Only through a locally incorporated wholly foreign-owned company.</p>	<p>1), 2) Unbound*</p> <p>3) None</p>	

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
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)	<p>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.</p> <p>An OHQ must operate in Malaysia and fulfil the following criteria:</p> <p>(a) Carry out at least three of the OHQ service activities;</p> <p>(b) Have a sizable network of companies outside Malaysia which includes the parent company or its head office and related companies;</p> <p>(c) Have a well-established foreign-owned company which is sizeable in terms</p>		

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
	<p>of assets and employees;</p> <p>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;</p> <p>(f) Be able to contribute to the Malaysian economy by:</p> <p>(i) Using services such as legal, accounting etc. provided by Malaysians;</p> <p>(ii) Creating job opportunities for Malaysians;</p> <p>(iii) Enabling greater inflow</p>		

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
	<p>4) One specialist or expert per organisation subject to the following conditions:</p> <p>(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.</p> <p>(b) Entry shall be limited to a maximum of five years and renewable.</p>	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	

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) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange	2) None	
	<p>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.</p> <p>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.</p>	3) None	

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
	<p>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.</p> <p>4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section.</p> <p>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.</p>	<p>4) Unbound except for the categories of natural persons referred to under market access</p>	

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
Commodity futures broking services	<p>1), 2) Trades on any Malaysian derivatives exchange must be conducted through locally incorporated companies which are trading participants of the derivatives exchange</p> <p>3) Entry as a non-bank is limited to only:</p> <p>(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.</p> <p>Authorisation will not be granted unless the application is determined, by the Securities Commission Malaysia,</p>	<p>1), 2) None</p> <p>3) None</p>	

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
	<p>to be in the best interest of Malaysia</p> <p>Authorisation includes grant of license, registration or approval, as the case may be; or</p> <p>(b) A representative office.</p> <p>Representative offices (including those of commercial banks, investment banks and securities companies) are permitted to undertake information research and liaison services only.</p> <p>4) Unbound except one foreign national for a management post per establishment, subject to market test</p>	<p>4) Unbound except for the categories of natural persons referred to under market access</p>	

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
<b>B. Insurance Services</b>			
Direct insurance (non-life)	<p>1) Soliciting and advertising in Malaysia are not allowed.</p> <p>Approval of the Central Bank is required for direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>2) Approval of the Central Bank is required for direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including</p>	<p>1) None</p> <p>2) None</p>	

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
	<p>any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>3) Only permitted through direct insurance companies.</p> <p>Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p>	<p>3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 per cent.</p> <p>Direct insurance companies are permitted to maintain their existing network of branches<sup>6</sup>.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	

<sup>6</sup> Refers to the network of branches specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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
	<p>4) Unbound except as indicated in the all financial services horizontal section</p>	<p>4) Unbound except as indicated in the all financial services horizontal section</p>	
Direct insurance (life)	<p>1), 2) Unbound</p> <p>3) Only permitted through direct insurance companies.</p> <p>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval.</p> <p>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.</p>	<p>1), 2) Unbound</p> <p>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<sup>7</sup>.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	

<sup>7</sup> Refers to the network of branches specified in Malaysia's Schedule of Specific Commitments under the General Agreement on Trade in Services.

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
	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)	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available</p> <p>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed</p>	<p>1), 2) Voluntary cession up to 30 per cent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad</p>	

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
	<p>30 per cent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p> <p>4) Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted.</p> <p>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.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique</p>	<p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

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
	<p>or management of the financial service supplier.</p> <p>(b) Entry shall be limited to a maximum period of five years.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>		
Reinsurance and retrocession (life)	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia</p> <p>3) None</p>	

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
	<p>reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 per cent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p> <p>4) Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential</p>	<p>4) Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

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
	<p>to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.</p> <p>(b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise.</p> <p>(c) Entry shall be limited to a maximum period of five years.</p> <p>For offshore reinsurance companies, unbound except as indicated</p>		

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
	in the all financial services horizontal section.		
Insurance intermediation - insurance broking (excluding agency)	<p>1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>3) Unbound for onshore insurance broking.</p> <p>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.</p> <p>4) Unbound except as indicated in the all financial services horizontal section</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the all financial services horizontal section</p>	

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	<p>1), 2) Insurance underwriting and insurance management are not permitted</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p> <p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.</p> <p>4) Unbound except as indicated in the all financial services horizontal section</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the all financial services horizontal section</p>	

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
Services auxiliary to insurance, as follows:	<p>1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan</p> <p>2) None</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p> <p>Offshore companies are not permitted to provide services to Malaysian residents.</p> <p>4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for the temporary presence of natural persons in respect of supply through the mode of commercial presence</p>	

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
8. HEALTH RELATED AND SOCIAL SERVICES (other than those listed under 1.A.h-j.)			
A. Private hospital services (CPC 93110**)	1) None 2) None 3) Economic needs test only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and the joint-venture corporation shall operate a hospital with a minimum of 100 beds 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) Establishment of feeder outpatient clinics is not permitted 4) Unbound, except for the categories of natural persons referred to under market access	

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
C. Welfare services delivered through residential institutions to old persons and the handicapped (CPC 93311)	1) None 2) None 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 4) Unbound	1) None 2) None 3) None 4) Unbound	
C. Vocational rehabilitation services for the handicapped (CPC 93324)	1) None 2) None 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 4) Unbound	1) None 2) None 3) None 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
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<b>A. Hotel and restaurant services</b> (CPC 64110) covering only:  (i) Hotel Lodging Services (CPC 64110)  (ii) Holiday Centre and Holiday Home Services (CPC 64192)  (iii) Letting Services of Furnished Accommodation (CPC 64193)  Covering the management and operational of hotels or resorts including, outlet which may not include ownership of such properties.	1) None 2) None 3) Joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent (for 4 & 5 star hotels) 4) Unbound, except as indicated in (a) and (b) and 2 (a) and (c) in the horizontal section	1) None 2) None          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
<b>A. Food serving services</b> (CPC 642)  <b>A. Beverage serving services for consumption on the premises</b> (CPC 643)	1) None 2) None 3) Joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent 4) Unbound, except as indicated in 1 a) and b) in the horizontal section	1) None 2) None 3) None       4) Unbound, except for the categories of natural persons referred to under market access	
<b>B. Travel agencies and tour operators services</b> (CPC 7471)	1) None 2) None 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 2) None 3) 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
	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* 2) None 3) Entertainment services may be supplied only by a natural person 4) Unbound, except as indicated in 2 a) in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.  Participation of Malaysian entertainers/artistes may be required based on the guidelines of the Ministry of Culture, Arts and Heritage.	

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
D. Sports events management services (CPC 96411, 96412)	1) Unbound* 2) None 3) Only through a Malaysian-controlled corporation acting as the local sponsor 4) Unbound, except as indicated in 2 a) in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	
E. Theme Park  A family based recreational area/amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment, edutainment, adventure and excitement. The concept of the park can either be outdoor or	1) None 2) None 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent 4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access	

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
indoor or a combination of both.			
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
a), b) International maritime transportation services excluding cabotage and government cargo (CPC 7211, 7212)	1) None 2) None 3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent  <u>Malaysian registered vessels</u>  To register a vessel in Malaysia, the following conditions must be met:  a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in	1) None 2) None 3) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  a) Pilotage b) Towing and tug assistance c) Provisioning, fueling and watering d) Garbage collection and ballast waste disposal e) Port Captain's services f) Navigation aids g) Shore-based operational services essential to ship operations, including communications, water and electrical supplies h) Emergency repair

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
	Malaysia;  b) Majority shareholding to be held by Malaysians;  c) Majority of the board of directors to be Malaysians; and  d) Principal place of business to be in Malaysia.  4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	facilities  i) Anchorage, berth and berthing services
c) Rental of cargo vessels with crew for international shipping (CPC 7213)  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 2) None 3) None 4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations	1) None 2) None 3) None 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
*These are limited to services of hiring of a vessel with crew under charter party terms for voyage or period of time.			
<b>B. Internal Waterways Transport</b>			
f) Supporting services for maritime transport  Vessel salvage and refloating services (not applicable in harbour) (CPC 74540)  (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 2) None 3) Unbound 4) Unbound	1) None 2) None 3) None 4) Unbound	
Classification Societies 1 (Except for statutory services for Malaysia)	1) None 2) None	1) None 2) None	

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
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  4) Unbound, except as indicated in the horizontal section	3) None  4) Unbound, except as indicated in the horizontal section	
<b>H. Services auxiliary to all modes of transport</b>			
c) Maritime agency services  Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required (CPC 748*)	1) None 2) None 3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture	1) None 2) None 3) None	

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
	corporation of at least 30 per cent  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	
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:  1) automated manufacturing technology;  2) advanced materials technology;  3) biotechnology;  4) electronics;  5) information technology; and  6) avionics/aviation technology (CPC 97090)	1) None 2) None  3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licenses  4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None       4) Unbound, except 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.  (b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Law (2017).  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;  Class of Income      Non-resident foreigner  - Interest payment for a loan or indebtedness or transaction of similar nature or Saving      15%  - Royalties for the use of licenses, trademarks, patent rights etc      15%	

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
	<p>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.</p> <p>(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.</p> <p><b>Tax</b> 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</p>	<p>- 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</p> <p>2.5%</p>	

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
	<p>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.</p>	<p>The services mentioned in above items of this table).</p> <p>According to the 2017 Union Taxation Law, paragraph 23, 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:</p> <p>(ii) other income except income under the salary heading of non-resident foreigner.</p> <p>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</p>	

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
		<p>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.</p> <p>The income tax can be changed due to the Union Taxation Law enacted on a yearly basis.</p> <p><u>Tax</u></p> <p>According to the Sections 3(k) of the Income Tax Law, it prescribes the resident foreigners as follows:</p> <p>(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;</p> <p>(ii) in the case of a company, a company formed under the Myanmar Companies Act or any other</p>	

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
		<p>existing law wholly or partly with foreigner share-holders;</p> <p>(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.</p> <p>- 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.</p> <p>(b) A foreign lawyer may perform service to client in Myanmar but are not</p>	

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
		<p>allowed to practice in Myanmar courts of law.</p> <p>(c) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned.</p> <p>(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.</p>	

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
	<p>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.</p> <p>(b) All foreign enterprises and foreign workers shall abide by</p> <p>Business Visa Period for 70 days Permission of Visa</p>	<p>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.</p> <p>- 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</p>	

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
	<p>Period for Permission of Stay Extension</p> <ul style="list-style-type: none"> <li>- up to 3 months**</li> <li>- over 3 months - up to one year**</li> </ul> <p>(**with recommendation of Ministry concerned, Application Form, Passport (original &amp; copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export &amp; Import License)</p> <p>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- 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,</li> </ul>	

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
		<p>contents, volume, time frame in English of respective countries.</p>	

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 2) None 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. 4) None	1) None 2) None 3) As indicated in market access 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

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
			- He/she is registered in the list of practising accountants managed by his/her country. - Subject to MAC's licensing requirement. - Not allowed to engage in CPC 8621 Accounting and Auditing Services.
d) Architectural services (CPC 8671)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) As indicated in the Horizontal Commitments	1) None 2) None 3) None 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) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
g) Urban planning services (CPC 86741)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
g) Landscape architectural services (CPC 86742)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 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>B. Computer and Related Services</b>			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	
b) Software implementation services (CPC 842)	1) None 2) None	1) None 2) None	
(i) System software consulting services (CPC 8421)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
(ii) System analysis services (CPC 8422)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
(iii) System design services (CPC 8423)			
(iv) Programming services (CPC 8424)			
(v) System maintenance services (CPC 8425)			

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)	1) None	1) None	
(i) Input processing services (CPC 8431)	2) None	2) None	
(ii) Data-processing and tabulation services (CPC 8432)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
(iii) Time-sharing services (CPC 8433)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
(iv) Other data processing services (CPC 8439)			
d) Data base services (CPC 844)	1) None	1) None	
	2) None	2) None	
	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
	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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Other (CPC 845-849)	1) None	1) None	
(i) Maintenance and repair services of office machinery (CPC 845)	2) None	2) None	
(ii) Other computer services (CPC 849)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
- Data-processing services (CPC 8491)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
- Other computer services (CPC 8499)			
- System integration services			
- Software development services			
E. Rental/Leasing Services without Operators			
d) Rental and leasing of studio recording equipment (CPC 83109)	1) None	1) None	
	2) None	2) None	
	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
	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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
r) Printing and publishing (CPC 88442)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
t) Translation and interpretation services (CPC 87905)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) 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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
<b>C. Telecommunication Services</b>			
d) Telex services (CPC 7523**)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	
e) Telegraph services (CPC 7522)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	
f) Paging services (CPC 75291)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	

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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) As indicated in the Horizontal Commitments 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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) 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

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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) As indicated in the Horizontal Commitments 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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) 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

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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) As indicated in the Horizontal Commitments 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 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) Unbound 2) None 3) 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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Telecommunication equipment maintenance services (CPC 75450)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	
D. Audiovisual Services			
a) Motion picture and video tape production and distribution services (CPC 9611)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	
b) Motion picture projection services (CPC 9612)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) 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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Cinema theatre services (CPC 9615)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. Construction Work for Buildings (CPC 512)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
B. Construction Work for Civil Engineering (CPC 513)	1) None 2) None 3) None 4) As indicated in the Horizontal Commitments	1) None 2) None 3) None 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 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
C. Installation Work (CPC 516)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
D. Building Completion and Finishing Work (CPC 517)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
E. Pre-erection Work at Construction Site (CPC 511)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 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 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
E. Renting Services Related to Equipment for Construction or Demolition of Building or Civil Engineering Work with Operator (CPC 518)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
<b>E. EDUCATIONAL SERVICES</b>			
A. Primary education services (CPC 921)	1) None 2) None	1) None 2) None	Due to existing Regulations of education, Primary Education services are to be regulated by Ministry of Education.  Pre-school Education services are to be regulated by Ministry of Education as well as Ministry of Social Welfare Relief and Resettlement.
- Preschool education services (CPC 9211)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
- Other primary education services (CPC 9219)	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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Secondary education services (CPC 922)	1) None 2) None	1) None 2) None	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.  Other secondary Education Services are to be regulated by Ministry of Social Welfare Relief and Resettlement
- General secondary education services (CPC 9221)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
- Technical & vocational secondary education services (CPC 9223)	4) Unbound	4) Unbound	
- Technical & vocational secondary school type education services for handicapped students (CPC 9224)			
C. Higher education services (CPC 923)	1) None 2) None	1) None 2) None	Due to existing Regulations of education, Higher Education Services are to be regulated by Ministry of Education as well as other 4 Concerned Ministries.
- Post-secondary education services (CPC 9231/92310)	3) As indicated in the Horizontal Commitments	3) As indicated in the Horizontal Commitments	
- Other higher education services (CPC 9239/92390)	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

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 - Language courses and training - Business courses	1) None 2) None 3) As indicated in the Horizontal Commitments 4) Unbound	1) None 2) None 3) As indicated in the Horizontal Commitments 4) Unbound	Due to existing Regulations of education, Language courses and training are to be regulated by Ministry of Education.  Business courses are to be regulated by concerned Ministries.
E. Other education services (CPC 929/9290/92900) - 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 2) None 3) As indicated in the Horizontal Commitments 4) Unbound	1) None 2) None 3) As indicated in the Horizontal Commitments 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.

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
information technology; (6) avionics			
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services			
d) Average and loss adjustment services (CPC 81403)	1) None 2) None 3) None 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board.	1) None 2) None 3) None 4) None	
Actuarial Services	1) None  2) None 3) None	1) According to the existing laws & regulations and subject to the permission of Insurance Business Regulatory Board.  2) None 3) According to the existing laws & regulations and subject to the permission of Insurance Business	

## 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
	4) None	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)	1) Subject to CBM's approval	1) Subject to CBM's approval	
Foreign Bank's Branches Services (CPC811)	2) Subject to CBM's approval	2) Subject to CBM's approval	
	3) Foreign Banks are allowed to open their representative offices and branch in Myanmar subject to CBM's approval.	3) Foreign Banks are allowed to open their representative offices and branch in Myanmar subject to CBM's approval.	
	4) Subject to CBM's approval	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	1) Unbound	
	2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.	2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.	
	3) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws.	3) Approval from the Central Bank of Myanmar is required and subject 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.	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.	

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
k) Provision of financial information, and financial data processing and related software by suppliers of other financial services (CPC 8131)	1) Unbound 2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws. 3) Approval from the Central Bank of Myanmar is required and subject 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.	1) Unbound 2) Approval from the Central Bank of Myanmar is required and subject to existing domestic laws. 3) Approval from the Central Bank of Myanmar is required and subject 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.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and Other Lodging Services (CPC 6411/64110)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 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 2) None 3) None 4) None	1) None 2) None 3) None 4) Unbound	
A. Meal serving services in self-service facilities (CPC 6422)	1) None 2) None 3) None 4) None	1) None 2) None 3) Unbound 4) Unbound	
A. Caterer services, providing meals to outside (CPC 6423)	1) None 2) None 3) None 4) None	1) None 2) None 3) Unbound 4) Unbound	
A. Beverage serving services without entertainment (CPC 64310)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 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 2) None 3) None 4) None	1) None 2) None 3) None 4) Unbound	
B. Travel Agencies and Tour Operators Services (CPC 7471)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
a) International Passenger Transport Services (Excluding Cabotage) (CPC 7211)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) International Freight Transport Services (Excluding Cabotage) (CPC 7212)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 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
d) Maintenance and Repair of Vessels (CPC 8868**) Classification Societies	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
C. Air Transport Services			
d) Aircraft Repair and Maintenance Services	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
e) Selling and Marketing of Air Transport Services	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 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) Computer Reservation System Services	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
H. Services Auxiliary to all Modes of Transport			
a) Cargo Handling Services (CPC 741) - Maritime Cargo Handling Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) Storage and Warehousing Services (CPC 742) - Maritime Storage and Warehousing Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	1) None 2) None 3) None 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 (CPC 7480) - Maritime Freight Forwarding Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 80% equity is permitted 4) Unbound	1) None 2) None 3) None 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
<b>HORIZONTAL COMMITMENTS</b>			
All Sectors Included In This Schedule	<p>3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>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.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least</p>	<p>3) <u>Access to Domestic Credit</u></p> <p>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:</p> <p>(a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>(b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries.</p>	

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
	<p>60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p> <p>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u></p> <p>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.</p> <p>1), 2), 3), 4) All measures taken by local government units are unbound.</p>		

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
	<p>1), 2), 3), 4) All measures governing permanent residents are unbound.</p> <p>1), 2), 3), 4) All measures relating to taxation are unbound.</p>	<p>1), 2), 3), 4) All measures taken by local governments units are unbound.</p> <p>1), 2), 3), 4) 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.</p> <p>1), 2), 3), 4) All measures relating</p>	

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  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)	

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
g) Landscape architecture services (CPC 86742)	1) None 2) None 3) Corporate practice is allowed (Section 26, Art. 5, RA 9053) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is allowed (Section 26, Art. 5, RA 9053) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	
e) Mechanical engineering	1) None 2) None 3) Corporate practice is not allowed (Section 36, Art. 4, RA 8495) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is not allowed (Section 36, Art. 4, RA 8495) Limitations in the horizontal section for Professional Services also apply. 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
e) Metallurgical engineering	1) None 2) None 3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is allowed (Section 25, Art. 3 of PD 1536) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	
e) Civil engineering	1) None 2) None 3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is not allowed (Section 24, Art. 5, RA 544, as amended by RA 1582) Limitations in the horizontal section for Professional Services also apply. 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
e) Sanitary engineering	1) None 2) None 3) Corporate practice is allowed (Section 30, Art. 5, RA 1364) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is allowed (Section 30, Art. 5, RA 1364) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	
t) Interior Design Services (CPC 87907)	1) None 2) None 3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534) Limitations in the horizontal section for Professional Services also apply. 4) Unbound	1) None 2) None 3) Corporate practice is not allowed (Section 27, Art. 5, RA 8534) Limitations in the horizontal section for Professional Services also apply. 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 2) None 3) 100 percent foreign equity participation is allowed in the following cases: A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or	1) None 2) None 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
	<p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Unbound</p>	<p>4) Unbound</p>	
<p>b) Software implementation services</p> <ul style="list-style-type: none"> <li>- Systems and software consulting services (CPC 8421)</li> <li>- Systems design services (CPC 8423)</li> <li>- Programming services (CPC 8424)</li> <li>- Systems maintenance services (CPC 8425)</li> </ul>	<p>1) None</p> <p>2) None</p> <p>3) 100 percent foreign equity participation is allowed in the following cases:</p> <p>A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. paid-in equity capital is not less than US\$100,000 for domestic market</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p>	

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
	<p>enterprises employing at least 50 direct employees; or</p> <p>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</p> <p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Unbound</p>	<p>4) Unbound</p>	

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 2) None 3) 100 percent foreign equity participation is allowed in the following cases: A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or D. the service provider exports 60	1) None 2) None 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
	percent or more of its output.  Otherwise, only up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section shall also apply.  4) Unbound	4) Unbound	
E. Rental and Leasing Services without Operators			
a) Leasing/rental of vessels without crew	1) None 2) None 3) None  Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA).  4) Unbound	1) None 2) None 3) None  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 2) None 3) Lease contract subject to approval by the Civil Aeronautics Board 4) Unbound	1) None 2) None 3) None 4) Unbound	
h) Services incidental to mining (CPC 883) Oil and Gas Exploration and Development	1) Unbound* 2) None 3) Up to 100 percent foreign equity participation is allowed provided there is President's approval.  The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum.	1) Unbound* 2) None 3) None  Limitations listed in the horizontal section also apply.	

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 also apply. 4) Unbound	4) Unbound	
Geothermal exploration and development	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section also apply. 4) Unbound	1) Unbound* 2) None 3) None  Limitations listed in the horizontal section also apply. 4) Unbound	
Coal exploration and development	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed.  Limitations listed in the horizontal section also apply. 4) Unbound	1) Unbound* 2) None 3) None  Limitations listed in the horizontal section also apply. 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)  Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section also apply. 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	
Services related to power generation  Construction of power plants (as provided for under the BOT scheme)	1) Unbound* 2) None 3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. Limitations listed in the horizontal section also apply.	1) Unbound* 2) None 3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities. A. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or	

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
		partnerships/corporations with at least 60 percent Filipino equity and duly organized and existing under and by virtue of Philippine laws. B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as BOT. Limitations listed in the horizontal section also apply. 4) Unbound	
Operation of power plants(as provided for under the BOT scheme)	1) Unbound* 2) None 3) None, except that electric cooperative operation is limited to Filipinos. Limitations listed in the horizontal section also apply.	1) Unbound* 2) None 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	
<b>2. COMMUNICATION SERVICES</b>			
All subsectors	<p>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.</p> <p>3) Limitations listed in the horizontal section shall apply.</p>		
<b>C. Telecommunications Services</b>			
<p>The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV)</p> <p>a) Voice telephone services</p>	<p>1) Subject to commercial arrangement with licensed operators</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p>	

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)	A. Franchise from Congress of the Philippines	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	
- Local services			
- Toll services	B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission	B. All executives and managers must be citizens of the Philippines	
- Domestic			
- International	C. Foreign equity is permitted up to 40 percent	Limitations as indicated in horizontal section for communication services also apply.	
b) Packet-switched data transmission services (CPC 7523**)	D. Resale of private leased lines is not allowed <sup>1</sup>		
c) Circuit-switched data transmission services (CPC 7523**)	E. Private leased circuit services shall not be connected to a public network (PSTN)		
d) Telex services (CPC 7523**)	F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized		
e) Telegraph services (CPC 7522)			
f) Facsimile services (CPC 7521** + 7529**)			
g) Private leased circuit services (CPC 7522** + 7523)			
o) Other			
- Cellular mobile telephone service			

<sup>1</sup> 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) - Satellite services	<p>G. Subject to the availability and efficient utilization of radio frequencies.</p> <p>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>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.</p> <p>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p>		

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
	<p>Limitations as indicated in horizontal section for communication services also apply.</p> <p>4) Unbound</p>	<p>4) Unbound</p>	
<p>Data and message transmission services</p> <p>Data network services (CPC 75231)</p> <p>Electronic message and information services (CPC 75232)</p>	<p>1) Unbound<sup>2</sup></p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>a. Franchise from Congress of the Philippines</p> <p>b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p>c. Foreign equity is permitted up to 40 percent</p> <p>d. Resale of private leased lines is not</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>a. The number of non-Pilipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity</p> <p>b. All executives and managers must be citizens of the Philippines</p> <p>Limitations as indicated in horizontal section for</p>	

<sup>2</sup> Shall be reviewed in the future in accordance with the developments of its laws and regulations.

## 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
	allowed <sup>3</sup>	communication services also apply.	
	e. Private leased circuit services shall not be connected to a public network (PSTN)		
	f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized		
	g. Subject to the availability and efficient utilization of radio frequencies		
	h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers		
	i. Philippine satellite operators		

3 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
	shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered		
	j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements		
	Limitations as indicated in horizontal section for communication services also apply.		
	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
<p>2. Interconnection</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>3. Universal Service</p> <p>Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.</p> <p>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.</p> <p>4. Public availability of licensing criteria</p> <p>Where a license is required, the following shall be made publicly available:</p> <p>(a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;</p> <p>(b) the terms and conditions of individual licenses</p> <p>The reasons for the denial of a license will be made known to the applicant upon request.</p>			

## 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
<p>5. Independent regulators</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. Allocation and use of scarce resources</p> <p>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.</p>			
Value added services i.e.	1) Unbound <sup>4</sup>	1) None	
h) electronic mail (CPC 7523**)	2) None	2) None	
l) value added facsimile service (CPC 7523**)	3) Entry is subject to the following requirements:	3) Entry is subject to the following requirements and conditions:	
m) code and protocol conversion	<p>a. Foreign equity is permitted up to 40 percent</p> <p>b. Must register with the Philippines</p>	<p>a. The number of non-Filipino citizens on the Board of Directors of an entity shall be</p>	

<sup>4</sup> Shall be reviewed in the future in accordance with the developments of its laws and regulations.

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
	regulatory body but is not allowed to build its own network  Limitations as indicated in horizontal section for communication services also apply.  4) Unbound	proportionate to the aggregate share of foreign capital of that entity  b. All executives and managers must be citizens of the Philippines  Limitations as indicated in horizontal section for communication services also apply.  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		

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 Philippines.  For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.  In banking, the Monetary Board shall ensure that at all times seventy per cent (70%) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.  3), 4) Limitations listed in		

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	<p>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</p> <p>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</p> <p>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</p>	<p>4) Each employed non-Filipino citizen shall have at least two Filipino understudies</p>	

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
<p>a) Life insurance as follows:</p> <ul style="list-style-type: none"> <li>- Ordinary</li> <li>- Group</li> <li>- Industrial</li> <li>- Health and accident</li> <li>- Annuities</li> </ul>	<p>1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines</p> <p>2) Same as above</p> <p>3) Commercial presence required subject to:</p> <p>A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic insurance company; or</p> <p>B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company; and</p> <p>C. Participation of non-Filipino citizens in the Board of Directors of locally incorporated insurance company</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p>	

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
	<p>is proportional to the percentage of foreign equity.</p> <p>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</p>	4) Unbound	
<p>b) Non-life:</p> <ul style="list-style-type: none"> <li>- Fire</li> <li>- Marine</li> <li>- Casualty</li> <li>- Surety</li> </ul>	<p>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</p> <p>2) Same as 1) above</p> <p>3) Commercial presence required subject to:</p> <p>A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic insurance company</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p>	

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
	<p>B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company</p> <p>C. Participation of non-Filipino citizen in the Board of Directors of locally incorporated insurance company is proportional to the percentage of foreign equity</p> <p>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</p>	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	<p>1) Priority cessions to authorized insurance/reinsurance companies</p> <p>2) A. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission</p> <p>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</p> <p>3) Commercial presence required subject to:</p> <p>A. Acquisition of up to sixty percent (60%) of voting stock of an existing domestic</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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
	<p>insurance company</p> <p>B. Investments of up to sixty percent (60%) of the voting stock of new locally incorporated insurance company</p> <p>C. Participation of non-Filipino citizen in the Board of Directors of locally incorporated insurance company is proportional to the percentage of foreign equity</p> <p>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</p>	<p>4) Unbound</p>	

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: - Actuaries, average adjusters	1) None 2) None 3) Commercial presence required subject to foreign equity limitation of 50% or joint venture 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 2) None 3) None 4) Unbound	
B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)			
Commercial banking	1) Commercial presence is required	1) None	
a) Acceptance of deposits and other repayable funds from the public	2) None	2) None	
b) Lending of all types, including consumer credit, mortgage credit and financing of commercial transaction	3) <u>I. Forms of commercial Presence</u>  A foreign bank, widely-owned and publicly listed, may avail itself only of one form of commercial presence at a time. However,	3) None	
d) All payment and money transmission services,			

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
including credit, charge and debit cards, travellers cheques and bankers drafts	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.		
e) Guarantees and commitments	(a) Establishment of foreign bank branches		
f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	Bound for ten (10) new licenses for the period 1995-2000. Full banking authority to new and existing foreign bank branches.		
- money market instruments (bank's own promissory notes, repurchase agreements, and certificates of assignment/participation with recourse);	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.		
- foreign exchange;	The prescribed capital shall consist of the permanently assigned		
- derivative products including, but not limited to, futures and options;			
- exchange rate and interest rate instruments, including products			

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
such as swaps, forward rate agreements; and - other allowable negotiable instruments and financial assets 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 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. (b) Acquisition of up to sixty percent (60%) of the voting stock of an existing domestic bank. (c) Investing in up to sixty percent (60%) of the voting stock of a new locally incorporated banking subsidiary.  Non-Filipino citizens may become members of the Board of Directors of a bank to the extent of the foreign		

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
	participation in the equity of said bank.  For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation.  <u>II. Scope of operations</u>  Prior authorization is required for the following:  - acceptance of deposit substitutes		

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
	<p>and other repayable funds from the public;</p> <ul style="list-style-type: none"> <li>- guarantees and commitments;</li> <li>- performance of trust, investment management and other fiduciary functions;</li> <li>- foreign currency deposit unit operations;</li> <li>- derivatives activities</li> </ul> <p>Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority.</p> <p>4) Unbound, except as provided in the horizontal section</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies</p>	

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
h) Money broking and foreign exchange broking	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Required to be organized as a commercial bank or a non-bank financial intermediary.</p> <p>For commercial banks, all other limitations mentioned in mode 3 above for commercial banks shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.</p> <p>4) Unbound, except as provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) For commercial banks and financing companies, foreign service suppliers shall perform technical functions only, with Filipino understudy</p>	

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	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Required to be organized as a commercial bank or non-bank financial intermediary</p> <p>For commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply.</p> <p>Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary.</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies</p>	

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	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section</p>	
<p>k) Financial advisory services as follows:</p> <ul style="list-style-type: none"> <li>- Credit reference and analysis</li> <li>- Investment and portfolio research and advice</li> </ul>	<p>1) None</p> <p>2) None</p> <p>3) Required to be organized as a commercial bank, or an investment house, or a non-bank financial intermediary</p> <p>For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply.</p> <p>For investment houses, all limitations mentioned under mode 3 for investment houses shall apply.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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.  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	
Investment houses: - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of corporations - Participate as soliciting dealer of selling group member in tender offers, block sales, or exchange offering of securities - Dealing in options, rights or warrants relating to securities - Act as financial consultant, investment adviser or broker	1) Commercial presence is required 2) None 3) Must be organized as a stock corporation  Subject to foreign equity limitation of fifty one percent (51%) of the voting stock, subject to reciprocity.  The majority of the members of the Board of Directors shall be citizens of the Philippines.  An investment house is not allowed to engage in banking operations.	1) None 2) None 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
- Act as portfolio manager/financial agent - Design pension, profit-sharing and other employee benefits plans	Prior authorization is required for the performance of quasi-banking functions.  4) Unbound, except as provided in the horizontal section	4) Unbound, except as provided in the horizontal section	
Factoring	1) Commercial presence is required 2) None 3) Must be performed by a financing company only, organized as a corporation.  Subject to foreign equity limitation of forty percent (40%) of the voting stock, subject to reciprocity.  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 2) None 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 2) None 3) Must be performed by a financing company only, organized either as a corporation or general partnership  Subject to foreign equity limitation of forty percent (40%) of the voting stock, subject to reciprocity.  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 2) None 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.	
Securities dealership/brokerage f) Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following:  - Equities and its derivative products such as warrants and options  - Transferable securities	1) Commercial presence is required 2) None 3) Must be performed by an investment house or as a securities broker/dealer organized as a corporation  For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.  For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200.  Underwriting is allowed only on best-effort basis.	1) None 2) None 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) 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	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Must be performed by an Investment House or as a securities broker/dealer organized as a corporation</p> <p>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.</p> <p>For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200.</p> <p>Underwriting is allowed only on best-effort basis.</p> <p>4) Unbound, except as provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section</p>	

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	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Must be organized as a corporation with at least one certified public accountant duly licensed in the Philippines</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section</p>	
Transactions of an issuer primarily engaged in the business of investing, reinvesting or trading securities	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Must be performed by an investment company</p> <p>Foreign equity bond at forty percent (40%).</p> <p>All members of the Board of Directors must be citizens of the Philippines</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as those provided in the horizontal section</p>	

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 2) None 3) Foreign equity bond at forty percent (40%) 4) Unbound, except as those provided in the horizontal section	1) None 2) None 3) None 4) Unbound, except as those provided in the horizontal section	
Stock broker dealer	1) Commercial presence is required 2) Unbound 3) A. Forms of commercial presence 1. Foreign equity participation in domestic corporation 2. Establishment of a branch office by a foreign corporation in the Philippines B. Scope of operations prior registration with the Philippine	1) None 2) None 3) None	Philippine SEC reserves the right to rationalized domestic registration procedures in its effort to promote cross border trading. For branch offices of foreign corporations: 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

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
	Securities and Exchange Commission as a stock broker dealer is required before it can engage in the buying and selling of securities. C. Establishment of stock broker dealer branches all over the country 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. 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.

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
	<p>stock broker dealer to the extent of foreign equity participation in the said stock broker dealer.</p> <p>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.'</p> <p>4) Unbound, except as those provided in the horizontal section</p>	<p>4) Generally none but subject to Philippine labor laws</p>	
Salesman of a stock broker dealer	<p>1) Unbound</p> <p>2) Unbound</p> <p>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</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>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:</p>

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
	<p>4) Unbound, except as provided in the horizontal section</p>	<p>4) Generally none but subject to Philippine labor laws</p>	<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(4) The salesman maintains active status of his</p>

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
			<p>registration and license as such in his home country; and</p> <p>(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.</p> <p>Philippine SEC reserves the right to rationalize domestic registration procedures in its effort to promote cross border trading.</p> <p>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</p>

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
			providers/suppliers of member countries that accord similar treatment to Filipino financial service suppliers in their country, on a discriminatory basis.
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel/Lodging services (CPC 64110)	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section</p> <p>4) Unbound</p>	
A. Restaurants (CPC 6421-64310)	<p>1) Unbound*</p> <p>2) None</p> <p>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.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million is maintained. Prior notification of cessation of operation. Foreign nationals may also establish</p>	

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
	<p>Foreign nationals may also establish branches provided that the minimum paid in capital of US\$ 830,000.00 per restaurants are complied.</p> <p>Limitations listed in the horizontal section also apply.</p>	<p>additional branches provided that the minimum paid in capital of US\$830,000.00 per restaurant are maintained.</p> <p>Prior notification for opening and closing of branches/stores.</p> <p>Provided further that 30% local inventory requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied.</p> <p>Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports:</p> <p>(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;</p>	

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
		<p>(b) An audited financial statement and income tax return;</p> <p>(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.</p> <p>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.</p>	

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	Limitations listed in the horizontal section shall apply. 4) Unbound	
B. Travel Agencies (CPC 74710)	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound	
D. Professional Congress Organizers	1) None 2) None 3) 60% foreign equity is allowed Limitations listed in the horizontal section also apply 4) Unbound	1) None 2) None 3) None, except as indicated in the horizontal section 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. Limitations listed in the horizontal section shall also apply. 4) Only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five (5) years upon entry. Each employed alien should have at least two (2) Filipino understudies.		

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.		
<b>A. Maritime Transport Services</b>			
a), b) International Transport (passenger and freight) (CPC 7211 and 7212), except (a) cabotage transport, and (b) government-owned cargoes <sup>5</sup>	1) None 2) None 3) None, except as indicated in the horizontal section for transport services 4) Unbound	1) None 2) None 3) None 4) Unbound	
d) Maintenance and repair of vessels	1) Unbound* 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) 3) None	1) Unbound* 2) None 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.

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	
<b>C. Air Transport Services</b>			
d) Maintenance and repair of aircraft (CPC 8868)	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None, except as indicated at the horizontal section 4) Unbound	
e) Selling and marketing of air transport <sup>6</sup> General Sales Agent (GSA) and Cargo Sales Agent (CSA)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None, except as indicated in the horizontal section 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).

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
Off-line carriers	1) None, except CAB permit is required 2) None 3) None, except a GSA must be approved by CAB and the appointment of a resident agent 4) Unbound	1) None 2) None 3) None, except as indicated in the horizontal section 4) Unbound	
E. Rail Transport Services			
a), b) Passenger and freight transport (CPC 7111 and 7112)	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	
d) Maintenance and repair of rail transport equipment (CPC 8868**)	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 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) Passenger and freight transport (CPC 7121 and 7123)	1) Unbound* 2) None 3) Provisional authority/certificate of public convenience must be secured from the Land Transportation Franchising and Regulatory Board (LTFRB)  New entrants are subject to economic needs test, as follows: (a) the need to provide protection to investments of operators in unserved areas/development routes; and (b) the route measured capacity test for number of vehicles 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 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) Maintenance and repair of road vehicles (CPC 6112)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
G. Pipeline Transport (CPC 713)	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed Limitations listed in the horizontal section also apply. 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	
H. Services Auxiliary to All Modes of Transport			
a) Cargo handling services (CPC 741)	1) Unbound* 2) None	1) Unbound* 2) None	
b) Storage and warehouse services Container yard and depot services	3) None, except as indicated in the horizontal section 4) Unbound	3) None, except as indicated in the horizontal section 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* 2) None 3) None, except as indicated in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None, except as indicated in the horizontal section 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 2) None 3) As in mode 1 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
c) Taxation services, except for other taxation services (CPC 863**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
d) Architectural services (CPC 8671)		<p>1) None</p> <p>2) None</p> <p>3) <u>Limited Corporations</u></p> <p>(a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate;</p> <p>(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</p>	<p>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</p> <p>2) None</p> <p>3) None</p>	

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
		<p>corporation who is a registered architect ordinarily resident in Singapore and who has in force a valid practising certificate.</p> <p><u>Unlimited Corporations</u></p> <p>(a) at least 51% of its directors shall be registered architects or allied professionals who each has in force a valid practising certificate; and</p> <p>(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</p>		

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
		resident in Singapore and who has in force a valid practising certificate.  <u>Partnership</u>  (a) The beneficial interest in the capital assets and profits of the partnership must be held by registered architects or allied professionals who each has in force a valid practicing certificate;  (b) the business of the partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily resident in Singapore and who		

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
		has in force a valid practising certificate.  <u>Limited Liability Partnership</u>  (a) at least one of the partners of the limited liability partnership is an architect or allied professional who has in force a valid practising certificate;  (b) the business of the limited liability partnership, so far as it relates to architectural services in Singapore, will be under the control and management of a partner who is a registered architect ordinarily resident in Singapore and who has in force a		

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
		valid practising certificate. 4) Unbound, except as indicated in the horizontal section	4) Unbound	
e) Engineering services (CPC 8672**)		1) None  2) None 3) <u>Limited Corporations</u> (a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practicing certificate; (b) the business of the corporation,	1) None, except that the implementation in Singapore of engineering works which require approval by the authorities has to be carried out by a professional engineer physically present in Singapore 2) None 3) None	

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
		so far as it relates to professional engineering work in Singapore, will be under the control and management of a director of the corporation who is a registered professional engineer who has in force a valid practicing certificate  <u>Unlimited Corporation</u> (a) at least 51% of its directors shall be registered professional engineers or allied professionals who each has in force a valid practicing certificate; and (b) the business of the corporation, so far as it relates to professional engineering work		

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
		<p>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.</p> <p><u>Multi-Disciplinary Partnership</u></p> <p>(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</p> <p>(b) the business of the partnership, so far as it relates to professional engineering work</p>		

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
		<p>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.</p> <p><u>Limited Liability Partnership</u></p> <p>(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;</p> <p>(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</p>		

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
		management of a partner who is a registered professional engineer who has in force a valid practicing certificate.  4) Unbound, except as indicated in the horizontal section	4) Unbound	
f) Integrated engineering services (CPC 8673)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
g) Landscaping services (CPC 86742**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
h) Medical services, specifically general medical services (CPC 93121)		1) Unbound* 2) None 3) None, other than the number of new foreign doctors registered each year may be limited depending on the total supply of doctors	1) None 2) None 3) None	
h) Specialised medical services (CPC 93122)		4) Unbound, except as indicated in the horizontal section	4) Unbound	
h) Dental services (CPC 93123)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
i) Veterinary services (CPC 932 / 9320)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
<b>B. Computer and Related Services</b>				
a) Consultancy services related to the installation of computer hardware (CPC 84100)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
b) Software implementation services (CPC 842)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
c) Data processing		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
d) Database services (CPC 84400)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
<b>C. Research and Development Services</b>				
a) R&D services on natural sciences, specifically biotechnology services and industrial research (CPC 85102 - 85103)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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) R&D services on social sciences and humanities specifically economic and behavioural research (CPC 852**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
c) Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
D. <u>Real Estate Services</u> 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 2) None 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 2) None 3) None, except that only	

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
		the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore 4) Unbound, except as indicated in the horizontal section	the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore 4) Unbound	
E. Rental and Leasing Services without Operators				
a) Relating to ships (CPC 83103)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
d) Leasing or rental services concerning construction machinery and equipment services without an operator (CPC 83107)		1) None 2) None 3) Maximum foreign equity participation should not exceed 30% 4) Unbound, except as	1) None 2) None 3) Unbound 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
		indicated in the horizontal section		
d) Rental and leasing of studio recording equipment (CPC 83109)		1) None 2) None 3) Maximum foreign equity participation should not exceed 51% 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
e) Leasing or rental services concerning personal and household goods (CPC 832)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
F. Other Business Services				
a) Advertising services (CPC 8711, 8712, 8719)		1) None 2) None 3) None 4) Unbound, except as	1) None 2) None 3) None 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
		indicated in the horizontal section		
b) Commercial market research services (CPC 86401)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
c) Management consulting services (CPC 865)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
e) Technical testing and analysis services, excluding testing and analysis services of automobiles (CPC 8676**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
e) Testing and Analysis of services of automobiles (CPC 86763**)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 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 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
o) Building cleaning services (CPC 874)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
p) Photographic services (CPC 875)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
q) Packaging services (CPC 876)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
s) Convention services and exhibition management services (CPC 87909**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
t) Translation/ interpretation services (CPC 87905)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
t) Interior design services, excluding architecture (CPC 87907**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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>2. COMMUNICATION SERVICES</b>				
<b>B. Courier Services</b>		1) Unbound 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
<b>C. Telecommunication Services</b>				
General conditions statement				
Commitments undertaken in this schedule are subject to the following conditions:				
1. The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum.				
2. This excludes services regulated under the Broadcasting Act.				
Basic Telecommunication services (facilities-based)		1) Subject to commercial arrangements with licensed operator(s) 2) None 3) Up to two additional operators will be licensed in 1998 for the provision of these services commencing 1	1) None 2) None 3) None	As annexed.
a) Public switched services <sup>1</sup> (local and international)				
b) Leased circuit services (local and international)				

1 This includes voice, data facsimile, telex and telegraph 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
		April 2000. Thereafter, additional licences will be granted.  A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.  4) Unbound, except as indicated in the horizontal section	4) Unbound	
Mobile services <sup>2</sup> a) Public mobile data service (PMDS) b) Public trunked radio service (PTRS) c) Public radio paging service (PRTS) d) Public cellular mobile telephone service (FCMTS)		1) Subject to commercial arrangements with licensed operator(s)  2) None  3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed  4) Unbound, except as indicated in the horizontal section	1) None  2) None  3) None  4) Unbound	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: a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network) b) Leased Circuit Services (local and international) (without connection to the public switched network) c) Public cellular mobile telephone services d) Public radio paging services		1) None  2) None  3) None  4) Unbound, except as indicated in the horizontal section	1) None  2) None  3) None  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 <sup>3</sup> These services covered are: - Store-and-retrieve VAN services (S&R) - Store-and-forward VAN services (S&F) - Electronic mail - Voice mail - On-line information and data base retrieval - Electronic data interchange - 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)  The basic requirements for VAN licence are: - Foreign companies are required to either set up a local branch of their company duly registered with the Registry of Companies and Businesses in Singapore, or grant a power of attorney to a local agent for the provision of their VAN services in Singapore.  - VAN does not carry traffic which resembles any of the basic	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.

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
		telecommunication services 2) None 3) Same as Mode 1 4) Unbound, except as indicated in the horizontal section	2) None 3) None 4) Unbound	
<b>D. Audiovisual services</b>				
i) The services covered are production, distribution and public display of - motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC9611,CPC9612)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being - Free-to-air broadcasting				

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
<ul style="list-style-type: none"> <li>- Cable and pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Teletext</li> </ul>				
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>				
Construction services (CPC 511 - 518)		1) None	1) None	
Consisting of:		2) None	2) None	
A. General Construction for Buildings (CPC 512)		3) None	3) None	
B. General Construction for Civil Engineering (CPC 513)		4) Unbound, except as indicated in the horizontal section	4) Unbound	
C. Installation and Assembly Work (CPC 514 + 516)				
D. Building Completion and Finishing Work (CPC 517)				
E. Other (CPC 511 + 515 + 518)				

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>4. DISTRIBUTION SERVICES</b>				
Horizontal limitations on Market Access and National Treatment				
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.				
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 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
B. Wholesale Trade Services except for pharmaceutical and medical goods and surgical and orthopaedic instruments (CPC 622**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

## 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
D. Franchising Services (CPC 8929**)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
5. EDUCATION SERVICES				
Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purpose of admission, registration and qualification for professional practice in Singapore.				
D. Adult Education Services (CPC 924)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
6. ENVIRONMENTAL SERVICES				
c. Sanitation and Similar Services (CPC 9403)		1) Unbound* 2) None 3) None 4) Unbound, except as	1) Unbound* 2) None 3) None 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
		indicated in the horizontal section		
D. Other				
Cleaning of exhaust gases (CPC 9404)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
Noise abatement services(CPC 9405)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
7. FINANCIAL SERVICES				
A. All Insurance and Insurance-Related Services				
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		<p>1) Unbound</p> <p>2) None</p> <p>3) These measures are also limitations on National Treatment</p> <p>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.</p> <p>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.</p> <p>4) Unbound, except as indicated in the</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

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
		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		<p>1) Unbound</p> <p>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.</p> <p>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.</p> <p>Unbound for licensing of new insurance companies and establishment of new representative offices.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

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
c) Reinsurance and retrocession		1) None 2) None 3) None, except reinsurance companies must be established as branches or subsidiaries 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
d) Insurance intermediation comprising broking and agency services		1) Unbound 2) These measures are also limitations on National Treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic 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 2) None	

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
		indemnity clubs. 3) These measures are also limitations on National Treatment  Unbound, except for admission of direct <sup>4</sup> insurance and reinsurance brokers as locally incorporated subsidiaries. 4) Unbound, except as indicated in the horizontal section	3) Unbound   4) Unbound	
d) Services auxiliary to insurance, comprising actuarial, loss adjustors, average adjustors and consultancy services		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

<sup>4</sup> 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				
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 2) None 3) These measures are also limitations on national treatment  Only institutions licensed or approved as banks, merchant bank and finance companies can accept deposits.  Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-a-vis the home country depositors in receivership or winding-up	1) Unbound 2) None 3) <u>Commercial Banks</u>  Foreign banks can operate from only one office (excluding back-office operations).  They cannot establish off-premise ATMs and ATM networking and new sub-branches. Unbound for provision of all electronic banking services.  Location of banks and relocation of banks and sub-branches require prior approval from MAS.  Wholesale banks can only accept foreign currency fixed	

## 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
		proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore Law.  Establishment and operation of foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B (1) and the following limitations:  <u>Commercial Banks</u>  No new full and wholesale banks. New foreign banks may only establish as offshore bank branches or representative	deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit.  Offshore banks can accept foreign currency fixed deposits from residents and non-residents.  A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents. <sup>5</sup>  <u>Merchant Banks</u>  Merchant banks can operate from only one office (excluding back-office operations). Location	

<sup>5</sup> 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.

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
		<p>offices. Representative offices cannot conduct businesses or act as agents.</p> <p>Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents.</p> <p>A single/related group of foreign shareholders can only hold up to 5% of a local bank's shares.</p> <p><u>Merchant Banks</u></p> <p>Foreign Banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.</p> <p><u>Finance Companies</u></p> <p>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</p>	<p>and relocation of merchant banks require MAS' prior approval.</p> <p>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.</p> <p><u>Financial Companies</u></p> <p>Location of finance companies and relocation of sub-branches require MAS' approval.</p> <p>Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches.</p>	

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
		<p>is:</p> <p>(a) In the case of a natural person, not a citizen of Singapore and</p> <p>(b) in the case of a corporation, not controlled by citizens of Singapore</p> <p>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.</p>		

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
		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.  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. 2) None 3) These measures are also limitations on National Treatment. (i) Other than in-house credit cards, credit and charge cards may	1) None  2) None 3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S\$200m in aggregate.  Offshore banks should not use their related	

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
		be issued by card issuers approved by MAS subject to MAS' guidelines.  (ii) Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.  Financial entities shall not extend S\$ credit facilities to non-resident financial entities if there is reason to	merchant banks to circumvent the S\$200m lending limit.  Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.	

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
		believe that S\$ proceeds may be used for currency speculation.  (iii) Establishment of credit companies which do not conduct activities requiring MAS' approval is allowed.  4) Unbound, except as indicated in the horizontal section	4) Unbound	
c) Financial leasing		1) None 2) None 3) None, except as indicated for activity B(b) above 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except as indicated for activity B(b) above 4) Unbound	
d) Payment and money transmission services, including credit, charge and debit cards,		1) Unbound 2) None 3) These measures are also limitations on	1) Unbound 2) None 3) None	

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
travellers cheques and bankers drafts		National Treatment  Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens and are required to be licensed by MAS.  Bankers' drafts can only be issued by banks.  Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS.  The limitations indicated in B(b) (3) above also apply to the activities listed in B (d).  4) Unbound, except as indicated in the horizontal section	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
e) Guarantees and commitments		<p>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</p> <p>2) None</p> <p>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</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

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
f) Trading for own account or for account of customers, whether on an exchange, in an over the counter market or otherwise, the following: <ul style="list-style-type: none"> <li>- money market instruments (including cheques, bills, certificates of deposits)</li> <li>- foreign exchange</li> <li>- derivative products, including financial futures and options</li> <li>- exchange rate and interest rate instruments, including swaps and forward rate agreements</li> <li>- transferable securities</li> </ul>		<p>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.</p> <p>2) None</p> <p>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.</p> <p>Financial futures brokers can establish as branches or subsidiaries.</p> <p>The offer of derivative products by both local and</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in activity B(b) above</p>	

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
- other negotiable instruments and financial assets, including bullion		<p>foreign-owned financial institutions is allowed provided:</p> <ul style="list-style-type: none"> <li>- 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;</li> <li>- 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</li> <li>- MAS is satisfied that the financial institution has and continues to have the financial</li> </ul>		

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
		<p>strength and adequate internal controls and risk management systems to trade in these products.</p> <p>The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B(b) (3) (iii).</p> <p>Money changers, except where the money changing business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	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
g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of services related to such issues		<p>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.</p> <p>2) None</p> <p>3) Measures taken are also limitations on National Treatment</p> <p>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.</p> <p>Representative offices</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated for activity B(b) above</p>	

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
		<p>cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interest in SGX-ST member companies.</p> <p>Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries.</p> <p>Unbound for new Primary and Registered dealers of Singapore Government Securities.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) Unbound</p>	

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
h) Money broking		1) Unbound 2) None 3) Unbound for new money brokers. Measures taken are also limitations on National Treatment 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound	
i) Asset Management, such as cash or portfolio management, all forms of collective investment management, custodial depository and trust services		1) Unbound 2) None 3) These measures are also limitations on National Treatment. Asset management companies, custodial depositories, and trust services companies can establish as branches or subsidiaries.  Only the Central Depository Pte Ltd is authorised to provide securities custodial depository services under the scripless	1) Unbound 2) None 3) None	

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
		trading system.  Unbound for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory saving scheme. 4) Unbound, except as indicated in the horizontal section	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 2) None 3) These measures are also limitations on National Treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository	1) Unbound 2) None 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
		horizontal section		
1) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services		<p>1) Unbound, except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment.</p> <p>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.</p> <p>2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on</p>	<p>1) None for the provision of financial information by providers such as Reuters and Bloomberg</p> <p>2) None</p>	

## 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
		national treatment.		
		3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks.	3) None	
		4) Unbound, except as indicated in the horizontal section	4) Unbound	
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>				
B. Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193**)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	

## 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>C. Social Services</b>				
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 2) None, except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore 3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore 3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded 4) Unbound	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>				
<b>A. Hotels and Restaurants</b>				
Hotel lodging services (CPC 64110)		1) Unbound* 2) None 3) None	1) None 2) None 3) None	

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) Unbound, except as indicated in the horizontal section	4) Unbound	
Restaurant and catering services (CPC 64210 / 64230)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
Beverage serving services for consumption on the premises <sup>6</sup> (CPC 643**)		1) None 2) None 3) Unbound, except up to 70% equity participation permitted 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

6 Excluding food serving services in air and maritime transport 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
B. Travel Agencies and Tour Operators (CPC 7471)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
C. Tourist Guides Services (CPC 7472)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)				
A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619)		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
C. Library services		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
11. TRANSPORT SERVICES				
A. Maritime Transport Services				
a), b) International maritime passenger and freight transport (CPC 7211** and CPC 7212**) less cabotage		1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act 4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XVIII(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:  - pilotage;  - towing and tug assistance;  - provisioning fuelling and watering;

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
				- garbage collecting and ballast;  - waste disposal;  - port captain's services;  - navigation aids emergency;  - repair facilities;  - anchorage; and  - 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: Shipping agency services		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	

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
d) Shipping brokerage services		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE				
Washing, cleaning and dyeing services (CPC 9701)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	
Hairdressing and other beauty services (CPC 97030**)		1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 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* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound	

Types of Social Services Excluded from Singapore's Schedule of Commitments	Reference Paper
<p>1. Statutory Supervision Services With Accommodation for the following types of clients (CPC 9331):</p> <ul style="list-style-type: none"> <li>(a) women and girls detained in a place of safety under Section 160 of the Women's Charter (CPC 93312);</li> <li>(b) children detained in a place of safety under Section 8 of the Children &amp; Young Persons (CYP) Act (CPC 93312);</li> <li>(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<sup>7</sup> under Section 44 (1) (g) of the CYP Act (CPC 93319);</li> <li>(d) children and young persons admitted to an approved home for statutory supervision under Section 49 (ii) of CYP Act (CPC 93312);</li> <li>(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).</li> </ul> <p>2. Statutory Supervision Services With Accommodation for the following types of clients (CPC 9332):</p> <ul style="list-style-type: none"> <li>(a) children and young persons placed under supervision of an appointed welfare officer under Section 49 (1) of the CYP Act (CPC 93329);</li> <li>(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).</li> </ul>	<p><u>Scope</u></p> <p>The following are definitions and principles on the regulatory framework for the basic telecommunications services.</p> <p><u>Definitions</u></p> <p><u>Users</u> mean service consumers and service suppliers.</p> <p><u>Essential facilities</u> mean facilities of a public telecommunications transport network or service that:</p> <ul style="list-style-type: none"> <li>(a) are exclusively or predominantly provided by a single or limited number of suppliers; and</li> <li>(b) cannot feasibly be economically or technically substituted in order to provide a service.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>(a) control over essential facilities; or</li> <li>(b) use of its position in the market.</li> </ul> <p>1. <u>Competitive safeguards</u></p> <p>1.1. <u>Prevention of anti-competitive practices in telecommunications</u></p> <p>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.</p> <p>1.2. <u>Safeguards</u></p> <p>The anti-competitive practices referred to above shall include in particular:</p> <ul style="list-style-type: none"> <li>(a) engaging in anti-competitive cross-subsidization;</li> <li>(b) using information obtained from competitors with anti-competitive results; and</li> </ul>

<sup>7</sup> 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.

(c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

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

### 2.2. Interconnection to be ensured

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

(a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

(b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3. Public availability of the procedures for interconnection negotiations

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

### 2.4. Transparency of interconnection arrangements

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

### 2.5. Interconnection: dispute settlement

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

(a) at any time or

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

## 3. Universal service

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

### 4. Public availability of licensing criteria

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

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

(b) the terms and conditions of individual licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

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		<p>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</p> <p>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.</p> <p>3.2. Foreign equity participation must not exceed 70 per cent of the registered capital or unless otherwise specified in the</p>	<p>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</p> <p>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</p> <p>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</p>	

## 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
		<p>sector-specific commitments, owned, or controlled by foreigner(s) must meet the following conditions:</p> <p>a. Shall operate through joint-venture with juridical person of Thai national;</p> <p>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.</p> <p>c. a minimum capital requirement rate referred to applicable laws and regulations of</p>	<p>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.</p> <p>Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, and nationality requirement.</p> <p>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.</p>	

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
		<p>Thailand shall be applied to limited liability company or the legal entity of another party;</p> <p>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;</p> <p>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</p> <p>f. The number of foreign</p>		

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
		<p>shareholders must be less than half of the total number of shareholders of the company concerned.</p> <p>4) Temporary movement of natural persons is unbound except in the following categories:</p> <p>I. Short-term Business Visitor;</p> <p>II. Intra-corporate transferee (ICT):</p> <ul style="list-style-type: none"> <li>- Manager</li> <li>- Executive</li> <li>- Specialist</li> </ul> <p>A natural person shall meet criteria<sup>1</sup> 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</p>	<p>4) Unbound, except as provided in the Market Access column</p>	

<sup>1</sup> 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
		<p>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.</p> <p>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.</p>	<p>3), 4) A natural person or juridical person of another Party are not allowed to purchase or own land in Thailand.</p> <p>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.</p>	

## 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>SECTOR SPECIFIC COMMITMENTS</b>				
<b>1. BUSINESS SERVICES</b>				
<b>A. Professional Services</b>				
a) Legal services (CPC 86111 + 86119 + 86120 + 86130 + 86190)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
b) Accounting, auditing and bookkeeping (CPC 86211 to 86213 + 86219 + 86220)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
d) Architectural services (CPC 86711 to 86714 + 86719)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

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 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
g) Urban planning and landscape architectural services (CPC 86741 to 86742)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
k) Other professional services  Weather forecasting and meteorological services (CPC 1.1: 83550)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 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>B. Computer and Related Services</b>				
a) Consultancy services related to the installation of computer hardware (CPC 84100)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Hardware consultancy services (CPC 1.1: 83141**)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) Software implementation services (CPC 842)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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
Software consultancy services (CPC 1.1: 83142**)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310 + 84320 + 84330 + 84390)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Data processing services (excluding those provided over public telecommunications network) (CPC 1.1: 85960)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 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) Data base services (excluding those provided over public telecommunications network) (CPC 84400)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
e) Other computer services: Maintenance and repair services of office machinery and equipment including computers (CPC 84500)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
<b>C. Research and Development Services</b>				
b) Research and experimental development services in linguistics and languages (CPC 1.1: 81240**)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) unbound 2) None 3) None 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>D. Real Estate Services</b>				
Residential condominium management services on a fee or contract basis (CPC 1.1:72211**)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
<b>E. Rental and Leasing Services without Operators</b>				
d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106 - 83109)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
<b>F. Other Business Services</b>				
a) Advertising services (CPC 871)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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
b) Market research and public opinion polling services (CPC 86401 to 86402)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
c) Management consulting services  General management consulting services (CPC 86501)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	1) None 2) None 3) None 4) As indicated in the horizontal section	
Human resources management consulting services (CPC 86504)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 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) Technical testing and analysis services  Composition and purity test and analysis services and technical testing and analysis services (CPC 86761 + 86769)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
f) Services incidental to agriculture (CPC 881)  Consultancy services on agricultural extension - soil preparation - seed production - plant protection - harvesting - grading - packing - storing		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
Soil survey and land use planning		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Cover crop seed multiplication		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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):  Forestry consultant services		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
g) Services incidental to fishing (CPC 882):  Intentional trading, exporting products services (broker)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Canning process analysis services		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Technical services - Consulting - Research on marketing - Quality control		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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
h) Services incidental to mining at oil and gas fields		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
m) Related scientific and technical consulting services  Oil and gas exploration (CPC 8675**)		1) Unbound* 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None 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
Scientific consulting services form mathematicians and statisticians (CPC 1.1:83139**)		1) Unbound* 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
p) Photographic services:  Specialty photography services except aerial photography		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) None 2) None 3) None 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 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
r) Publishing and printing services excluding publishing newspaper (CPC 88442)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
s) Convention services  Convention centre over 2,000 participants (the development of a building that consists of Exhibition halls, Meeting Rooms a conference hall with more than 2,000 seating capacity, a banquet and a business centre		1) Unbound* 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None 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
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  Translation and interpretation services (CPC version 1.1: 83910)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
Duplicating services (CPC 87904)		1) Unbound* 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None 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				
Commitment's undertaken in this offer are subject to the following general conditions:				
<ul style="list-style-type: none"> <li>- Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a license from the designated national authority (s)</li> <li>- 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.</li> <li>- The service provider shall operate for public use through existing facilities licensed by the designated national authority (s)</li> <li>- 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.</li> <li>- 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.</li> </ul>				
Public local, domestic long distance and international services: a) Fixed-line voice telephone services		1) None, other than <ul style="list-style-type: none"> <li>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;</li> <li>- the provision of</li> </ul>	1) 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
		concerned services shall be agreed by the supplier duly licensed of both ends.		
		2) None, other than <ul style="list-style-type: none"> <li>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;</li> <li>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</li> </ul>	2) None	
		3) As indicated in 3.1 in the horizontal section	3) None	
		4) As indicated in the horizontal section	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**)		1) None, other than	1) None	
e) Telegraph services		- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
f) Facsimile services (CPC 7521** + 7529**)		- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
		2) None, other than	2) None	
		- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
		- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
		3) As indicated in 3.2 in the horizontal section	3) None	
		4) Unbound	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
j) Data base access services (Part of CPC 7523)		1) Service providers must use networks operated by suppliers duly licensed	1) None	
		2) None	2) None	
		3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital  (b) Must use networks operated by suppliers duly licensed	3) None	
		4) As indicated in the horizontal section	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

h) Electronic mail (CPC 7523**)  i) Voice mail (CPC 7523**)	1) None, other than	1) None	
	- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
	- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
	2) None, other than	2) None	
	- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
	- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
	3) As indicated in 3.2 in the horizontal section	3) None	
	4) As indicated in the horizontal section	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**)		1) None, other than	1) None	
n) On-line information and/or data processing services provided over public telecommunications network (Part of CPC 843, excluding transaction processing)		- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
		- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
		2) None, other than	2) None	
		- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;		
		- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
		3) (a) Shall be a Thai registered company with foreign equity	3) 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
		<p>participation not exceeding 25 per cent of the registered capital</p> <p>(b) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p>	<p>4) As indicated in the horizontal section</p>	
o) Other: Telecommunications terminal equipment leasing services (CPC 75410)		<p>1) None, subject to commercial arrangement with licensed operators</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	

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)		<p>1) None</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	
Telecommunication consulting services (CPC 75440)		<p>1) None</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	

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 (CPC 75222)		<p>1) None, other than</p> <ul style="list-style-type: none"> <li>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;</li> <li>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</li> </ul> <p>2) None, other than</p> <ul style="list-style-type: none"> <li>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;</li> <li>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</li> </ul> <p>3) (a) Shall be a Thai registered company with foreign equity</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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
		<p>participation not exceeding 25 per cent of the registered capital</p> <p>(b) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p>	<p>4) As indicated in the horizontal section</p>	
Videotext Teleconference Domestic leased circuits		<p>1) (a) Service providers must use networks operated by suppliers duly licensed</p> <p>(b) Radio application service is subject to frequency availability</p> <p>2) None</p> <p>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</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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
		<p>must not exceed 40% of the total number of shareholders of the company</p> <p>(b) Must use public telecommunication network under national telecommunication authorities</p> <p>(c) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p>	<p>4) As indicated in the horizontal section</p>	
<b>D. Audiovisual services</b>				
a) Film/video production and distribution services, excluding promotion or advertising services (CPC 96112** + 96113**)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	

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
Video tape production services for scientific education (CPC 1.1: 96121**)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.2 in the horizontal section</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
c) Radio and television services (CPC 9613)		<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p>	
Radio/television services only for production of radio/TV programmes (CPC 96131** + 96132**)				
e) Sound recording services		<p>1) None</p> <p>2) None</p> <p>3) As indicated in 3.1 in the horizontal section</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
Production of sound recording only (excluding all broadcasting and AV services)				

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 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
General construction services of mines and industrial plant (CPC 1.1: 54260)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
B. Construction works for civil engineering (CPC 513)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	

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) Unbound for civil engineer		
General construction work of harbours, waterways, dams, irrigation and other water works (CPC 1.1: 54230)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
C. Installation work (CPC 514 + 516)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	

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
Assembly and erection of prefabricated constructions (CPC 1.1: 54400)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
D. Building completion and finishing work (CPC 517)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Glazing services (CPC 1.1: 54710)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 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. Other:  Pre-erection work at construction sites (CPC 511)  Special trade construction work (CPC 515)  Renting services related to equipment for construction or demolition of building or civil engineering work, with operator (CPC 518)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
4. DISTRIBUTION SERVICES				
A. Commission agents' services (CPC 62111 to 62118)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 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. Wholesale trade services Wholesale trade services of sport goods (CPC 62266)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
D. Franchising services Other non-financial intangible assets (CPC 8929)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
5. EDUCATION SERVICES Commitments undertaken in this offer are subject to the following general conditions: - Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of degrees for the purpose of admission, registration and qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned.				
A + B. International and national school education services (excluding adult and other		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section	1) Unbound 2) None 3) - The person or the representative of	GATS with some modification on M3 NT to reflect 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
education services) (CPC 9219*** CPC 9221** +9222**)			the juridical person who apply for a license must be of Thai national  - The school director and deputy director must be Thai nationals  - The school manager/executive manager must be Thai nationals  4) Unbound	
B. Technical and vocational education services (CPC 9223 + 9224)		1) None 2) None 3) As indicated in 3.1 in the horizontal section	1) None 2) None 3) - The person or the representative of the juridical person who apply for a license must be of Thai national  - The school director and deputy director must be Thai nationals	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
		4) Unbound	- The school manager/executive manager must be Thai nationals 4) Unbound	
C. Higher education services  Higher education services provided by universities (CPC 9239**)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section  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). 4) Unbound	1) Unbound 2) None 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 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 2) None 3) As indicated in 3.1 in the horizontal section  4) Unbound	1) Unbound 2) None 3) - The person or the representative of the juridical person who apply for a license must be of Thai national  - The school director and deputy director must be Thai nationals  - The school manager/executive manager must be Thai nationals 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  Foreign language tuition services (CPC 92900**)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section  At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality  4) Unbound	1) Unbound 2) None 3) - The person or the representative of the juridical person who apply for a license must be of Thai national - The school director and deputy director must be Thai nationals - The school manager/executive manager must be Thai nationals 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  Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401**)  Environmental protection and environmental abatement services (CPC 9401**)  Sewage services (including industrial waste water treatment system) (CPC 9401**)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the	1) Unbound 2) None 3) None 4) As indicated in the	

## 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 section	horizontal section	
C. Sanitation and similar services (CPC 9403)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Beach cleaning services and drain unblocking services (CPC 1.1: 94390**)		1) Unbound* 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
D. Other  Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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
Noise abatement services (CPC 9405)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Nature and landscape protection services (CPC 9406)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Other environmental protection services (CPC 9409)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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				
<ul style="list-style-type: none"> <li>- 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.</li> <li>- All commitments in this sector are subject to horizontal commitments in Thailand's AJCEP schedule of specific commitments.</li> </ul>				
A. Insurance including reinsurance and retrocession				
a) Life insurance services (CPC 81211)		1) None 2) None 3) (a) Foreign equity participation limited to 25 per cent of registered share capital (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet	1) None 2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies 3) None, other than that indicated in the MA column	

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 2) None 3) (a) Foreign equity participation limited to 25 per cent of registered share capital (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	1) Unbound 2) None 3) None, other than that indicated in the MA column 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
d) Services auxiliary to insurance (excluding pension funding services)  Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)		1) Unbound 2) Unbound 3) Foreign equity participation not to exceed 25 per cent 4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner  (b) Unbound for individual broker and agent	1) Unbound 2) Unbound 3) No limitation as long as foreign equity participation does not exceed 25 per cent 4) None	
Insurance consultancy services excluding pension consulting services (CPC 81402)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Only senior managerial personnel, specialists and technical	1) None 2) None 3) No limitation as long as foreign equity participation does not exceed 49 per cent 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
		assistants with the approval of the Insurance Commissioner		
Average and loss adjustment services (CPC 81403)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	1) None 2) None 3) No limitation as long as foreign equity participation does not exceed 49 per cent 4) None	
Actuarial services (CPC 81404)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	1) None 2) None 3) No limitation as long as foreign equity participation does not exceed 49 per cent 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)		1) None for financial advisory and financial data processing. Unbound for all other services	1) None	
a) Acceptance of deposits and other repayable funds from the public		2) None for financial advisory and financial data processing. Unbound for all other services	2) None	
b) Lending of all types, including consumer credit, mortgage credit, factoring and financing commercial transactions		3) (a) Representative office of banks: None	3) (a) Representative office of banks: None	
c) Financial leasing		(b) Foreign bank branches:	(b) Foreign bank branches: None, except as indicated in the market access column	
d) Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts		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		
e) Guarantees and commitments		II. ATM operations permitted under the following		
f) Trading for own account, or for account of customers in the following: - money market instruments				

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
- foreign exchange		conditions only:		
- exchange rate and interest rate instruments		(i) joining ATM pools operated by Thai banks; or		
- transferable securities		(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand		
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		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.		
i) Assets management as follows: - cash or portfolio management - collective investment management - custodian and depository services		IV. None for participation in cheque clearing and settlement system.		
k) Advisory, intermediation and				

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
other auxiliary financial services 1) Provision and transfer of financial information, and financial data processing and related software		(c) Locally incorporated banks:  I. Market access limited to the acquisition of shares of existing banks.  II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.  (ii) The Minister of Finance upon recommendation of the Bank of Thailand may	(c) Locally incorporated banks:  None, except as indicated in market access 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
		relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:  - the relaxation is deemed necessary to improve the condition or business of the commercial bank;  - such equity participation will be authorized		

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
		<p>for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</p> <p>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</p>		

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
		<p>conditions as stated in II (ii) above.</p> <p>(d) Securities companies; security brokerage, securities dealing, investment advisory services and securities underwriting:</p> <p>I. None for representative offices</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p> <p>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital</p> <p>IV. At least one-half of the directors of a locally incorporated</p>	<p>(d) Securities companies: None, except as indicated in the market access column</p>	

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
		<p>securities firm must be Thai national.</p> <p>(e) Assets management companies:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies.</p> <p>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.</p> <p>IV. After five years, maximum foreign equity participation is limited to 49 per</p>	<p>(e) Assets management companies:</p> <p>None, except as indicated in market access column</p>	

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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
		<p>cent of paid-up registered capital and at least one-half of the directors must be Thai national.</p> <p>(f) Financial leasing services:</p> <p>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.</p> <p>(g) Factoring services:</p> <p>Can only be provided by factoring companies which are subject to</p>	<p>(f) Financial leasing services: None</p> <p>(g) Factoring services: None</p>	

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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
		<p>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.</p> <p>(h) Credit, charge and debit cards:</p> <p>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.</p> <p>The conduct of businesses under f), g) and h) will be subject to</p>	<p>(h) Credit, charge and debit cards: None</p>	

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
		<p>licensing and regulations to be announced.</p> <p>4) Limitations on the number of foreign personnel per foreign bank office:</p> <p>(a) two persons for banks operating as representative office;</p> <p>(b) six persons for each full-licensed branch;</p> <p>For securities companies and asset and management companies:</p> <p>two persons for a representative office.</p>	<p>4) None</p>	

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
Services auxiliary to financial intermediation other than to insurance and pension funding services				
Credit card services (CPC 81133)	1) None	1) None	1) None	
(Mobilizing funds from the public is prohibited, unless licensed under a financial law)	2) None	2) None	2) None	
	3) (a) As indicated in B(3)(h)	3) No limitations as long as foreign equity participation does not exceed 49 per cent	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	(b) Financial institutions must obtain prior approval from the Bank of Thailand			
	4) As indicated in the horizontal section	4) As indicated in the horizontal section	4) As indicated in the horizontal section	
Financial consultancy services (CPC 81332)	1) Unbound	1) None	1) None	
	2) None	2) None	2) None	
	3) As indicated in 3.1 in the horizontal section	3) No limitations as long as foreign equity participation does not exceed 49 per cent	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	4) As indicated in the horizontal section	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	1) None	1) None	
	2) None	2) None	2) None	
	3) As indicated in 3.1 in the horizontal section	3) None	3) None	
	4) As indicated in the horizontal section	4) As indicated in the horizontal section	4) As indicated in the horizontal section	
Meal serving services with full restaurant services (CPC 64210)				
	1) None	1) None	1) None	
	2) None	2) None	2) None	
	3) As indicated in 3.1 in the horizontal section	3) None	3) None	
	4) As indicated in the horizontal section	4) As indicated in the horizontal section	4) As indicated in the horizontal section	
Catering services (CPC 64230)				
	1) None	1) None	1) None	
	2) None	2) None	2) None	
	3) As indicated in 3.1 in the horizontal section	3) None	3) None	
	4) As indicated in the horizontal section	4) As indicated in the horizontal section	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
Beverage serving services without entertainment (CPC 64310)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
B. Travel agencies and tour operator services (CPC 74710)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section Not less than half of the board of directors of the company must be Thai nationals 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Outbound travel information services (excluding accommodation and travel reservation services) (CPC 1.1: 67813**)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 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. Other Hotel management services (CPC 1.1: 61130*)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES				
A. Amusement parks (CPC 1.1: 96910**)		1) Unbound 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
C. Private library services (CPC 96311**)		1) None 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) Unbound 2) None 3) None 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)				
Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
Recreation park and beach services (CPC 96491)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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 2) None 3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in 3.1 in the horizontal section  4) (a) Ships' crew: Unbound  (b) Other personnel: As indicated in	1) None 2) None 3) (a) Unbound  (b) None  4) (a) Unbound  (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:  1. Pilotage <sup>2</sup> 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port captain's service 6. Navigation aids 7. Shore-based operational services essential to ship operations, water and

<sup>2</sup> 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.

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
		the horizontal section	horizontal section	electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services 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 2) None 3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below -	1) None 2) None 3) (a) Unbound  (b) None, other than: (i) Shareholders of Thai maritime transport companies with ownership of Thai flag	1) See Note to the Schedule below  3) (b) See Note to the Schedule below

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
		3.2) 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  (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	

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) 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 2) None 3) As indicated in 3.2 in the horizontal section 4) Unbound	1) None 2) None 3) None 4) Unbound	
e) International towing (CPC 7214)		1) None 2) None 3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below -	1) None 2) None 3) (a) Unbound  (b) 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
		3.2) except branch office: As indicated in 3.1 in the horizontal section  4) (a) Ships' crew: Unbound  (b) Other personnel: As indicated in the horizontal section	(a) Unbound  (b) As indicated in the horizontal section	
f) Supporting services for maritime transport (CPC 745)  Shore reception facilities (collection of water/oily water from ships)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 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 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 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 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
Freight forwarding services (as defined below - 3.4)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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
<b>C. Air Transport Services</b>				
d) Aircraft repair and maintenance services (CPC 8868)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
e) Supporting services for air transport Selling and marketing of air transport services (CPC 746**)		1) None 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound	
<b>E. Rail Transport Services</b>				
d) Maintenance and repair of rail transport equipment (CPC 8868)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil	1) Unbound 2) None 3) None 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
		engineer		
e) Supporting services for rail transport services  Passenger and freight car cleaning services under the contract of railway authority		1) Unbound* 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in horizontal section	1) Unbound* 2) None 3) None 4) As indicated in horizontal section	
Security services at railway station		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in horizontal section	1) Unbound 2) None 3) None 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  b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section  In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality. 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
c) Rental services of passenger cars with operator (CPC 71222)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section  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 2) None 3) 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
		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 2) None 3) As indicated in 3.1 in the horizontal section Not less than half of the board of directors of the company must have Thai nationality. 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) 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 2) None 3) As indicated in 3.1 in the horizontal section Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port	1) Unbound 2) None 3) 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
		Authority of Thailand Act B.E. 2494. 4) As indicated in the horizontal section	4) As indicated in the horizontal section	
b) Storage and warehousing services (CPC 742)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
c) Maritime freight forwarding services (as defined below - 3.6)		1) Unbound 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	

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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 2) None 3) As indicated in 3.1 in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 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;

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- (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/ unlashng 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)
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- 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	<p>3) None, except:</p> <p>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<sup>1</sup>, joint venture enterprise, 100% foreign-invested enterprise.</p> <p>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<sup>2</sup>.</p> <p>Unless otherwise</p>	<p>3) None, except:</p> <p>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.</p>	

- 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.

## 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
	<p>indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>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.</p> <p>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</p>		

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
	<p>their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.</p> <p>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.</p> <p>For the other sectors and sub-sectors committed in this</p>		

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
	<p>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.</p> <p>4) Unbound, except as provided for in Viet Nam's Specific Commitments for the Movement of Natural Persons under Annex 9</p>	<p>4) Unbound, except as indicated in market access column</p>	

## 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:	1) None	1) None	
- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;	2) None	2) None	
- legal documentation and certification services of the laws of Viet Nam)	3) Foreign lawyers organizations <sup>3</sup> are permitted to establish commercial presence in Viet Nam in the following forms: - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms <sup>4</sup> ; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships.	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.

## 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
	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.  Commercial presences of foreign lawyers organizations are allowed to employ Vietnamese lawyers who meet practicing requirements in accordance with provisions of Vietnamese laws.  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.		
	4) Unbound, except as	4) Unbound, except as	

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 indicated in the horizontal section	Limitations on National Treatment indicated in the horizontal section	Additional Commitments
b) Accounting and auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
c) Taxation services (CPC 863)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Architectural services (CPC 8671)	1) None 2) None 3) None, except: Foreign enterprises have to be juridical persons of another Party.	1) None 2) None 3) None	

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 indicated in the horizontal section	Limitations on National Treatment indicated in the horizontal section	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)	1) None 2) None	1) None 2) None	
f) Integrated engineering services (CPC 8673)	3) None, except: Foreign enterprises have to be juridical persons of another Party.  4) Unbound, except as indicated in the horizontal section	3) None, except: The 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 <sup>5</sup> .  4) Unbound, except as indicated in the horizontal section	

<sup>5</sup> 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.

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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
g) Urban planning and urban landscape architectural services (CPC 8674)	<p>1) None</p> <p>2) None</p> <p>3) None, except: Foreign enterprises have to be juridical persons of another Party.</p>	<p>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</p> <p>2) None</p> <p>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.</p> <p>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</p>	

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
	<p>4) Unbound, except as indicated in the horizontal section</p>	<p>this service<sup>6</sup>.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	
h) Medical and dental services (CPC 9312)	<p>1) None</p> <p>2) None</p> <p>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</p> <p>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 polyclinic unit and US\$200,000 for a specialty unit.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

<sup>6</sup> 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.

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
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
i) Veterinary services (CPC 932) <sup>7</sup>	1) None 2) None 3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. Computer and Related Services (CPC 841-845, CPC 849)	1) None 2) None 3) None Branching is allowed. 4) Unbound, except as indicated in the	1) None 2) None 3) None, except that the chief of the branch has to be a resident in Viet Nam 4) Unbound, except as indicated in the	

<sup>7</sup> Excluding keeping micro-organism strain for veterinary.

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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
	horizontal section	horizontal section	
C. Research and Development Services			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
E. Rental/Leasing Services without Operators			
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Related to other machinery and equipment (CPC 83109)	1) None 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871, excluding advertising for cigarettes)	1) None 2) None 3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
b) Market research services (CPC 864, excluding 86402)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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) Management consultant services (CPC 865)	1) None 2) None 3) None Branching is allowed. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except that the chief of the branch has to be a resident in Viet Nam 4) Unbound, except as indicated in the horizontal section	
d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	1) None 2) None 3) None Branching is allowed. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except that the chief of the branch has to be a resident in Viet Nam 4) Unbound, except as indicated in the horizontal section	

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
e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	<p>1) Unbound</p> <p>2) None</p> <p>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.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p> <p>4) Unbound, except as indicated in the</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the</p>	

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
	horizontal section	horizontal section	
f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>8</sup>	<p>1) None</p> <p>2) None</p> <p>3) None, except:</p> <p>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.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except:</p> <p>Access to certain geographical areas may be restricted<sup>9</sup>.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

- <sup>8</sup> 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.
- <sup>9</sup> 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.

## 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
h) Services incidental to mining (CPC 883)  1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.  2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.			
	1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.  2) None  3) None, except:  Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.	1) None, except as indicated in market access column  2) None  3) None, except as indicated in the 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
	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  2) None  3) None, except:  Only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. 100% foreign-invested enterprises shall be permitted.  4) Unbound, except as indicated in the horizontal section	1) None  2) None  3) Unbound  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
m) Related scientific and technical consulting services <sup>1)</sup> (CPC 86751, 86752 and 86753 only)	1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None, except as indicated in the market access column 2) None 3) None 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 2) None 3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be	1) None 2) None 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.

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
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services (CPC 7512**) <p>*Express delivery services<sup>11</sup>, i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication<sup>12</sup>, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> <li>- Hybrid mail services;</li> <li>- Direct mail</li> </ul> <p>Except for the handling</p>	1) None <sup>13</sup> 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	Services 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.

## 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
of items of written communication the price of which is less than: - 10 times the tariff for the handling of standard domestic letter in the first weight level for domestic shipments; - US\$ 9 for international shipments; provided that the gross weight of these items is less than 2,000 grams (b) Parcels <sup>14</sup> and other goods *Handling of non-addressed items			
C. Telecommunication Services Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).			

14 Books, catalogues are included hereunder.

## 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
Basic telecommunication services	1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  <i>Satellite-based services:</i> 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.
a) Voice telephone services (CPC 7521)			
b) Packet-switched data transmission services (CPC 7523**)			
c) Circuit-switched data transmission services (CPC 7523**)			
d) Telex services (CPC 7523**)			
e) Telegraph services (CPC 7523**)			
f) Facsimile services (CPC 7521** + 7529**)			
g) Private leased circuit services (CPC 7522** + 7523**)	- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international		
o*) Other services			
- Videoconference services (CPC 75292)			
- Video transmission services, excluding			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
broadcasting <sup>15</sup> - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Services (IXP) <sup>16</sup>	organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies <sup>17</sup> , which are licensed to use satellite-earth stations. 2) None 3) None, except: <i>Non facilities-based services:</i> 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 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.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	joint ventures. <i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. 51% gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy. 4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	

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
Basic telecommunication services  o*) Other services - Virtual Private Network (VPN) <sup>18</sup>	1) None, except:  <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  <i>Satellite-based services:</i> 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.

- <sup>18</sup> 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).

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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
	- 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;  - Multinational companies <sup>17</sup> , which are licensed to use satellite-earth stations.  2) None  3) None, except:  <i>Non facilities-based services:</i> Joint ventures shall be	2) None  3) None	

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
	<p>allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> 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.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) Unbound, except as indicated in the horizontal section</p>	
Value-added services	1) None, except:	1) None	
h) Electronic mail (CPC 7523**)	<i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication		
i) Voice mail (CPC 7523**)			
j) On-line information and database retrieval (CPC 7523**)			

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
k) Electronic data interchange (EDI) (CPC 7523**)	services.		
l) Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)	<i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:		
m) Code and protocol conversion	- 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;		
n) On-line information and data processing (incl. transaction processing) (CPC 843**)	- Multinational companies", which		

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
	are licensed to use satellite-earth stations.		
	2) None	2) None	
	3) None, except:  <i>Non facilities-based services:</i> Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.  <i>Facilities-based services:</i> 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.  Fifty-one % gives management control of the joint venture.	3) None	

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
	In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.		
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
Value-added services o) Other - Internet Access Services IAS <sup>19</sup>	1) <i>Wire-based and mobile terrestrial services:</i> None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese	1) None	

19 Services providing internet access to the end users.

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
	international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:  - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies", which are licensed to use satellite-earth stations.  2) None 3) <i>Non facilities-based</i>	          2) None 3) None	

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>services:</i> 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.  <i>Facilities-based services:</i> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.  4) Unbound, except as indicated in the horizontal section	          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
D. Audiovisual services			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
a) Motion picture production (CPC 96112, excl. video tape)	1) Unbound 2) Unbound 3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section	
- Motion picture distribution (CPC 96113, excl. video tape)	1) Unbound 2) None 3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to	1) Unbound 2) None 3) None	

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
	provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. 4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
b) Motion picture projection service (CPC 96121)	1) Unbound 2) None 3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.  Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign	1) Unbound 2) None 3) None	

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
	service suppliers. 4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
e) Sound recording	1) Unbound 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal section	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Building (CPC 512)	1) Unbound* 2) None	1) Unbound* 2) None	
B. General Construction Work for Civil Engineering (CPC 513)	3) None, except: Foreign enterprises have to be juridical persons of another Party. Branching is allowed.	3) None, except that the chief of the branch has to be resident in Viet Nam. Branching is allowed.	
C. Installation and Assembly Work (CPC 514, 516)			
D. Building Completion and Finishing Work	4) Unbound, except as indicated in the	4) Unbound, except as indicated in the	

- \* 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
(CPC 517)	horizontal section	horizontal section	
E. Other (CPC 511, 515, 518)			
4. DISTRIBUTION SERVICES			
Measures applicable to all sub-sectors in Distribution Services:			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>20</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission Agents' Services (CPC 621, 61111, 6113, 6121)	1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.	1) Unbound, except as indicated in Mode 1, market access column	
B. Wholesale Trade Services (CPC 622, 61111, 6113, 6121)			
C. Retailing Services (CPC 631 + 632, 61112, 6113, 6121) <sup>21</sup>	2) None 3) None, except:	2) None 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.

## 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
	Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.  The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) <sup>22</sup>  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.

## 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
D. Franchising Services (CPC 8929)	1) None 2) None 3) None Branching is allowed. 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None, except that the chief of the branch has to be a resident in Viet Nam 4) Unbound, except as indicated in the horizontal section	
5. EDUCATIONAL SERVICES  Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.  With regard to 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.  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 2) None 3) Unbound	1) Unbound 2) None 3) Unbound	

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
	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 2) None 3) None  4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 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 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 2) None 3) None	1) Unbound 2) None 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	

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
	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 2) None 3) None  4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) Foreign teachers who wish to work in foreign-invested schools shall have at least 3 years of teaching experience, and their qualifications shall be recognized by the competent authority 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 ACEPT, 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.

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
D. Adult Education Services (CPC 924)	1) Unbound 2) None 3) None  4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority 4) Unbound, except as indicated in the horizontal section	
E. Other Education Services (CPC 929 including foreign language training)	1) Unbound 2) None 3) None  4) Unbound, except as	1) Unbound 2) None 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 4) Unbound, except as	

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
	indicated in the horizontal section	indicated in the horizontal section	
6. ENVIRONMENTAL SERVICES			
Access to certain geographic areas may be restricted for national security reasons <sup>23</sup> .			
A. Sewage Services (CPC 9401)	1) Unbound, except related consulting services 2) None 3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article 50.1(a) may be subject to public monopolies or exclusive rights granted to private operators. 4) Unbound, except as indicated in the horizontal section	1) Unbound, except related consulting services 2) None 3) None  4) Unbound, except as indicated in the horizontal section	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>23</sup> 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.

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
B. Refuse Disposal Services (CPC 9402) <sup>24</sup>	1) Unbound, except related consulting services 2) None 3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article 50.1(a) may be subject to public monopolies or exclusive rights granted to private operators. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities. 4) Unbound, except as	1) None 2) None 3) None 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.

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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
	indicated in the horizontal section	indicated in the horizontal section	
D. Other Services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	1) Unbound, except related consulting services 2) None 3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article [50.1](a) may be subject to public monopolies or exclusive rights granted to private operators. 4) Unbound, except as indicated in the horizontal section	1) Unbound, except related consulting services 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
- Environmental impact assessment services (CPC 94090*)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

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
<b>7. FINANCIAL SERVICES</b>			
A. Insurance and Insurance-Related Services	1) None, for:	1) None	
a) Direct insurance	- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;		
(a) Life insurance, excl. health insurance services			
(b) Non-life insurance services	- Reinsurance services;		
b) Reinsurance and retrocession	- Insurance services in international transportation, including insurance of risks relating to:		
c) Insurance intermediation (such as brokerage and agency)			
d) Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the		

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
	goods and any liability arising therefrom; and		
	+ goods in international transit;		
	- Insurance broking and reinsurance broking services;		
	- Consultancy, actuarial, risk assessment and claim settlement services.		
	2) None	2) None	
	3) None	3) None	
	Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.		
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Banking and Other Financial Services			
Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services of the GATS.			
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	1) Unbound, except B(k) and B(l) 2) None	1) Unbound, except B(k) and B(l) 2) None	
b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	3) None, except: (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital	3) None, except: (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: - The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.	
c) Financial leasing			
d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts			
e) Guarantees and commitments			
f) Trading for own account or for account of customers, whether on an exchange, in an			

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
over-the-counter market or otherwise, the following: - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements; - Bullion	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. (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.		
h) Money broking			
i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services			
j) Settlement and clearing services for financial assets, including securities, derivative			

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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
products, and other negotiable instruments	(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.		
k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services			
l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	(b) Equity participation: (i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks. (ii) For capital contribution in the form of	(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: - The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.	

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
	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. (c) A branch of foreign commercial bank: - 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: - The foreign credit institution has total assets of	

## 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
	(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.  4) Unbound, except as indicated in the horizontal section	more than US\$10 billion at the end of the year prior to application.  4) Unbound, except as indicated in the horizontal section	
C. Securities f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: <ul style="list-style-type: none"><li>- Derivative products incl. futures and options;</li><li>- Transferrable securities;</li><li>- Other negotiable instruments and</li></ul>	1) Unbound, except services C(k) and C(l) 2) None 3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%  Securities service suppliers with 100% foreign-invested	1) Unbound 2) None 3) None	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
financial assets, excluding bullion g) Participation in issues of all kinds of securities incl. underwriting and placement as an agent (publicly or privately), provision of services related to such issues i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services j) Settlement and clearing services for securities, derivative products, and other securities-related instruments k) Provision and transfer of financial information, and related software by suppliers of securities services l) Advisory,	capital shall be permitted.  For services from C(l) to C(l), branches of foreign securities services suppliers shall be permitted.  4) Unbound, except as indicated in the horizontal section	       4) Unbound, except as indicated in the horizontal section	

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

Sector or 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 (1), refer to (1) under banking sector)			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital Services (CPC 9311)	1) None 2) None 3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract  The minimum investment capital for a commercial presence in hospital services must be at least US\$20	1) None 2) None 3) None	

## 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
	million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.  4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
B. Travel Agencies and Tour Operator Services (CPC 7471)	1) None 2) None 3) None, except that:  Foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital	1) None 2) None 3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an	

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
	contribution.	integral part of inbound services.	
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619)	1) Unbound 2) None 3) Unbound, except joint ventures with foreign capital contribution not exceeding 49% are permitted 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
D. Other - Electronic game business (CPC 964**)	1) Unbound 2) None 3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution	1) Unbound 2) None 3) None	

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
	shall not exceed 49% of the legal capital of the joint ventures.		
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
a) Passenger transportation less cabotage (CPC 7211)	1) Unbound, except international freight transportation: None 2) None	1) Unbound, except international freight transportation: None 2) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering; 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to
b) Freight transportation less cabotage (CPC 7212)	3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:  Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work	3) None	

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
	<p>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.</p> <p>(b) Other forms of Commercial presence for the supply of international maritime transport services<sup>25</sup>: Foreign shipping companies can establish 100% foreign-invested enterprises.</p>		<p>ship operations, including communication, water and electrical supplies;</p> <p>8. Emergency repair facilities;</p> <p>9. Anchorage, berth and berthing services;</p> <p>10. Access to maritime agency services.<sup>26</sup></p>

- 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.

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
	<p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</li> <li>5. Provision of maritime transport services including cabotage services</li> </ol>		

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
	<p>by Vietnamese flagged vessels for the supply of integrated transport services.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) Unbound, except as indicated in the horizontal section</p>	

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
Maritime Auxiliary Services	1) Unbound	1) Unbound	
- Container handling services (CPC 7411) <sup>27</sup>	2) None	2) None	
	3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established	3) None	
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
- Customs Clearance Services <sup>28</sup>	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None, except that joint ventures can be established with no foreign ownership limitation	3) None	
	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	

<sup>27</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>28</sup> "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.

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
- Container Station and Depot services <sup>29</sup>	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
<b>B. Internal Waterways Transport</b>			
a) Passenger transport (CPC 7221)	1) Unbound 2) None	1) Unbound 2) None	
b) Freight transport (CPC 7222)	3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital 4) Unbound, except as indicated in the horizontal section	3) None 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
<b>C. Air Transport Services</b>			
d) Maintenance and repair of aircraft (CPC 8868**)	1) None 2) None 3) 100% foreign-invested enterprises shall be allowed 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
e) Sales and marketing air products services	1) None 2) None 3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 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
e) Computer reservation services	1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority 2) None, except as indicated in Mode 1 3) None, except as indicated in Mode 1 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	
<b>E. Rail Transport Services</b>			
a) Passenger transportation (CPC 7111)	1) Unbound 2) None	1) Unbound 2) None	
b) Freight transportation (CPC 7112)	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	3) Unbound	

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
	side not exceeding 49% of the total legal capital. 4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
<b>F. Road Transport Services</b>			
a) Passenger transportation (CPC 7121 + 7122)	1) Unbound 2) None	1) Unbound 2) None	
b) Freight transportation (CPC 7123)	3) None, except: Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. Subject to the needs of the market <sup>30</sup> , joint-ventures with foreign capital contribution not exceeding 51% may	3) None	

<sup>30</sup> 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.

## 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
	be established to provide freight transport services.  One hundred % of joint-venture's drivers shall be Vietnamese citizen.  4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
H. Services Auxiliary to All Modes of Transport			
a) Container handling services, except services provided at airports (part of CPC 7411)	1) Unbound 2) None 3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50% 4) Unbound, except as indicated in the horizontal section	1) Unbound 2) None 3) None 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
b) Storage and warehouse services (CPC 742)	1) Unbound*	1) Unbound	
c) Freight transport agency services (CPC 748) <sup>31</sup>	2) None 3) None 4) Unbound, except as indicated in the horizontal section	2) None 3) None 4) Unbound, except as indicated in the horizontal section	
d) Other (part of CPC 749) <sup>32</sup>	1) Unbound, except freight brokerage services: None 2) None 3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners 4) Unbound, except as indicated in the horizontal section	1) Unbound, except freight brokerage services: None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	

<sup>31</sup> 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.

<sup>32</sup> 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.

日本国の特定の約束に係る表

注釈

1 分野ごとに行う特定の約束に記載するアルファベット及び括弧内の番号は、サービス分野分類表（千九百九十一年七月十日付けのガット事務局文書MTN・GNS/W/120）及び暫定的な中央生産物分類（統計文書M第七十七号、国際連合国際経済社会局統計部、ニューヨーク、千九百九十一年）（以下この附属書において「CPC」という。）による。これらのアルファベット及び番号による分類は、特定の約束の記述の明確性を高めるために記載するものであり、特定の約束の一部を構成するものとしてではない。

2 この特定の約束に係る表への記載は、特定の約束に係る表への記載のための指針（千一年三月二十八日付けの世界貿易機関文書S/L/第九十二号）に従ったものである。ただし、同指針は、法的拘束力を有するものと解してはならない。

3 この特定の約束に係る表に記載する(1)から(4)までのサービスの提供の態様は、それぞれ第五十一・一条(v)(i)から(vi)までに規定する態様によるサービスの提供に対応する。

4 「約束しない。＊」とは、技術的に可能でないため約束しないことをいう。第五十・二十条2の規定に基づいて特定の分野又は小分野に「SS」と記載することは、「約束しない。＊」と記載したサービスの提供の態様に関し、日本国がいかなる措置であってもこれを採用し、又は維持することを妨げるものではない。

5 (a)航空旅客運送サービス、(b)航空貨物運送サービス及び(c)乗務員又は運転者を伴う航空機の賃貸サービスに影響を及ぼす措置は、運輸権に影響を及ぼす措置又は運輸権の行使に直接関係するサービスに影響を及ぼす措置であり、第六章の規定が適用されないため、この特定の約束に係る表には記載されない。貨物運送代理店サービスに関する約束には、航空運送サービスによる貨物利用運送サービスを含まない。

6 個別のCPCの番号に付された「＊」は、当該番号の分野のための特定の約束が当該番号の分野に含まれるサービスの全ての小分野には及ばないことを表す。

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.

分野ごとに行う特定の約束

分野	1 実務サービス A 自由職業サービス (a) 日本国の法律によつて「弁護士」としての資格を有する弁護士が提供する法律サービス (CPC 861)
SS	SS
市場アクセスに係る制限	(1) サービスは、自然人又は弁護士法人（注）が提供しなければならない。 注 日本国の法律による弁護士法人とは、日本国の法律によつて「弁護士」としての資格を有する弁護士であり、かつ、弁護士法人の業務を執行する権利及び義務を有する一人以上の社員によつて構成されるものをいう。 (2) サービスは、自然人又は弁護士法人が提供しなければならない。 (3) サービスは、自然人又は弁護士法人が提供しなければならない。 (4) 業務上の観点が必要である。
内国民待遇に係る制限	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。
追加的な約束	

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
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 <sup>1</sup> ; and commercial presence is required  2) None, except that: services must be supplied by a natural person or by a Legal Profession Corporation; and commercial presence is required  3) None, except that services must be supplied by a natural person or by a Legal Profession Corporation  4) None, except that commercial presence is required	1) None  2) None  3) None  4) None	

<sup>1</sup> 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.

<p>(a) サービス提供者が弁護士としての資格を有する管轄地の法律に関する法的な助言サービス (CPC 861***)</p> <p>(a) 法律に関する法的な助言サービスには、次の事項を含まない。</p> <p>(i) 裁判所その他の官公署における法律上の手続についての法的な代理サービス及びその手続についての法的な文書の作成</p> <p>(ii) サービス提供者が弁護士としての資格を有する管轄地（以下この分野において「管轄地」という。）の法律以外の法律に関する法的な意見の表明</p> <p>(iii) 公正証書の作成の嘱託についての法的な代理サービス</p>	SS
<p>(1) サービスは、自然人が提供しなければならない。</p> <p>(2) 業務上の拠点が必須である。</p> <p>(3) サービスは、自然人が提供しなければならない。</p> <p>(4) 業務上の拠点が必須である。</p>	<p>(1) サービス提供者は、一年間に百八十日以上日本国内に滞在することが必要である。</p> <p>(2) 制限しない。</p> <p>(3) 制限しない。</p> <p>(4) サービス提供者は、一年間に百八十日以上日本国内に滞在することが必要である。</p>
<p>(a) 管轄地において効力を有し、又は有した国際法に関する業務は、認められる。第三国の法律に関する業務は、各事案に関して、権限のある者（例えば、第三国において資格を有し、かつ、当該第三国の法律に関する業務に従事している弁護士）の書面による助言を受けることを条件として認める。日本国の法律に関する業務は、認めない。</p>	

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
<p>a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (CPC 861**)</p> <p>(a) Legal advisory services on law does not include:</p> <p>(i) legal representation services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p> <p>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service</p>	SS	<p>1) None, except that: services must be supplied by a natural person; and commercial presence is required</p> <p>2) None</p> <p>3) None, except that services must be supplied by a natural person</p> <p>4) None, except that commercial presence is required</p>	<p>1) None, except that a service supplier is required to stay in Japan not less than 180 days in a year</p> <p>2) None</p> <p>3) None</p> <p>4) None, except that a service supplier is required to stay in Japan not less than 180 days in a year</p>	<p>3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.</p> <p>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).</p>

(iv) 日本国内にある不動産に関する権利又は工業所有権、鉱業権その他の日本国内の官公署への登録によって成立する権利の得喪又は変更を主な目的とする法律事件についての活動

(b) サービス提供者は、親族関係若しくは相続に関する法律事件であつてその当事者として日本国の国民が含まれるもの又は日本国内にある不動産に関する権利若しくは工業所有権、鉱業権その他の日本国内の官公署への登録によって成立する権利の得喪若しくは変更を目的とする法律事件であつて当該目的が主たる目的

(b) 「弁護士」との共同事業は、認めらる。「弁護士」の雇用は、認めらる。

(c) 事業体の名称の使用については、制限しない。ただし、当該名称に「外国法事務弁護士事務所」という文言を付加しなければならぬ。

(d) 国際仲裁における代理は、認めらる。

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
supplier is qualified as a lawyer (hereinafter referred to as the "jurisdiction" in this sector);				Practice of Japanese law is not permitted.
(iii) legal representation services for the entrustment of the preparation of notarial deeds; and				(b) Association with "Bengoshi" is permitted.  Employment of "Bengoshi" is permitted.
(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				(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikokuho-Jimu-Bengoshi Jimusho".  (d) Representation in international arbitration is permitted.

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
other rights arising upon registration thereof with government agencies in Japan  (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				

ではないものについて  
は、「弁護士」と共同  
し、又は「弁護士」の助  
言を受けることを必要と  
する。

サービス提供者が弁護士としての資格を有する管轄地の法律に関する法的な助言サービスの分野における特定の約束に関する法釈  
サービス提供者は、法務大臣により「外国法事務弁護士」として承認を受け、かつ、日本弁護士連合会の登録を受けなければならない  
い。

法務大臣が承認を与える条件は、次のとおりである。

- (a) サービス提供者が管轄地において弁護士としての資格を有すること。
- (b) サービス提供者が管轄地において少なくとも三年間弁護士としての職務に従事したと。
- (c) 「弁護士」に適用された場合に「弁護士」として不適格であると認められることとなる管轄地における欠格要件にサービス提供者が該当しないこと。
- (d) サービス提供者が誠実に職務を遂行する意思を有すること。
- (e) サービス提供者が適正かつ確実に職務を遂行するための計画、仕度及び財務的基礎を有すること。
- (f) サービス提供者が依頼者に与えた損害を賠償する能力を有すること。

- (a) 日本国の法律によって「司法書士」としての資格
- SS (1) サービスは、自然人又は司法書士法人(注)が提供しなけれ
- (1) 制限しない。

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
government agencies in Japan, as long as the above objective is not the primary one				
<p>Note to the Specific Commitment in the Sector of Legal Advisory Services on Law of Jurisdiction Where the Service Supplier is a Qualified Lawyer</p> <p>A service supplier must be recognised as "Gaikokuho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.</p> <p>The conditions for granting recognition by the Minister of Justice are as follows:</p> <p>(a) The service supplier is qualified as a lawyer in that jurisdiction.</p> <p>(b) The service supplier has been engaged as a lawyer for at least 3 years in that jurisdiction.</p> <p>(c) The service supplier is not subject to such conditions of disqualification in that jurisdiction which, if applied to "Bengoshi", would disqualify the "Bengoshi".</p> <p>(d) The service supplier possesses the intention to undertake the profession in good faith.</p> <p>(e) The service supplier possesses plans, residence and financial basis to perform his or her functions properly and steadily.</p> <p>(f) The service supplier possesses capability to compensate for damages caused to the client, if any.</p>				
a) Legal services supplied by a judicial scrivener	SS	1) None, except that: services must be supplied by a natural	1) None	

(a) 日本国の法律によって「行政書士」としての資格を有する行政書士が提供する法律サービス	を有する司法書士が提供する法律サービス (CPC八六一*)
SS	
(1) サービスは、自然人又は行政書士法人(注)が提供しなければならない。 注 日本国の法律による行政	(2) 業務上の観点が必要である。 サービスは、自然人又は司法書士法人が提供しなければならない。 (3) サービスは、自然人又は司法書士法人が提供しなければならない。 業務上の観点が必要である。 (4) サービスは、自然人又は行政書士法人が提供しなければならない。 業務上の観点が必要である。
(1) 制限しない。	(2) 制限しない。 (3) 制限しない。 (4) 制限しない。

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
qualified as "Shiho-Shoshi" under Japanese law (CPC 861**)		person or by a Judicial Scrivener Corporation <sup>2</sup> ; and commercial presence is required  2) None, except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required  3) None, except that services must be supplied by a natural person or by a Judicial Scrivener Corporation  4) None, except that commercial presence is required	2) None   3) None   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 <sup>3</sup> ;	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.

(CPC八六一\*)

(a) 日本国の法律によって「社会保険労務士」としての資格を有する社会保険労務士が提供する法律サービス				
SS				
(1) サービスは、自然人又は社会保険労務士法人(注)が提供しなければならない。 注 日本国の法律による社会保険労務士法人とは、日本	(4) 業務上の拠点が必要である。	(3) サービスは、自然人又は行政書士法人が提供しなければならない。	(2) サービスは、自然人又は行政書士法人が提供しなければならない。	書士法人とは、日本国の法律によって「行政書士」としての資格を有する行政書士であり、かつ、行政書士法人の業務を執行する権利及び義務を有する二人以上の社員によって構成されるものをいう。
(1) 制限しない。	(4) 制限しない。	(3) 制限しない。	(2) 制限しない。	

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
(CPC 861**)		and commercial presence is required  2) None, except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation; and commercial presence is required  3) None, except that services must be supplied by a natural person or by an Administrative Scrivener Corporation  4) None, except that commercial presence is required	2) None   3) None   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 <sup>4</sup> ; and commercial presence	1) None	

<sup>4</sup> 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.

(a) 日本国の法律によつて「弁理士」としての資格を有する弁理士が提供する法律サービス (CPC八六一九、八六一二、八六二三、八六一九)	(CPC八六一*)
SS	(1) サービスは、自然人又は特許業務法人 <sup>(注)</sup> が提供しなければならない。 注 日本国の法律による特許業務法人とは、日本国の法律によつて「弁理士」としての資格を有する弁理士であり、かつ、特許業務法人の業務を執行する権利及び義務を有する二人以上の社員によつて構成されるものをいう。 特許業務法人については、業務上の拠点が必要である。
(1) サービスは、自然人又は特許業務法人 <sup>(注)</sup> が提供しなければならない。 注 日本国の法律による特許業務法人とは、日本国の法律によつて「弁理士」としての資格を有する弁理士であり、かつ、特許業務法人の業務を執行する権利及び義務を有する二人以上の社員によつて構成されるものをいう。 特許業務法人については、業務上の拠点が必要である。	(2) サービスは、自然人又は社会保険労務士法人が提供しなければならない。 (3) サービスは、自然人又は社会保険労務士法人が提供しなければならない。 (4) 制限しない。

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
(CPC 861**)		is required  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  3) None, except that services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation  4) None, except that commercial presence is required	2) None   3) None  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; 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.

(a) 日本国の法律によって「海事代理士」としての資格を有する海事代理士が提供する法律サービス（CPC八六一*）	
SS	
(4) (3) (2) (1)	(2) (3) (4)
制限しない。 サービスは、自然人が提供しなければならない。 サービスは、自然人が提供しなければならない。 サービスは、自然人が提供しなければならない。 サービスは、自然人が提供しなければならない。	サービスは、自然人又は特許業務法人が提供しなければならない。 特許業務法人については、業務上の拠点が必要である。 サービスは、自然人又は特許業務法人が提供しなければならない。 制限しない。
(4) (3) (2) (1)	(2) (3) (4)
制限しない。 制限しない。 制限しない。 制限しない。	制限しない。 制限しない。 制限しない。 制限しない。

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
		Corporation  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  3) None, except that services must be supplied by a natural person or by a Patent Business Corporation  4) None	2) None  3) None  4) None	
a) Legal services supplied by a maritime procedure agent qualified as "Kaijidalrishi" under Japanese law (CPC 861**)	SS	1) None, except that services must be supplied by a natural person  2) None, except that services must be supplied by a natural person  3) None, except that services must be supplied by a natural person  4) None	1) None  2) None  3) None  4) None	

SCHEDULE OF JAPAN

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

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.

サービス  
(CPC 862)

<p>会計士」としての資格を有する 会計士又は日本国の法律による 監査法人（注）のみが提供する ことができるサービスは、自然 人又は監査法人が提供しなけれ ばならない。</p> <p>注 日本国の法律による監査 法人とは、日本国の法律に よって「公認会計士」とし ての資格を有する会計士で あり、かつ、監査法人の業 務を執行する権利及び義務 を有する五人以上の社員に よって構成されるものをい う。</p> <p>監査法人については、業務上 の観点が必要である。</p> <p>(2) 日本国の法律によって「公認 会計士」としての資格を有する 会計士又は日本国の法律による 監査法人のみが提供すること ができるサービスは、自然人又は 監査法人が提供しなければなら ない。</p> <p>監査法人については、業務上 の観点が必要である。</p> <p>(3) 日本国の法律によって「公認 会計士」としての資格を有する 会計士又は日本国の法律による</p>	<p>(2) 制限しない。</p> <p>(3) 制限しない。</p>
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## 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
services (CPC 862)		<p>services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation<sup>7</sup> under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation</p> <p>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</p> <p>3) None, except that provision of the services that must be supplied by an accountant qualified as</p>	<p>2) None</p> <p>3) None</p>	

<sup>7</sup> 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.

(c) 税務サービス (CPC 863)		
SS	(1) 税理士法（昭和二十六年法律第二百三十七号）に規定する税理士サービスは、自然人又は税理士法人（注）が提供しなければならない。 注 日本国の法律による税理士法人とは、日本国の法律によつて「税理士」としての資格を有する税理士であり、かつ、税理士法人の業務を執行する権利及び義務を有する二人以上の社員によつて構成されるものをいう。 業務上の拠点が必要である。 (2) 税理士法に規定する税理士サービスは、自然人又は税理士法人が提供しなければならない。	(4) 監査法人のみが提供することができるサービスは、自然人又は監査法人が提供しなければならない。 制限しない。
	(1) 制限しない。 (2) 制限しない。	(4) 制限しない。

## 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
		"Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation 4) None	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 <sup>8</sup> ; and commercial presence is required 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 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.

<p>(d) (e) 日本国の法律によつて「建築士」としての資格を有するサ―ビス提供者又は「建築士」を使用するサ―ビス提供者のみが提供することができる建築サ―ビス</p> <p>(C P C 八六七二一、八六七二三、八六七二四 (注)、八六七二五 (注)、八六七二七 (注))</p> <p>注 建築物の建築のために必要なサ―ビス(建築後のサ―ビスを除く。)に限る。</p>	SS	<p>(1) 業務上の拠点が必要である。</p> <p>(2) 業務上の拠点が必要である。</p> <p>(3) 制限しない。</p> <p>(4) 業務上の拠点が必要である。</p>	
	<p>(1) 税理士法に規定する税理士が提供しなければならない。</p> <p>(4) 税理士法に規定する税理士サ―ビスについては、業務上の拠点が必要である。</p>	<p>(1) 制限しない。</p> <p>(2) 制限しない。</p> <p>(3) 制限しない。</p> <p>(4) 制限しない。</p>	

### 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
		<p>Accountant Corporation; and commercial presence is required</p> <p>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</p> <p>4) None, except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial presence is required</p>	<p>3) None</p> <p>4) None</p>	
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	<p>1) None, except that commercial presence is required</p> <p>2) None, except that commercial presence is required</p> <p>3) None</p> <p>4) None, except that</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

(e) (g) F(e), F(m) 土木相 談サービス	(e) (f) エンジニアリング及び 総合エンジニアリングの サービス (CPC八六七二(注)、 八六七三(注)) 注 建築サービス及び土 木相談サービスを除 く。	(d), (e), (g) 日本国の法律に よって「建築士」としての 資格を有しないサービス提 供者又は「建築士」を使用 しないサービス提供者が提 供することができる建築 サービス (CPC八六七二、八六七 三(注)、八六七四二 (注)) 注 建築物の建築のため に必要なサービスに限 る。
SS	SS	SS
(2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない(注)。 制限しない。 注 サイサービスが日本国の法律 によって「建築士」として の資格を有するサービス提 供者又は「建築士」を使用 するサービス提供者によつ て提供される場合には、業 務上の観点が必要である。
(2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。

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
86714 <sup>9</sup> ) (CPC 86722, 86723, 86724 <sup>9</sup> , 86725 <sup>9</sup> , 86727 <sup>9</sup> )		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 <sup>10</sup> , 86742 <sup>10</sup> )	SS	1) None <sup>11</sup> 2) None <sup>11</sup> 3) None 4) None <sup>11</sup>	1) None 2) None 3) None 4) None	
e), f) Engineering services and integrated engineering services (CPC 8672 <sup>12</sup> , 8673 <sup>12</sup> )	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e), g) F.e), F.m) Civil engineering	SS	1) None 2) None	1) None 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.

(i) 獣医サービス (CPC 932)	(h) 医師及び歯科医師サ ービス (CPC 931)	(g) 都市計画及び景観設 計 サービス (CPC 8674) (注) 注 建築サービス及び土 木相談サービスを除 く。	(f) 土木のために必要な サービス(建築物のた めのエンジニアリング デザイン・サービスを 除く)に限る。	(e) 土木のために必要な サービス(建築物のた めのエンジニアリング デザイン・サービスを 除く)に限る。
SS		SS		
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。

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
consulting services (CPC 86721 <sup>13</sup> , 86724 <sup>13</sup> , 86727 <sup>13</sup> , 86729 <sup>13</sup> ) (CPC 86741 <sup>13</sup> , 86742 <sup>13</sup> ) (CPC 86761 <sup>13</sup> ) (CPC 86751 <sup>13</sup> , 86752 <sup>13</sup> )		3) None 4) None	3) None 4) None	
g) Urban planning and landscape architectural services (CPC 8674 <sup>12</sup> )	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
h) Medical and dental services (CPC 9312)		1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	
i) Veterinary services (CPC 932)	SS	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

13 Limited to services necessary for civil engineering excluding engineering design services for building.

B 電子計算機サービス及び関	(k) その他	(j) 日本国の法律によって「理学療法士」としての資格を有する理学療法士又は「栄養士」としての資格を有する栄養士が提供するサービス (CPC 93191***)	(i) 助産師、看護師及び准医療従事者が提供するサービス (CPC 93191***)
SS			
(1)	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約東しない。 約東しない。 約東しない。 約東しない。	(4) (3) (2) (1) 約東しない。 制限しない。 外国資本の参加に関して制限がないことを除くほか、約東しない。 約東しない。
(1)	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約東しない。 約東しない。 約東しない。 約東しない。	(4) (3) (2) (1) 約東しない。 制限しない。 外国資本の参加に関して制限がないことを除くほか、約東しない。 約東しない。

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
		4) None	4) None	
j) Services supplied by midwives, nurses and para-medical personnel (CPC 93191**)		1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	
j) Services supplied by physiotherapists qualified as "Rigakuryohoshi", or by dietitians qualified as "Eiyoshi", under Japanese law (CPC 93191**)		1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) None	
k) Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
B. Computer and Related	SS	1) None	1) None	

D (a) 不動産に係るサービス (b) 所有し、又は賃借する不動産（日本国内にあるもの）に係るサービス (CPC八二**)	SS	(3) (2) (1) 業務上の拠点が必要である。 制限しない。	(3) (2) (1) 制限しない。	(3) (2) (1) 制限しない。
C (a) 研究及び開発のサービス (b) 自然科学の研究及び開発のサービス (CPC八五二) (c) 社会科学及び人文科学の研究及び開発のサービス (CPC八五二) (d) 学際的な研究及び開発のサービス (CPC八五三)	SS	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。
連のサービス（航空運送のためのコンピュータ予約システムのサービスを除く） (CPC八四一、八四二、八四三、八四四、八四五、八四六)	SS	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。

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
Services (excluding air transport services: computer reservation system) (CPC 841, 842, 843, 844, 845, 849)		2) None 3) None 4) None	2) None 3) None 4) None	
C. Research and Development Services				
a) Research and development services on natural sciences (CPC 851)	SS	1) None	1) None	
		2) None	2) None	
b) Research and development services on social sciences and humanities (CPC 852)		3) None	3) None	
		4) None	4) None	
c) Interdisciplinary research and development services (CPC 853)				
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 2) None, except that commercial presence is required 3) None	1) None 2) None 3) None	

(a) 所有し、又は賃借する不動産（日本国外にあるものに係るサービス） (CPC 八二二*)	(b) 報酬を受け、又は契約に基づいて行う不動産（日本国内にあるもの）に係るサービス (CPC 八二二*)	(b) 報酬を受け、又は契約に基づいて行う不動産（日本国外にあるもの）に係るサービス (CPC 八二二*)
SS	SS	SS
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 業務上の拠点が必要である。 業務上の拠点が必要である。 業務上の拠点が必要である。 業務上の拠点が必要である。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。

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
		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 2) None 3) None 4) None	1) None 2) None 3) None 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 2) None, except that commercial presence is required 3) None 4) None, except that commercial presence is required	1) None 2) None 3) None 4) None	
b) Real estate services on a fee or contract basis (for property outside Japan) (CPC 822**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

E 運転者を伴わない賃貸サ ビス	(a) 船舶(注)に関する運 転者を伴わない賃貸サ ビス (CPC 83103)	(b) 日本国の船舶を有す る船舶の使用を通じて サ・ビスを提供する場 合には、当該船舶は、 次のいずれかの者が所 有しなければならな い。 (a) 日本国籍を有する 自然人 (b) 日本国の法律に よって設立された法 人であつて、その代 表者の全員及び業務 を執行する役員の一 分の二以上が日本国 籍を有するもの	SS		
			(3)	(2)	(1)
(b) 航空機(注)に関する運 転者を伴わない賃貸サ ビス	(3)	(2)	(1)	制限しない。	制限しない。
	制限しない。	制限しない。	制限しない。	制限しない。	制限しない。
(3)	(2)	(1)	制限しない。	制限しない。	制限しない。
	制限しない。	制限しない。	制限しない。	制限しない。	制限しない。

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
E. Rental and Leasing Services without Operators				
a) Rental and leasing services, without operators, relating to ships <sup>14</sup> (CPC 83103)	SS	1) None 2) None 3) None  4) None	1) None 2) None 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) 4) None	
b) Rental and leasing services, without operators, relating to aircraft <sup>15</sup> (CPC 83104)		1) None 2) None 3) None	1) None 2) None 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.

(b) 市場調査及び世論調査の	F その他の業務サービス (a) 広告サービス (CPC八七二) (CPC八七三)	(c) 運送機器（船舶及び航空機を除く）に関する運送者を伴わない賃貸サービス (CPC八三〇一、八三〇二、八三〇五)	(d) 機械及び機器（運送機器を除く）並びに個人用品及び家庭用品に関する運送者を伴わない賃貸サービス (CPC八三二〇六、八三二〇九)	(e) 機械及び機器（運送機器を除く）並びに個人用品及び家庭用品に関する運送者を伴わない賃貸サービス (CPC八三二〇六、八三二〇九)	(f) 運送機器（船舶及び航空機を除く）に関する運送者を伴わない賃貸サービス (CPC八三二〇六、八三二〇九)
SS	SS	SS	SS	SS	SS
(1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) 約束しない。
(1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) 約束しない。

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
		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 2) None 3) None 4) None	1) None 2) None 3) None 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 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. Other Business Services				
a) Advertising services (CPC 871)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Market research and	SS	1) None	1) None	

(e) 技術試験及び分析サービス	(d) 仲裁及び調停のサービス (CPC八六〇二)	(d) 経営相談に関連するサービス (CPC八六〇一、八六〇九)	(e) 経営相談サービス (CPC八六五)	サービス (CPC八六四)
		SS	SS	
	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 制限しない。 制限しない。 制限しない。
	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 制限しない。 制限しない。 制限しない。

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
public opinion polling services (CPC 864)		2) None 3) None 4) None	2) None 3) None 4) None	
c) Management consulting services (CPC 865)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Services related to management consulting (CPC 86601, 86609)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Arbitration and conciliation services (CPC 86602)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
e) Technical testing and analysis services				

<p>(a) 製造業製品に係るサー ビス（計量法（平成四年 法律第五十一号）の対象 となるサービスを除 く。） （C P C 八六七六*）</p>	<p>(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	
<p>(b) 計量法の対象となる次 のサービス （C P C 八六七三* *）</p>	<p>SS (1) 業務上の拠点が必要である。 (2) 業務上の拠点が必要である。 (3) 制限しない。 (4) 業務上の拠点が必要である。</p>	<p>(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	
<p>(i) 特定計量器の定期検 査のサービス</p>			
<p>(ii) 特定計量器の検定の サービス</p>			
<p>(iii) 計量証明事業（特定 計量証明事業を含 む。）</p>			
<p>(iv) 計量証明に使用する</p>			

### 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) for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (CPC 8676**)		1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
(b) covered by the Measurement Law as follows: (CPC 86763**)	SS	1) None, except that commercial presence is required 2) None, except that commercial presence is required 3) None 4) None, except that commercial presence is required	1) None 2) None 3) None 4) None	
(i) periodic inspection of specified measuring instruments;				
(ii) verification of specified measuring instruments;				
(iii) measurement certification business, including specified measurement certification business;				
(iv) inspection of specified				

(f) 農林業及び狩猟に付随するサービス (CPC 881)	(c) (a)及び(b)に規定するサービス以外の技術試験及び分析サービス	(v) 特定計量証明事業者に対する認定 (vi) 計量器の校正等のサービス	特定計量器の検査のサービス
SS			
(3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。		
(3) (2) (1) 約束しない。 制限しない。 *	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。		
(3) (2) (1) 外国為替及び外国貿易法に			

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
measuring instruments used for the measurement certification;  (v) accreditation for a person engaged in specified measurement certification business; and  (vi) calibration of the measuring instruments and other services				
(c) other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	SS	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None, except that prior notification is required in accordance with the Foreign	

(h) 鉱業に付随するサービス (CPC 883, 511)	(g) 漁業に付随するサービス (CPC 882)	
SS		
(1) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法（昭和二十五年法律第二十八号）に従って提供しなければならない。 (2) 制限しない。 (3) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供	(1) 約束しない。 (2) 約束しない。 (3) 約束しない。 (4) 約束しない。	(4) 制限しない。
(1) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供しなければならない。 (2) 制限しない。 (3) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供	(1) 約束しない。 (2) 約束しない。 (3) 約束しない。 (4) 約束しない。	(4) 従って事前の届出が必要である。 制限しない。

## 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
		4) None	Exchange and Foreign Trade Law 4) None	
g) Services incidental to fishing (CPC 882)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 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) 2) None 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 2) None 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	

(i) 製造業に付随するサービス (CPC 八八四*、八八五) (a) 航空機産業、火薬類製造業、皮革及び皮革製品製造業、武器産業、宇宙開発産業並びに生物学的製剤製造業に関連するもの	
(4) 約束しない。 (3) サービス提供者に付与する許可の数は、制限することができ (2) 制限しない。 (1) 約束しない。*	(4) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供しなければならない。 しなくてはならない。
(4) 約束しない。 (3) 従って事前の届出が必要である。 (2) 制限しない。 (1) 約束しない。*	(4) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供しなければならない。 外国為替及び外国貿易法に従って事前の届出が必要である。 しなくてはならない。

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
		<p>accordance with the Mining Law</p> <p>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</p>	<p>accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law</p> <p>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</p>	
<p>i) Services incidental to manufacturing (CPC 884**, 885)</p> <p>(a) related to aircraft industry, explosives manufacturing industry, leather and leather products manufacturing industry, arms industry, space industry and biological preparation</p>		<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except that the number of licences conferred on service suppliers may be limited</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law</p> <p>4) Unbound</p>	

<p>(b) 仕立てのサービスに關連するもの</p>	<p>(c) (a)及び(b)に規定するサービス以外の製造業に付随するサービス</p>	<p>(j) エネルギー流通に付随するサービス</p>	<p>(a) 報酬を受け、又は契約に基づいて行う電気の託送サービス</p>	<p>(b) 報酬を受け、又は契約</p>
<p>SS</p> <p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>SS</p> <p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 約束しない。 (2) 制限しない。 (3) 約束しない。 (4) 約束しない。</p>	<p>SS</p> <p>(1) 制限しない。</p>
<p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。</p>	<p>(1) 約束しない。 (2) 制限しない。 (3) 約束しない。 (4) 約束しない。</p>	<p>(1) 制限しない。</p>

### 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
manufacturing industry				
(b) related to tailoring services	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
(c) other	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
j) Services incidental to energy distribution (CPC 887)				
(a) transmission services on a fee or contract basis of electricity		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
(b) transmission	SS	1) None	1) None	

(k) 次に掲げる職業以外のものについて日本国内で人員をあっせんするサービス（求職及び求人者の申込みに基づき求職者と求人者との間に雇用関係を成立させるためのサービスに限る。）	(c) (a)及び(b)に規定するサービス以外のエネルギー流通に付随するサービス	に基づいて行う熱供給の 託送サービス	
		(3) (2)	(3) (2)
		制限しない。	制限しない。
		制限しない。	制限しない。
(k) 次に掲げる職業以外のものについて日本国内で人員をあっせんするサービス（求職及び求人者の申込みに基づき求職者と求人者との間に雇用関係を成立させるためのサービスに限る。）	(c) (a)及び(b)に規定するサービス以外のエネルギー流通に付随するサービス	に基づいて行う熱供給の 託送サービス	
		(3) (2)	(3) (2)
		制限しない。	制限しない。
		制限しない。	制限しない。
(k) 次に掲げる職業以外のものについて日本国内で人員をあっせんするサービス（求職及び求人者の申込みに基づき求職者と求人者との間に雇用関係を成立させるためのサービスに限る。）	(c) (a)及び(b)に規定するサービス以外のエネルギー流通に付随するサービス	に基づいて行う熱供給の 託送サービス	
		(3) (2)	(3) (2)
		制限しない。	制限しない。
		制限しない。	制限しない。
(k) 次に掲げる職業以外のものについて日本国内で人員をあっせんするサービス（求職及び求人者の申込みに基づき求職者と求人者との間に雇用関係を成立させるためのサービスに限る。）	(c) (a)及び(b)に規定するサービス以外のエネルギー流通に付随するサービス	に基づいて行う熱供給の 託送サービス	
		(3) (2)	(3) (2)
		制限しない。	制限しない。
		制限しない。	制限しない。

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
services on a fee or contract basis of steam and hot water		2) None 3) None 4) None	2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law 4) None	
(c) other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 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 2) Unbound* 3) None 4) None, except that commercial presence is required	1) None 2) Unbound* 3) None 4) None	

(a) 港湾運送サービス	(b) 建設工事	(c) 労働者の保護に支障を及ぼすおそれがあるものとして厚生労働省令で定めるもの (CPC八七〇一、八七二〇二)	(k) 次に掲げる業務以外のものについて日本国内で（注）人員を提供するサービス（サービス提供者が雇用する労働者を当該サービス提供者との間の雇用関係を維持しつつ、他の者の指揮の下で労働に従事させるために派遣するサービスに限る。） 注 労働者については、企業内の転任を通じて
SS			
(1) 業務上の地点が必要である。 約束しない。 ＊ 制限しない。	(2) 約束しない。 ＊ 制限しない。	(3) 制限しない。 業務上の地点が必要である。	(4)
(1) 制限しない。 約束しない。 ＊ 制限しない。	(2) 制限しない。 ＊ 制限しない。	(3) 制限しない。	(4)

## 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) port transport services;  (b) construction work; and  (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 <sup>16</sup> 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  2) Unbound*  3) None  4) None, except that commercial presence is required	1) None  2) Unbound*  3) None  4) None	

16 The dispatched worker may not be supplied from outside of Japan through intra-corporate transfer.

(1) (CPC 87203, 87209)	(k) 家事手伝い、他の商業労働者又は工業労働者及び看護師を供給するサービス (CPC 87204, 87205, 87206)	(a) 日本国外から派遣してはならない。 (b) 港湾運送サービス (c) 建設工事 (d) 警備 あらかじめ労働政策審議会の意見を聴いた上で政令で定める業務（例えば、医療関係業務） (CPC 87203, 87209)
SS		
(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約東しない。 約東しない。 約東しない。 約東しない。	
(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約東しない。 約東しない。 約東しない。 約東しない。	

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
maintained):  (a) port transport services;  (b) construction work;  (c) guarding; and  (d) other work stipulated in Cabinet Order after consulting the Labour Policy Council (such as medical-related work) (CPC 87203, 87209)				
k) Supply services of domestic help personnel, other commercial or industrial workers and nursing personnel (CPC 87204, 87205, 87206)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
1) Investigation services (CPC 87301)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

SCHEDULE OF JAPAN

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

17 Excluding services requiring mining rights or mining lease rights in accordance with the Mining Law.

SCHEDULE OF JAPAN

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

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.

(o) (CPC 八七四〇一、八七 建築物の清掃サービス	(n) 機器（船舶、航空機その他 の運送機器を除く。）の 保守及び修理 (CPC 六三三、八八六 一八八六六)	(m) 日本国外の土地の測量 サービス (CPC 八六七三**、 八六七五四**)	
SS	SS	SS	
(2) (1) 制限しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	(4) (3) 制限しない。 基本測量又は公共測量の測量 成果を使用することなく実施す る測量、局地的測量及び高度の 精度を必要としない測量以外の 測量については、業務上の拠点 が必要である。
(2) (1) 制限しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	(4) (3) 制限しない。 制限しない。

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  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  4) None	
m) Surveying services for the land outside Japan (CPC 86753**, 86754**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
n) Maintenance and repair of equipment (excluding vessels, aircraft and other transport equipment) (CPC 633, 8861-8866)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
o) Building-cleaning services (CPC 87401, 87402, 87403, 87409)	SS	1) Unbound* 2) None	1) Unbound* 2) None	

(s) 会議サービス (CPC 8790九**)	(r) 印刷及び出版のサービス (CPC 884四二)	(q) こん包サービス (CPC 87六)	(p) 写真サービス (CPC 87五)	四〇二、八七四〇三、八七 四〇九
SS	SS	SS	SS	
(3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。
(3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。

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 4) None	3) None 4) None	
p) Photographic services (CPC 875)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
q) Packaging services (CPC 876)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
r) Printing and publishing services (CPC 88442)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
s) Convention services (CPC 87909**)	SS	1) None 2) None 3) None	1) None 2) None 3) None	

	(b) 法律事件に係る法律業務を構成するもの(注) 注 債権管理回収業に関する特別措置法(平成十年法律第百二十六号)に規定する債権以外の債権を譲り受けて回収する場合を除く	(a) 法律事件に係る法律業務を構成しないもの	(t) 回収代行のサービス(CPC 87902***)	(t) 信用調査のサービス(CPC 87901)	
	SS	SS	SS	SS	
	(1) サービスは、自然人(注)、弁護士法人又は債権管理回収業に関する特別措置法に従って設立された法人が提供しなければならぬ。 注 この分野において、「自然人」とは、日本国の法律によって「弁護士」としての資格を有する弁護士をいう。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) 制限しない。
	(1) 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) 制限しない。

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
		4) None	4) None	
t) Credit reporting services (CPC 87901)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Collection agency services: (CPC 87902***)  (a) which do not constitute the practice of law in respect of legal cases	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
(b) which constitute the practice of law in respect of legal cases <sup>20</sup>	SS	1) None, except that: services must be supplied by a natural person <sup>21</sup> , by a Legal Profession Corporation or by a juridical person established	1) None	

<sup>20</sup> 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).

<sup>21</sup> In this sector, the term "natural person" means a lawyer qualified as "Bengoshi" under Japanese law.

(t)	(t)	
電話による顧客への対応	電話応答のサービス (CPC 87903)	
SS	SS	
(1) 制限しない。	(4)(3)(2)(1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) 業務上の拠点が必要である。 (3)(2) 制限しない。 サービスは、自然人、弁護士法人又は債権管理回収業に関する特別措置法に従って設立された法人が提供しなければならぬ。
(1) 制限しない。	(4)(3)(2)(1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) 制限しない。 (3)(2) 制限しない。 制限しない。

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
		under the Special Measures Law Concerning Credit Management and Collection Business; and commercial presence is required 2) None 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 4) None, except that commercial presence is required	2) None 3) None 4) None	
t) Telephone answering services (CPC 87903)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Telephone call centre services	SS	1) None	1) None	

(t) 専門デザイン・サービス (CPC 8790七七)	(t) 郵便先名簿の編集及び郵便物の発送のサービス (CPC 8790六)	(t) 翻訳及び通訳のサービス (CPC 8790五)	(t) 複写のサービス (CPC 8790四)	のサービス (CPC 8790三**、 八七九〇九***)
SS	SS	SS	SS	
(2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 制限しない。 制限しない。
(2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 制限しない。 制限しない。

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
(CPC 87903**, 87909**)		2) None 3) None 4) None	2) None 3) None 4) None	
t) Duplicating services (CPC 87904)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Translation and interpretation services (CPC 87905)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Mailing list compilation and mailing services (CPC 87906)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Specialty design services (CPC 87907)	SS	1) None 2) None	1) None 2) None	

(b) (a)に規定するサービス 以外のエネルギー製造業	(a) 熱供給業及び石油産業 に関連するサービス	(t) エネルギー製造業に付随 するサービス	(t) 貿易見本市及び展覧会の 開催に係るサービス (CPC八七九〇九*)	
	SS	SS	SS	
(2) (1) 約束しない。 約束しない。	(4) 制限しない。	(3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。
(2) (1) 約束しない。 約束しない。	(4) 制限しない。	(3) (2) (1) 制限しない。 外国為替及び外国貿易法に 従って事前の届出が必要であ る。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。 制限しない。

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 4) None	3) None 4) None	
t) Trade fair and exhibition organisation services (CPC 87909**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Services incidental to energy manufacturing  (a) related to heat supply industry and oil industry	SS	1) None 2) None 3) None  4) None	1) None 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law 4) None	
(b) other		1) Unbound 2) Unbound	1) Unbound 2) Unbound	

に付随するサービス	(t) いずれの分野にも含まれないその他の実務サービス	2 通信サービス A/B 郵便又はクリーエ・サービス (注)
(4) (3) (1) 約束しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。	注 郵便又はクリーエ・サービスの提供者は、関係する形態の運送サービスに係る許可又は登録の要件に従う。信書（印刷物、小包、物品その他の品目を含む。）の送達以外の郵便又はクリーエ・サービスの分野における日本国の約束は、運送サービスの分野に記載する。（「II 運送サービス」参照） 特定信書便事業によって提供される信書の送達のサービス 特定信書便事業とは、民間事業者による信書の送達に関する法律（平成十四年
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。	SS
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。	SS

## 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) Unbound	3) Unbound	
		4) Unbound	4) Unbound	
		1) Unbound	1) Unbound	
		2) Unbound	2) Unbound	
t) Other business services not elsewhere classified		3) Unbound	3) Unbound	
		4) Unbound	4) Unbound	
2. COMMUNICATION SERVICES				
A/B. Postal/Courier Services <sup>22</sup>				
Correspondence-delivery services supplied by Special Correspondence Delivery Business	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
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				

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.)

法律第九十九号に定める次のいずれかの信書便物に係る信書の送達サービスを提供する事業をいう。 (a) その長さ、幅及び厚さの合計が七十二センチメートルを超え、又はその重量が四キログラムを超える信書便物 (b) 差し出された時から三時間以内に送達される信書便物 (c) その料金の額が八百円を下回らない範囲内において総務省令で定める額を超える信書便物 その他の郵便又はクーリエ・サービス				
(4)	(3)	(2)	(1)	
約束しない。	約束しない。	約束しない。	約束しない。	
(4)	(3)	(2)	(1)	
約束しない。	約束しない。	約束しない。	約束しない。	

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
Delivery Provided by Private-Sector Operators (Law No. 99 of 2002):  (a) mail items that have dimensions totaling more than 73 cm or weight over 4 kg;  (b) mail items that are to be delivered within three hours of being mailed; and  (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 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

C 電気通信サービス	
(a) 基本電気通信サービス (CPC七五二二)	(1) 制限しない。
(b) 音声電話サービス (CPC七五二二)	(2) 制限しない。
(c) パケット交換データ伝送サービス (CPC七五二三)**	(3) 日本電信電話株式会社(注)への直接的又は間接的な外国資本の参加の割合は、三分の一未満でなければならない。
(d) 回線交換データ伝送サービス (CPC七五二三)**	(4) 注 日本電信電話株式会社は、その地域会社の発行済株式の総数を保有していない。
(e) テレックス・サービス (CPC七五二三)**	(1) 制限しない。
(f) ファクシミリ・サービス (CPC七五二二**、七五二九**)	(2) 制限しない。
(g) 専用回線サービス (CPC七五二二**、七五二三**)	(3) 日本電信電話株式会社(注)への直接的又は間接的な外国資本の参加の割合は、三分の一未満でなければならない。
(h) その他	(4) 注 日本電信電話株式会社は、その地域会社の発行済株式の総数を保有していない。
(i) 電報サービス (CPC七五二二)	(1) 約束しない。
	(2) 制限しない。
	(3) 約束しない。

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. Telecommunications Services				
Basic telecommunications services:	SS	1) None 2) None 3) None, except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) <sup>23</sup> must be less than one-third	1) None 2) None 3) None, except that: foreign capital participation, direct and/or indirect, in NTT <sup>23</sup> must be less than one-third; and board members and auditors in NTT and the Regional Companies are required to have Japanese nationality	
a) Voice telephone services (CPC 7521)				
b) Packet-switched data transmission services (CPC 7523**)				
c) Circuit-switched data transmission services (CPC 7523**)				
d) Telex services (CPC 7523**)		4) None	4) None	
f) Facsimile services (CPC 7521**, 7529**)				
g) Private leased circuit services (CPC 7522**, 7523**)				
o) Other				
e) Telegraph services (CPC 7522)		1) Unbound 2) None 3) Unbound	1) Unbound 2) None 3) Unbound	

23 NTT must own all the shares issued by the Regional Companies.

(n) 情報又はデータのオンライン交換サービス	(m) コード及びプロトコルの変換サービス	(l) 高度ファクシミリ及び付加価値ファクシミリサービス(蓄積及び転送並びに蓄積及び検索を含む)(CPC七五三三*)	(k) 電子データ交換(EDI)サービス(CPC七五三三*)	(j) 情報及びデータベースのオンラインでの検索サービス(CPC七五三三*)	(i) ボイスメール・サービス(CPC七五三三*)	(h) 電子メール・サービス(CPC七五三三*)	付加価値サービス
SS							
(4) 制限しない。							
(4) 制限しない。							
(4) 制限しない。							
(4) 制限しない。							

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
		4) Unbound	4) Unbound	
Value-added services:	SS	1) None	1) None	
h) Electronic mail services (CPC 7523**)		2) None	2) None	
i) Voice mail services (CPC 7523**)		3) None, except that foreign capital participation, direct and/or indirect, in NTT <sup>23</sup> must be less than one-third	3) None, except that: foreign capital participation, direct and/or indirect, in NTT <sup>23</sup> must be less than one-third; and board members and auditors in NTT and the Regional Companies are required to have Japanese nationality	
j) On-line information and data base retrieval services (CPC 7523**)				
k) Electronic data interchange (EDI) services (CPC 7523**)		4) None	4) None	
l) Enhanced/value-added facsimile services including store and forward, store and retrieve (CPC 7523**)				
m) Code and protocol conversion services				
n) On-line information and/or data processing services (including				

(d) ラジオ及びテレビの放送	(c) ラジオ及びテレビのサービス (CPC九六一三)	(b) 映画の映写サービス (CPC九六一二)	(a) 音響・映像サービス 映画及びビデオテープの 制作及び配給のサービス (CPC九六一一)	(e) その他	インでの処理サービス（取引の処理を含む） (CPC八四三**）
(1)	(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。		
(1)	(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。		

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
transaction processing) (CPC 843**)				
o) Other				
D. Audiovisual Services				
a) Motion picture and video tape production and distribution services (CPC 9611)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Motion picture projection services (CPC 9612)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
c) Radio and television services (CPC 9613)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
d) Radio and television transmission services		1) Unbound	1) Unbound	

3 建設サービス及び関連のエンジニアリング・サービス A 建築物に係る総合建設工事	E その他	(f) その他	(e) 録音サービス	サービス (CPC七五二四)
			SS	
	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 約束しない。 約束しない。 約束しない。
	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) 制限しない。 約束しない。 約束しない。 約束しない。

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
(CPC 7524)		2) None 3) Unbound 4) Unbound	2) None 3) Unbound 4) Unbound	
e) Sound recording services	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
f) Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
E. Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES				
A. General Construction Work for Buildings				

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
(CPC 512)				
B. General Construction Work for Civil Engineering (CPC 513)				
C. Installation and Assembly Work (CPC 514, 516)				
D. Building Completion and Finishing Work (CPC 517)				
E. Other (CPC 511, 515, 518)				
(a) These services indicated above excluding those related to mining	SS	1) Unbound* 2) None 3) None 4) None, except that commercial presence is required	1) Unbound* 2) None 3) None 4) None	
(b) These services related to mining	SS	1) Unbound* 2) None 3) None, except that services requiring mining rights or mining lease rights must be	1) Unbound* 2) None 3) None, except that: services requiring mining rights or mining lease rights must be	

<p>4 流通サービス</p> <p>A 問屋サービス (CPC六二二、六二二一、六二二三〇、六二二二〇)</p> <p>B 卸売サービス (CPC六二二、六二二一、六二二三〇、六二二二〇)</p>	
	<p>(4) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供しなければならない。 業務上の拠点が必要である。</p>
	<p>(4) 鉱業権又は租鉱権を必要とするサービスは、日本国の国民又は日本国の法律によって設立された法人が鉱業法に従って提供しなければならない。</p>

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
		<p>supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law</p> <p>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</p>	<p>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</p> <p>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</p>	
4. DISTRIBUTION SERVICES				
A. Commission Agents' Services (CPC 621, 61111, 61130, 61210)				
B. Wholesale Trade Services (CPC 622, 61111, 61130, 61210)				

(b) 石油及び石油製品に 関連するもの	C 小売サービス (CPC 631, 632, 61112, 61130, 61210) D フランチャイズ・サービス (CPC 8929) これらのサービスで、 (a) 石油 石油製品及びアル コール飲料に関連するサー ビス並びに公共卸売市場 (注) において提供される サービス以外のもの 注 公共卸売市場とは、 国又は地方の政府の認 可に基づき生鮮食料品 (野菜、果物、海産 物 肉類その他日常の 用に供する食料品を含 む)又は花の問屋及 び卸売のサービスのた めに設置される市場で あつて、卸売場、自動 車駐車場その他の前記 の物品の取引及び荷さ ばきに必要な施設を設 けて継続して開場され るものをいう。			
	SS			
(3) (2) (1) 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。			
(3) (2) (1) 制限しない。 外国為替及び外国貿易法に 従つて事前の届出が必要であ る。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。			

## 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. Retailing Services (CPC 631, 632, 61112, 61130, 61210)				
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 <sup>24</sup>	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
(b) These services related to petroleum and petroleum products		1) None 2) None 3) None	1) None 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law	

<sup>24</sup> 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.

(c) アルコール飲料に関連するもの	(d) 公共卸売市場において提供されるもの
SS	SS
(1) 制限しない。 (2) 制限しない。 (3) サービス提供者に付与する免許の数は、制限することができる。 (4) サービス提供者に付与する免許の数は、制限することができる。	(1) 約束しない。* (2) 約束しない。* (3) サービス提供者に付与する許可の数は、制限することができる。 (4) 公共卸売市場（昭和四十六年法律第二十五号）に従い、中央公共卸売市場におけるサービス提供者は、日本国の法律によって設立された法人でなければなら
(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 約束しない。* (2) 約束しない。* (3) 制限しない。

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
		4) None	4) Unbound	
(c) These services related to alcoholic beverages	SS	1) None 2) None 3) None, except that the number of licences conferred to service suppliers may be limited 4) None, except that the number of licences conferred to service suppliers may be limited	1) None 2) None 3) None 4) None	
(d) These services supplied at Public Wholesale Market	SS	1) Unbound* 2) Unbound* 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* 2) Unbound* 3) None	

(b) その他	E その他  (a) 熱供給の卸売及び小売のサービス	
(2) (1) 約束しない。 約束しない。 約束しない。	SS  (4) 制限しない。  (3) (2) (1) 制限しない。 制限しない。 制限しない。  (2) (1) 制限しない。 制限しない。 制限しない。  (1) 制限しない。 制限しない。 制限しない。  (4) 制限しない。  (3) (2) (1) 制限しない。 制限しない。 制限しない。  (2) (1) 従って事前の届出が必要である。 制限しない。  (1) 約束しない。 約束しない。 約束しない。	(4) サービス提供者に付与する許可の数は、制限することができる。  卸売市場法に従い、中央公共卸売市場におけるサービス提供者は、日本国の法律によって設立された法人でなければならない。  (4) 制限しない。

### 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
		1971)  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  (a) Wholesale trade and retailing services of steam and hot water	SS	1) None  2) None  3) None   4) None	1) None  2) None  3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law  4) None	
(b) Other		1) Unbound  2) Unbound	1) Unbound  2) Unbound	

<p>5 A 初等教育サービス 保育所が提供する就学前 教育サービス (CPC 92110**) 保育サービス (CPC 93321)</p>		
<p>初等教育サービスであつて、学校教育として提供されるもの（注1）（注2） (CPC 92110**、9219) 注1 日本国において学校教育として提供されるこの教育サービスは、学校教育機関が提供する。「学校</p>	<p>(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 約束しない。</p>	<p>(3) 約束しない。 (4) 約束しない。</p>
<p>注 「学校法人」とは、日本の法律によって教育サービスを提供する目的で設立される法人であつて、営利目的でないものをいう。</p>	<p>(1) 約束しない。 (2) 約束しない。 (3) 制限しない。 (4) 約束しない。</p>	<p>(3) 約束しない。 (4) 約束しない。</p>

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) Unbound 4) Unbound	3) Unbound 4) Unbound	
5. EDUCATIONAL SERVICES				
A. Primary Education Services				
Pre-school education services supplied by nursery services (CPC 92110**)  Child day-care services (CPC 93321)		1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) None	
Primary education services <sup>25, 26</sup> , supplied as formal education (CPC 92110**, 9219)		1) Unbound 2) Unbound 3) None, except that Formal Education Institutions must be established by school juridical persons <sup>27</sup>	1) Unbound 2) Unbound 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.

<p>注1 日本国において学校教育として提供されるこの教育サービスは、学校教育機関が提供する。「学校教育機関」とは、小学校、中学校、中等教育学校、高等学校、大学、短期大学、高等専門学校、特別支援学校、幼稚園及び幼保連携型認定こども園をいう。</p> <p>注2 いかなる提供の態様による市場アクセス及び内国民待遇に係る特定の約束も、</p>	<p>注1 日本国において学校教育として提供されるこの教育サービスは、学校教育機関が提供する。「学校教育機関」とは、小学校、中学校、中等教育学校、高等学校、大学、短期大学、高等専門学校、特別支援学校、幼稚園及び幼保連携型認定こども園をいう。</p> <p>注2 いかなる提供の態様による市場アクセス及び内国民待遇に係る特定の約束も、</p>
<p>(4) 約束しない。</p>	<p>(4) 約束しない。</p>
<p>(4) 約束しない。</p>	<p>(4) 約束しない。</p>

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
		4) Unbound	4) Unbound	
<b>B. Secondary Education Services</b>				
(a) Secondary education services <sup>25, 26</sup> , supplied as formal education (CPC 9221, 9222, 9223)		1) Unbound 2) Unbound 3) None, except that Formal Education Institutions must be established by school juridical persons 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
(b) Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
C. Higher Education Services <sup>25, 26</sup> (CPC 9231, 9239)	SS	1) None 2) None 3) None, except that Formal Education Institutions must be established by school juridical persons	1) None 2) None 3) None	

<p>注1 日本国において学校教育として提供されるこの教育サービスは、学校教育機関が提供する。〔学校教育機関〕とは、小学校、中学校、中等教育学校、高等学校、大学、短期大学、高等専門学校、特別支援学校、幼稚園及び幼保連携型認定こども園をいう。</p> <p>注2 いかなる提供の態様による市場アクセス及び内国民待遇に係る特定の約束も、日本国の法律に基づく学校教育機関、専修学校及び各種学校における単位、学位、その他の資格証明の承認について適用されるものと解してはならない。</p>	<p>(b) その他</p>	<p>日本国の法律に基づく学校教育機関、専修学校及び各種学校における単位、学位、その他の資格証明の承認について適用されるものと解してはならない。</p>	<p>C 高等教育サービス（注1） （注2） （CPC九二二一、九二二九）</p>			
			<p>SS</p>			
			(4)	(3)	(2)	(1)
			制限しない。	設置しなければならない。	学校教育機関は、学校法人が制限しない。	制限しない。
			(4)	(3)	(2)	(1)
			制限しない。	制限しない。	制限しない。	制限しない。
			(4)	(3)	(2)	(1)
			約束しない。	約束しない。	約束しない。	約束しない。

B 廃棄物処理サービス (CPC 9402)	SS	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	6 環境サービス A 汚水サービス (CPC 9402)	SS	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *	D 成人教育サービス (注1) (注2) (CPC 924) E その他の教育サービス (注1) (注2) (CPC 929) 注1 いかなる提供の態様による市場アクセス及び内国民待遇に係る特定の約束も、日本国の法律に基づく学校教育機関、専修学校及び各種学校における単位、学位その他の資格証明の承認について適用されるものと解してはならない。 注2 学校教育機関は、学校法人が設置しなければならぬ。専修学校及び各種学校は、学校法人が設置することある。学校教育機関は、学校教育を提供するとともに、学校教育以外の教育サービスを提供することができる。専修学校及び各種学校は、学校教育以外の教育サービスのみを提供する。	SS	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 *

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
		4) None	4) None	
D. Adult Education Services <sup>26,28</sup> (CPC 924)	SS	1) None 2) None	1) None 2) None	
E. Other Education Services <sup>26,28</sup> (CPC 929)		3) None 4) None	3) None 4) None	
6. ENVIRONMENTAL SERVICES				
A. Sewage Services (CPC 9401)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
B. Refuse Disposal Services (CPC 9402)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 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.

7 金融サービス	C 衛生サービス及びこれに類するサービス (CPC 9403)				D その他 排気ガス処理サービス (CPC 9404) 騒音除去サービス (CPC 9405) 自然及び景観の保護サービス (CPC 9406) その他の環境保護サービス (CPC 9409)
	SS	SS			SS
	(1)	(2)	(3)	(4)	(1)
	約束しない。 *	制限しない。	制限しない。	制限しない。	(1) 約束しない。 *
	C				D
	SS	SS			SS
	(1)	(2)	(3)	(4)	(1)
	約束しない。 *	制限しない。	制限しない。	制限しない。	(1) 約束しない。 *
	C				D
	SS	SS			SS
	(1)	(2)	(3)	(4)	(1)
	約束しない。 *	制限しない。	制限しない。	制限しない。	(1) 約束しない。 *
	C				D
	SS	SS			SS
	(1)	(2)	(3)	(4)	(1)
	約束しない。 *	制限しない。	制限しない。	制限しない。	(1) 約束しない。 *

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* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. Other				
Cleaning services of exhaust gases (CPC 9404)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Noise abatement services (CPC 9405)				
Nature and landscape protection services (CPC 9406)				
Other environmental protection services (CPC 9409)				
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				

### 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
<p>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.</p> <p>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.</p>				
A. Insurance and Insurance-Related Services		<p>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.</p> <p>1) None, except that: commercial presence is in principle required for insurance contracts on the following items.</p>	1) None	

ものから生ずる責任に係る保険契約については、原則として業務上の拠点が必要である。	(a) 日本国内で運送される貨物
(b) 国際海上運送に使用されない日本国の船籍の船舶	(b) 日本国において保険仲介サービスを行う場合には、業務上の拠点が必要である。
(2) 次に掲げるもの及びこれらのものから生ずる責任に係る保険契約については、原則として業務上の拠点が必要である。	(2) 制限しない。
(a) 日本国内で運送される貨物	
(b) 国際海上運送に使用されない日本国の船籍の船舶	

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
		and any liability arising therefrom:  (a) goods being transported within Japan; and  (b) ships of Japanese registration which are not used for international maritime transport; and  commercial presence is required for insurance intermediation services in Japan.  2) None, except that: commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:  (a) goods being transported within Japan; and  (b) ships of Japanese registration which are not used for international maritime transport; and	2) None	

B 銀行サービスその他の金融サービス（保険及び保険関連のサービスを除く。）	
(2) (1) 制限しない。	(4) 日本国において保険仲介サービスを行う場合には、業務上の拠点が必要である。 (3) 制限しない（注）。 注 保険仲介サービスは、日本国において提供が認められている保険契約についてのみ提供することができる。 (4) 約束しない。
(2) (1) 制限しない。	(3) 制限しない。 (4) 約束しない。

## 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
		commercial presence is required for insurance intermediation services in Japan. 3) None <sup>29</sup> 4) Unbound	3) None 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. 1) None 2) None	1) None 2) None	

29 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

C 社会事業サービス（介護福祉）	B その他の人の健康に関連するサービス （CPC 9319、ただし、9329を除く）	A 病院サービス （CPC 9321）	8 健康に関連するサービス及び社会事業サービス	
(1) 約束しない。 *	(4) 約束しない。 *	(3) 外国資本の参加に関して制限がないことを除くほか、約束しない。 約束しない。	(1) 約束しない。 *	(3) 制限しない。
(1) 約束しない。 *	(4) 約束しない。 *	(3) 外国資本の参加に関して制限がないことを除くほか、約束しない。 約束しない。	(1) 約束しない。 *	(3) 預金保険制度は、外国銀行の支店が扱う預金を対象としない。 約束しない。

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  4) Unbound	3) None, except that the deposit insurance system does not cover deposits taken by branches of foreign banks  4) Unbound	
8. HEALTH RELATED AND SOCIAL SERVICES				
A. Hospital Services (CPC 9311)		1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	
B. Other Human Health Services (CPC 9319, except 93191)		1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	1) Unbound* 2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) None	
C. Social Services (including services		1) Unbound*	1) Unbound*	

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
supplied by certified careworker, excluding child day-care services) (CPC 933, except 93321)		2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) Unbound	2) None 3) Unbound, except that there is no limitation on the participation of foreign capital 4) None	
D. Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>				
<b>A. Hotels and Restaurants</b>				
Hotels and restaurants services (CPC 641-643)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Hotel management services	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

B 旅行業サービス (CPC七四七二)	C 観光客の案内サービス (CPC七四七二)	D その他	10 娯楽、文化及びスポーツの サービス（音響・映像サービス を除く） A 興行サービス (CPC九六一九)
SS	SS		SS
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。
(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。

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
B. Travel Agencies and Tour Operators Services (CPC 7471)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Tourist Guides Services (CPC 7472)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)				
A. Entertainment Services (CPC 9619)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

B 通信サービス (CPC 九六)	C 図書館、記録保管所及び博物館のサービスその他の文化サービス 図書館及び記録保管所のサービス (CPC 九六三一、九六三二)	歴史的な遺跡及び建造物の保存サービスを含む博物館サービス (CPC 九六三二)	その他の文化サービス (CPC 九六三三)
SS	SS	SS	SS
(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。
(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。

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
B. News Agency Services (CPC 962)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Libraries, Archives, Museums and Other Cultural Services				
Libraries and archives services (CPC 96311, 96312)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Museum services including preservation services of historical sites and buildings (CPC 9632)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Other cultural services (CPC 9633)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

E その他	その他の娯楽のサービス (CPC九六四九九)	ス 公営競技等に係るサービス (CPC九六四九二)	D スポーツその他の娯楽のサービス スポーツに係るサービス (CPC九六四二) 遊園地及び海水浴場のサービス (CPC九六四九二)
(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 約束しない。 * 制限しない。
(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。	(4) (3) (2) (1) 約束しない。 * 制限しない。

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
D. Sporting and Other Recreational Services				
Sporting services (CPC 9641)  Recreation parks and beach services (CPC 96491)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Gambling and betting services (CPC 96492)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
Other recreational services (CPC 96499)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
E. Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

11 運送サービス	
A 海上運送サービス（補助的なサービスを除く） (a), (b) 国際海上運送サービス（旅客及び貨物の運送サービスを含む） (C) CPC 7211, 7212	
SS	(1) (a) 定期船貨物の運送については、制限しない（注）。 (b) ばら積み貨物の運送その他の外航海運（旅客運送を含む）については、制限しない（注）。 注 日本国の船舶運航事業者が外国又は外国の公共団体若しくはこれに準ずるものによって不利益な取扱いを受けている場合において、対抗措置をとる旨の事前の通告にもかかわらず、当該不利益な取扱いが引き続き行われ、当該日本国の船舶運航事業者の利益が著しく害されているときは、対抗措置として、当該外国の船舶運航事業者に対して、一定の期間、次の事項を制限し、又は禁止することができる。 (a) 日本国の港への入港 (b) 日本国の港における貨物の積み込み又は取卸し 制限しない。 (3) (a) 日本国の船舶を有する船舶の運航を目的とする登録会社の設立については、制限しない。ただし、船舶について日本国の船舶を取得するには、国籍要件（注）を満たす必要がある。 注 この分野において「国籍要件」とは、船舶を次のいずれかの者が所有しなければならないことをいう。
SS	(1) (a) 定期船貨物の運送については、制限しない（注）。 (b) ばら積み貨物の運送その他の外航海運（旅客運送を含む）については、制限しない（注）。 注 日本国の船舶運航事業者が外国又は外国の公共団体若しくはこれに準ずるものによって不利益な取扱いを受けている場合において、対抗措置をとる旨の事前の通告にもかかわらず、当該不利益な取扱いが引き続き行われ、当該日本国の船舶運航事業者の利益が著しく害されているときは、対抗措置として、当該外国の船舶運航事業者に対して、一定の期間、次の事項を制限し、又は禁止することができる。 (a) 日本国の港への入港 (b) 日本国の港における貨物の積み込み又は取卸し 制限しない。 (3) (a) 日本国の船舶を有する船舶の運航を目的とする登録会社の設立については、制限しない。ただし、船舶について日本国の船舶を取得するには、国籍要件（注）を満たす必要がある。 注 この分野において「国籍要件」とは、船舶を次のいずれかの者が所有しなければならないことをいう。
	次のサービスは、国際海上運送提供者に対し、合理的なかつ差別のない条件で利用可能となる。 (a) 水先サービス (b) 押し船及び引き船のサービス (c) 食料供給 給油及び給水のサービス (d) ごみ収集及び廃棄物処理のサービス (e) ボートキャプテン・サービス (f) 航行補助サービス (g) 陸岸において行うサービスであって、船舶の運航に不可欠なもの（通信 給水及び電気の供給を含む） (h) 応急の修理サービス (i) びよう泊及び係留のサービス

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
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 <sup>30</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>30</sup> 2) None 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 <sup>31</sup> for a ship to fly the flag of Japan.	1) (a) Liner Shipping: None <sup>30</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>30</sup> 2) None 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 <sup>31</sup> 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: (a) Pilotage services; (b) Pushing and towing services; (c) Provisioning, fuelling and watering services; (d) Garbage collecting and refuse disposal services; (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.

<p>(a) 日本国籍を有する自然人</p> <p>(b) 日本国の法律によって設立された法人であつて、その代表者の全員及び業務を執行する役員の三分の二以上が日本国籍を有するもの</p>	<p>(a) 日本国籍を有する自然人</p> <p>(b) 日本国の法律によって設立された法人であつて、その代表者の全員及び業務を執行する役員の三分の二以上が日本国籍を有するもの</p>
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(c) 乗組員を伴う船舶（日本 国の船舶を有する船舶を除 く。）の賃貸			
	SS		
	(3) (2) (1)	制限しない。 制限しない。 制限しない。	(b) 国際海上運送サービスを提供するためのその他の形態の業務上の拠点（海上運送サービス（補助的なサービスを含む。）の分野における特定の約束に関する注釈1に定義するもの）については、制限しない。 (4) (a) 船員については、日本国の法人によって雇用された外国人は、関連の通達に掲げる船員を除くほか、日本国の船舶を有する船舶において働くことはできない。 (b) (3) (b)に規定する業務上の拠点との関連で雇用されている幹部については、制限しない。
	(3) (2) (1)	制限しない。 制限しない。 制限しない。	(b) 国際海上運送サービスを提供するためのその他の形態の業務上の拠点（海上運送サービス（補助的なサービスを含む。）の分野における特定の約束に関する注釈1に定義するもの）については、制限しない。 (4) (a) 船員については、日本国の法人によって雇用された外国人は、関連の通達に掲げる船員を除くほか、日本国の船舶を有する船舶において働くことはできない。 (b) (3) (b)に規定する業務上の拠点との関連で雇用されている幹部については、制限しない。

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
		<p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>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.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b) above: None</p>	<p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>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.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b) above: None</p>	<p>(f) Navigation aids services;</p> <p>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>(h) Emergency repair services; and</p> <p>(i) Anchorage, berths and berthing services.</p>
c) Rental of vessels with crew (excluding vessels flying the Japanese flag) (CPC 7213)	SS	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

(CPC七二二三)	A 海上運送サービス（補助的なサービスに限る。） (d) 船舶の保守及び修理 (CPC八六八**)	(e) 押し船及び引き船のサービス (CPC七二四)	(f) 引揚げその他の救助サービス、給水サービス、給油サービス及びごみ収集サービス (CPC七五四**、七
	SS	SS	SS
(4) 制限しない。	(1) 約束しない。 * (2) 制限しない。 (3) 一定の規模を超える船舶の製造又は修理に利用することのできるドック又は船台の設置又は拡張は、経済上の需要を考慮しなければならない。 (4) 制限しない。	(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。
(4) 制限しない。	(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。

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
		4) None	4) None	
<b>A. Maritime Auxiliary Transport Services</b>				
d) Maintenance and repair of vessels (CPC 8868**)	SS	1) Unbound* 2) None 3) None, except that establishing docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test 4) None	1) Unbound* 2) None 3) None 4) None	
e) Pushing and towing services (CPC 7214)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
f) Salvaging and refloating services, watering services, fueling services and garbage collecting services	SS	1) None 2) None 3) None	1) None 2) None 3) None	

四九九**	(f) 水先サービス (CPC七四五二)	(f) 港湾及び水路の運営に係るサービス（貨物の取扱サービスを除く） (CPC七四五二）	(f) 航行補助サービス (CPC七四五三）	海上貨物取扱サービス（海上運送サービス（補助的なサービスを含む）の分野における特定の約束に関する注釈2に定義するもの）
	SS	SS	SS	SS
	(4) (3) (2) (1) 約束しない。 制限しない。 *	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 制限しない。 制限しない。 *
	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 制限しない。 制限しない。 *	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 制限しない。 制限しない。 *

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
(CPC 7454**, 7459**)		4) None	4) None	
f) Pilotage services (CPC 7452)		1) Unbound* 2) None 3) Unbound 4) Unbound	1) Unbound* 2) None 3) Unbound 4) Unbound	
f) Port and waterway operation services (excluding cargo handling services) (CPC 7451)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
f) Navigation aid services (CPC 7453)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
Maritime cargo handling services (as defined in paragraph 2 of Note below)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

	SS	SS	SS
コンテナ・ステーション及びデポ・サービス（海上運送サービス（補助的なサービスを含む）の分野における特定の約束に関する注釈3に定義するもの）	(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 約束しない。 * (2) 制限しない。 (3) 制限しない。 (4) 制限しない。
海上運送の代理店サービス（海上運送サービス（補助的なサービスを含む）の分野における特定の約束に関する注釈4に定義するもの）	(1) 業務上の観点が必要である。事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。 (2) 制限しない。 (3) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。 (2) 制限しない。 (3) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。
海上貨物利用運送サービス（海上運送サービス（補助的なサービスを含む）の分野における特定の約束に関する注釈5に定義するもの）	(1) 業務上の観点が必要である。事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。 (2) 制限しない。 (3) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。	(1) 制限しない。 (2) 制限しない。 (3) 制限しない。 (4) 制限しない。	(1) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。 (2) 制限しない。 (3) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。

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
Container station and depot services (as defined in paragraph 3 of Note below)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Maritime agency services (as defined in paragraph 4 of Note below)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 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 2) None 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 2) None 3) None, except that an operation permit or governmental registration will be granted on reciprocal basis	

	(4) 業務上の観点が必要である。 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。	(4) 事業の許可又は政府による登録は、相互主義に基づいて与えられ、又は行われる。

海と運送サービス（補助的なサービスを含む。）の分野における特定の約束に関する注釈

道路運送サービス、鉄道運送サービス、内陸水路における運送サービス及び関連補助サービスの全てがこの特定の約束に係る表に含まれているわけではないという事実にかかわらず、複合運送の事業者（注1）は、貨物の内陸における取扱いのため、トラック、鉄道、貨車若しくは及びこれらの関連設備を賃借することができ、又は複合運送の事業を行うため、合理的なかつ差別的でない条件（注2）で、これらの形態の複合運送にアクセスし、及びこれを利用することができなければならない。

注1 「複合運送の事業者」とは、その名において、船舶証券、複合運送の書類又は物品の複合運送の契約を証明するその他の書類を発行し、かつ、当該契約により当該複合運送について責任を負う者をいう。

注2 「合理的なかつ差別的でない条件」とは、複合運送の事業については、複合運送の事業者が貨物を運送するための措置を適時に（後から入港した貨物に優先して取り扱われることを含む）とることができることをいう。

定義

1 「国際海上運送サービスを提供するためのその他の形態の業務上の観点」とは、ASEAN構成国の国際海上運送サービス提供者が、海上運送が主要な部分を占める運送サービスを一部又は一貫した形で自らの顧客に提供するために必要な全ての活動を日本国で行うことができるものをいう。ただし、このことは、第五十一条(i)の規定に基づいて提供されるサービスについて行われる特定の約束をいかなる形においても制限するものと解してはならない。

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
		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	
<p style="text-align: center;">Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services</p> <p>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<sup>Note 1</sup> 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<sup>Note 2</sup> for the purpose of carrying out multimodal transport operations.</p> <p>(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.</p> <p>(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.</p> <p>Definitions</p> <p>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.)</p>				

これらの活動には、次のことを含むが、これらに限らない。

- (a) 顧客と直接に連絡を取ることで、海上運送サービス及び関連サービスのマーケティング及び販売（見積りから仕入書の作成までの活動を含む）を行うこと。サービス提供者が行うものに限る。）
  - (b) 自らの取引のために、顧客の代理として又は顧客に再販するために国内運送サービス及び関連サービス（「貫通したサービス」の提供に必要な全ての態様の内陸運送サービス、特に、内陸水路における運送サービス、道路運送サービス及び鉄道運送サービスを含む、航空運送サービスを含まない。）を入手すること。
  - (c) 運送される物品の原産地及び性質に関連する運送関係の書類、税関関係の書類その他の書類を準備すること。
  - (d) 何らかの手段（コンピュータ情報システム及び電子データ交換を含む）により業務上の情報を提供すること。（ただし、サービス貿易一般協定電気通信に関する附属書に従うことを条件とする。）
  - (e) 日本国において設立された海上運送代理店との間で、業務上の取決め（企業への資本の参加を含む）を確立すること及び日本国において人員を採用すること。（ただし、外国の人員の場合には、第六章の二に定める約束に従うことを条件とする。）
  - (f) 船舶の寄港の準備又は要請による貨物の引取りを行う海運会社の代理として活動すること。
- 2 「海上貨物取扱サービス」とは、港湾運送会社が行う活動（ターミナルオペレーターの活動を含まない。）をいう。当該活動には、次の事項を計画し、及び管理することを含む。
    - (a) 貨物の船舶への積込み又は船舶からの取卸し
    - (b) 貨物の固縛又は固縛の解除
    - (c) 積み込み前又は取卸し後の貨物の受取又は引渡し及び保管
  - 3 「コンテナ・ステーション及びデポ・サービス」とは、港頭地区又は内陸部において、パン詰め、パン出し、補修及び船積み可能な状態にすることを目的として、コンテナを保管する活動をいう。

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
These activities include, but are not limited to:				
(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;				
(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 inland transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;				
(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;				
(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);				
(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 <i>bis</i> ) with any locally established shipping agency; and				
(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.				
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:				
(a) the loading/discharging of cargo to/from a ship;				
(b) the lashing/unlashing of cargo; and				
(c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.				
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.				

(a) 見積りか仕入書作成済みの海上運送サービス及び関連サービスのマーケティング及び販売を行うこと、海運会社に代わつて船証券を発行すること、必要なら関連サービスを手入し、及び再販すること、書類を準備すること並びに業務上の情報を提供する権利を代理すること、

(b) 船舶の善悪の準備又は要請による貨物の取り敢へるを行う海運会社の代理として活動すること。

主として海上貨物用運送サービス及び監視する活動を行い、海上貨物用運送サービスに、その上において、船舶荷役又は荷物の運送の契約を証明するその他の書類を発行し、かつ、当該契約により当該運送について責任を負う者が提供するものを含む。

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural 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. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:				
(a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and				
(b) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.				
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>B. Internal Waterways Transport</b>				
d) Maintenance and repair of vessels (CPC 8868**)	SS	1) Unbound*  2) None  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  4) None	1) Unbound*  2) None  3) None  4) None	
e) Pushing and towing services (CPC 7224)	SS	1) Unbound*  2) None	1) Unbound*  2) None	

(d) C 航空運送サービス 第五十・一条(b)に定義す	SS	(f) 航空運送サービス (CPC七四五三)	(f) 港湾及び水路の運営に係るサービス（貨物の取扱サービスを除く） (CPC七四五二)	(f) 水先サービス (CPC七四五二)	(f) 引揚げその他の救助サービス、給水サービス、給油サービス及びごみ収集サービス (CPC七五四*、七四九*）	(C) PC七三二四
(1)	(1)	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。
(1)	(1)	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 約束しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) 制限しない。

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 4) None	3) None 4) None	
f) Salvaging and refloating services, watering services, fuelling services and garbage collecting services (CPC 7454**, 7459**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
f) Pilotage services (CPC 7452)		1) Unbound* 2) Unbound* 3) Unbound 4) Unbound	1) Unbound* 2) Unbound* 3) Unbound 4) Unbound	
f) Port and waterway operation services (excluding cargo handling services) (CPC 7451)  f) Navigation aid services (CPC 7453)		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
C. Air Transport Services				
d) Aircraft repair and	SS	1) Unbound*	1) Unbound*	

る航空機の修理及び保守のサービス	(e) 第五十・一条(p)に定義する航空運送サービスの販売及びマーケティング	(e) 第五十・一条(d)に定義するコンピュータ予約システムのサービス	D 宇宙運送 (CPC 733)
SS	SS	SS	SS
(3) (2) 制限しない。 サービス提供者に付する許可の数は、制限することができる。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。
(3) (2) 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。 (4) (3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。 (4) (3) (2) (1) 約束しない。

## 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
maintenance services defined in subparagraph (b) of Article 50.1		2) None 3) None, except that the number of licences conferred to service suppliers may be limited 4) None	2) None 3) None 4) None	
e) Selling and marketing of air transport services defined in subparagraph (p) of Article 50.1	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Computer reservation system services defined in subparagraph (d) of Article 50.1	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Space Transport (CPC 733)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	

E 鉄道運送サービス			
(a) 旅客運送 (CPC 7111)			
SS			
(1)	約束しない。 *	(1)	約束しない。 *
(2)	制限しない。	(2)	制限しない。 外国為替及び外国貿易法に 従って事前の届出が必要であ る。
(3)	制限しない。	(3)	制限しない。
(4)	制限しない。	(4)	制限しない。
(b) 貨物運送 (CPC 7112)			
SS			
(1)	約束しない。 *	(1)	約束しない。 *
(2)	制限しない。	(2)	制限しない。 外国為替及び外国貿易法に 従って事前の届出が必要であ る。
(3)	制限しない。	(3)	制限しない。
(4)	制限しない。	(4)	制限しない。
(c) 押し列車及び引き列車の サービス (CPC 7113)			
SS			
(1)	約束しない。 *	(1)	約束しない。 *
(2)	制限しない。	(2)	制限しない。
(3)	制限しない。	(3)	制限しない。
(4)	制限しない。	(4)	制限しない。

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
E. Rail Transport Services				
a) Passenger transportation (CPC 7111)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law 4) None	
b) Freight transportation (CPC 7112)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law 4) None	
c) Pushing and towing services (CPC 7113)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

(a) F 道路運送サービス (CPC 7211-7217)	(e) 鉄道運送サービスの支援 サービス (CPC 743)	(d) 鉄道運送機器の保守及び 修理のサービス (CPC 8868*)	(d) 鉄道運送機器に関する運 転者を伴う賃貸
SS	SS	SS	SS
(2) (1) 約束しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。
(2) (1) 約束しない。 *	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。 外国為替及び外国貿易法に 従って事前の届出が必要であ る。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 制限しない。

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
d) Maintenance and repair services of rail transport equipment (CPC 8868**)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
d) Rental of rail transport equipment with operator	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Supporting services for rail transport services (CPC 743)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law 4) None	
F. Road Transport Services				
a) Passenger transportation (CPC 71211-71214,	SS	1) Unbound* 2) None	1) Unbound* 2) None	

(a) その他の定期旅客運送 (CPC 71219) 運転者を伴う乗用自動車の賃貸 (a) CPC 71221 (b) 運転者を伴うバスの賃貸		(1) 約束しない。 (2) 約束しない。 (3) 約束しない。 (4) 約束しない。	(3) サービス提供者の数、サービス事業の数又はサービスの産出量は、暫定的にかつ無差別の原則に基づいて制限することができる。 (4) サービス提供者の数、サービス事業の数又はサービスの産出量は、暫定的にかつ無差別の原則に基づいて制限することができる。業務上の地点が必要である。	(1) 約束しない。 (2) 約束しない。 (3) 約束しない。 (4) 約束しない。	(3) 外国為替及び外国貿易法に従って事前の届出が必要である。

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
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  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  4) None	
a) Other scheduled passenger transportation (CPC 71219)		1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
a) Rental services of passenger cars with operator (CPC 71222)		4) Unbound	4) Unbound	
a) Rental services of				

(b) 貨物運送サービス (CPC 71223)	(a) 人力車又は動物牽引車による旅客運送 (CPC 71224) (a) その他の不定期旅客運送 (CPC 71229)
SS	
(4) サービス提供者の数 サービス	(1) 約束しない。 (2) 制限しない。 (3) サービス提供者の数 サービス事業の数又はサービスの産出量は、暫定的にかつ無差別の原則に基づいて制限することができる。
(4) 制限しない。	(1) 約束しない。 (2) 制限しない。 (3) 制限しない。

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
buses and coaches with operator (CPC 71223) a) Passenger transportation by man- or animal-drawn vehicles (CPC 71224) a) Other non-scheduled passenger transportation (CPC 71229)				
b) Freight transportation services (CPC 7123)	SS	1) Unbound* 2) None 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 4) None, except that: limitations on the number of service suppliers, on the number of service operations or on the	1) Unbound* 2) None 3) None 4) None	

	(e) 道路運送サービスの支援サービス (CPC七四四)	(d) 道路運送機器の保守及び修理のサービス (整備士が提供するサービスを含む) (CPC六二二、八八六七)	(c) 運転者を伴う商業用車両の賃貸 (CPC七二四)	
	SS	SS	SS	
	(3) (2) (1) 自動車運送事業 (注) のサービス提供者に付与する免許の数は、制限することができる。 注 「自動車運送事業」とは、有料の自動車道を運営する	(4) (3) (2) (1) 約束しない。 * 制限しない。 業務上の拠点が必要である。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。 業務上の拠点が必要である。	ス事業の数又はサービスの産出量は、暫定的にかつ無差別の原則に基づいて制限することができ。業務上の拠点が必要である。
	(3) (2) (1) 制限しない。	(4) (3) (2) (1) 約束しない。 * 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	

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
		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 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Maintenance and repair services of road transport equipment (including services supplied by mechanic) (CPC 6112, 8867)	SS	1) Unbound* 2) None 3) None 4) None, except that commercial presence is required	1) Unbound* 2) None 3) None 4) None	
e) Supporting services for road transport services (CPC 744)	SS	1) None 2) None 3) None, except that the number of licences conferred to services suppliers may be limited for motorway	1) None 2) None 3) None	

(b) 燃料以外の物品の輸送	(b) 報酬を受け、又は契約に基づいて行う石油の輸送サービス	(a) 報酬を受け、又は契約に基づいて行う天然ガスの輸送サービス	G パイプライン輸送 (a) 燃料の輸送 (CPC 7131)	(4) 自動車運送事業のサービス提供者に付与する免許の数は、制限することができる。
SS				
(1)	(4) (3) (2) (1) 制限しない。 約束しない。	(4) (3) (2) (1) 制限しない。 約束しない。	(4) (3) (2) (1) 制限しない。 約束しない。	(4) 自動車運送事業のサービス提供者に付与する免許の数は、制限 することができる。
(1)	(4) (3) (2) (1) 制限しない。 約束しない。	(4) (3) (2) (1) 制限しない。 約束しない。	(4) (3) (2) (1) 制限しない。 約束しない。	(4) 制限しない。

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
		Limitations on Market Access businesses <sup>32</sup>	Limitations on National Treatment	Additional Commitments
		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)				
(a) transportation services of natural gas on a fee or contract basis		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
(b) transportation services of petroleum on a fee or contract basis		1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 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.

サービス (CPC七一九)	H 全ての形態の運送の補助的なサービス (a) 貨物取扱サービス（海上運送サービスに関連するサービスを除く） (CPC七四二)	(b) 倉庫サービス（石油及び石油製品に関連するサービスを除く） (CPC七四二)	(b) 石油及び石油製品に関連する倉庫サービス (CPC七四二)
SS	SS	SS	SS
(4) (3) (2) 制限しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。	(3) (2) (1) 約束しない。 制限しない。 制限しない。 *
(4) (3) (2) 制限しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 *	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 *	(3) (2) (1) 約束しない。 制限しない。 制限しない。 *
(4) (3) (2) 制限しない。	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 *	(4) (3) (2) (1) 約束しない。 制限しない。 制限しない。 *	(3) (2) (1) 約束しない。 制限しない。 制限しない。 *

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
fuels (CPC 7139)		2) None 3) None 4) None	2) None 3) None 4) None	
H. Services Auxiliary to All Modes of Transport				
a) Cargo-handling services (excluding services relating to maritime transport services) (CPC 741)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services (excluding services relating to petroleum and petroleum products) (CPC 742)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services relating to petroleum and petroleum products (CPC 742)	SS	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None, except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law	

(b) その他	(a) 通関業サービス（日本 の 国の税関に関連するも の）	(c) 貨物運送代理店サービス （海上貨物利用運送サービ スに関連するサービスを除 く。） （CPC 748）	(4) 約束しない。
	SS	SS	
(2) (1) 約束しない。	(4) (3) (2) (1) 業務上の拠点が必要である。 制限しない。 業務上の拠点が必要である。	(4) (3) (2) (1) 業務上の拠点が必要である。 制限しない。 業務上の拠点が必要である。	(4) 約束しない。
(2) (1) 約束しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) (3) (2) (1) 制限しない。 制限しない。 制限しない。	(4) 約束しない。

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
		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 2) None 3) None 4) None, except that commercial presence is required	1) None 2) None 3) None 4) None	
d) Other (a) Customs clearance agent services related to Japanese Customs	SS	1) None, except that commercial presence is required 2) None, except that commercial presence is required 3) None 4) None, except that commercial presence is required	1) None 2) None 3) None 4) None	
(b) Other		1) Unbound 2) Unbound	1) Unbound 2) Unbound	

<p>整髪及びその他の美容サービス</p>	<p>12</p> <p>いずれの分野にも含まれない その他のサービス</p>		<p>I</p> <p>その他の運送サービス</p>		
	SS	SS	SS		
	(2) (1)	(4) (3) (2) (1)	(4) (3) (2) (1)	(4) (3) (2) (1)	(4) (3)
	<p>約束しない。 制限しない。 *</p>	<p>洗濯物の回収サービス (CPC九七〇一一)</p> <p>約束しない。 制限しない。 *</p>	<p>洗濯、クリーニング及び染色のサービス(洗濯物の回収サービスを除く) (CPC九七〇一一、ただし、九七〇一一を除く)</p> <p>約束しない。 制限しない。 *</p>	<p>約束しない。 約束しない。 約束しない。 約束しない。 約束しない。</p>	<p>約束しない。 約束しない。 約束しない。 約束しない。 約束しない。</p>
	(2) (1)	(4) (3) (2) (1)	(4) (3) (2) (1)	(4) (3) (2) (1)	(4) (3)
	<p>約束しない。 制限しない。 *</p>	<p>約束しない。 制限しない。 *</p>	<p>約束しない。 制限しない。 制限しない。 制限しない。 制限しない。</p>	<p>約束しない。 約束しない。 約束しない。 約束しない。 約束しない。</p>	<p>約束しない。 約束しない。 約束しない。 約束しない。 約束しない。</p>

### 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) Unbound 4) Unbound	3) Unbound 4) Unbound	
I. Other Transport Services		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE				
Washing, cleaning and dyeing services (excluding laundry collection services) (CPC 9701, except 97011)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Laundry collection services (CPC 97011)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Hairdressing and other beauty services (CPC 97021, 97022)	SS	1) Unbound* 2) None	1) Unbound* 2) None	

その他	(C) 一九七〇年、一九七〇年
(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) 制限しない。 制限しない。
(4) (3) (2) (1) 約束しない。 約束しない。 約束しない。 約束しない。	(4) (3) 制限しない。 制限しない。

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 4) None	3) None 4) None	
Other		1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

日・ASEAN包括的経済連携協定第一改正議定書

付録三

附属書七 最恵国待遇の免除に係る表

Appendix 3

Annex 7

Lists of Most-Favoured-Nation Treatment Exemptions

日本国の表

分野	概要	免除の期間	免除の必要性を正とされている状況(注)
海上貨物利用運送サービス	海上貨物利用運送サービス(複合運送サービス(注)に関連するサービスを含む)を提供するための事業の許可又は政府による登録は、日本国の会社が当該サービスについて同様の許可を受け、又は同様の登録を行うことができる外国の会社に対してのみ与えられ、又は行われる。 注 「複合運送サービス」とは、国際海上運送と道路運送又は鉄道運送との組合せによる貨物運送サービスであって、複合運送の事業者(附属書六の日本国の特定の約束に係る表における海上運送サービス(補助的なサービスを含む)の分野における特定の約束に関する注釈に定義するもの)が宅配の形で提供するものをいう。	この措置の廃止は、貿易の自由化に関する将来の交渉の結果に従って検討される。	免除の必要性を正とされている状況(注) 注 この欄の記述は、明瞭性のための情報であり、約束の一部を構成するものではない。 ASEAN構成国において、海上貨物利用運送サービス(複合運送サービスに関連するサービスを含む)を提供することへの十分なアクセスが日本国の者に与えられることを確保する必要がある。
国際海上運送サービス(旅客及び貨物の運送サービスを含む)	日本国の船舶運航事業者が外国又は外国の公共団体若しくはこれに準ずるものによつて不利益な取扱いを受けている場合に、対抗措置をとる旨の事前の通告に、もかかわらず、当該日本国の船舶運航事業者の利益が著しく害されているときは、対抗措置として、当該外国の船舶運航事業者に対して、一定の期間、次の事項を制限し、又は禁止することができる。 (a) 日本国の港への入港 (b) 日本国の港における貨物の積み込み又は取卸し	この措置の廃止は、貿易の自由化に関する将来の交渉の結果に従って検討される。	日本国の船舶運航事業者がASEAN構成国において不利益な取扱いを受けないことを確保する必要がある。

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 <sup>1</sup>
Maritime freight forwarding services	An operation permit or governmental registration for maritime freight forwarding services (including services related to multimodal transport services <sup>2</sup> ) 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).

エネルギー・サービス	電気業、ガス業及び原子力産業に係るサービスの提供（第五十・一条(viii)の規定に基づくサービスの提供を除く。）について、非締約国のサービス提供者に対して特恵的な待遇を与えることができる。	無期限	エネルギーの効率的かつ安定的な供給を確保する必要がある。
漁業に関連するサービス	日本国の領海、内水、排他的経済水域及び大陸棚における次の活動を含む漁業に関連するサービスの提供について、非締約国のサービス提供者に対して特恵的な待遇を与えることができる。	無期限	漁業資源の保存及び管理を確保する必要がある。

Sector or Sub-sector	Description of Measure Indicating its Inconsistency with Article 50.3	Intended Duration	Conditions Creating the Need for the Exemption <sup>1</sup>
	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.

(e)	(d)	(c)	(b)	(a)
漁業に使用される他の船舶への補給	漁獲物及びその製品の輸送	漁獲物の保蔵及び加工	集魚	水産資源の採取を伴わない調査

Sector or Sub-sector	Description of Measure Indicating its Inconsistency with Article 50.3	Intended Duration	Conditions Creating the Need for the Exemption <sup>1</sup>
	preferential treatment may be accorded to the service suppliers of a non-Party:  (a) investigation of aquatic resources without taking such resources;  (b) luring of aquatic resources;  (c) preservation and processing of fish catches;  (d) transportation of fish catches and fish products; and  (e) provision of supplies to other vessels used for fisheries.		

付録四

附属書八 第五十・三条3の規定に関する締約国の表

- 1 ブルネイ・ダルサラーム国
- 2 カンボジア王国
- 3 インドネシア共和国
- 4 ラオス人民民主共和国
- 5 マレーシア
- 6 ミャンマー連邦共和国
- 7 フィリピン共和国
- 8 シンガポール共和国
- 9 タイ王国
- 10 ベトナム社会主義共和国

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

付録五

附属書九 自然人の移動に関する特定の約束

(ASEAN構成国の表は省略)

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 intra-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 "Dependent" 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
<b>HORIZONTAL COMMITMENTS</b>			
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	<p>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.</p> <p>(b) All foreign enterprises and foreign workers shall abide by</p>	<p>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.</p> <p>- 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,</p>	

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
	<p><u>Business Visa</u> Period for 70 days Permission of Visa Period for Permission of Stay Extension - up to 3 months** - over 3 months - up to one year**</p> <p>(**with recommendation of Ministry concerned, Application Form, Passport (original &amp; copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export &amp; Import License)</p> <p>(Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating)</p> <p>(c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for</p>	<p>regulations and procedures of Myanmar</p> <p>- 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.</p> <p>- 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</p> <p>- Regarding the recognition of the educational certificates and technical standard certificate, Myanmar only</p>	

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	<ul style="list-style-type: none"> <li>- Foreign practising accountant holds an Accountancy Certificate or Degree conferred by any foreign country and recognized by the Myanmar Accountancy Council-MAC.</li> <li>- He/she is registered in the list of practising accountants managed by his/her country.</li> <li>- Subject to MAC's licensing requirement.</li> <li>- Not allowed to engage in CPC 8621 Accounting and Auditing Services.</li> </ul>
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) (i) System software consulting services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423)	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
	(iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425)			
9	Data processing services (CPC 843) (i) Input processing services (CPC 8431) (ii) Data-processing and tabulation services (CPC 8432) (iii) Time-sharing services (CPC 8433) (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) (i) Maintenance and repair services of	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
	office machinery (CPC 845)			
	(ii) Other computer services (CPC 849)			
	- Data-processing services (CPC 8491)			
	- Other computer services (CPC 8499)			
	- System integration services			
	- 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 8842)	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
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	

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
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	

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
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) - Preschool education services (CPC 9211) - 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.  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) - General secondary education services (CPC 9221) - 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.

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
	(CPC 9223) - 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) - Post-secondary education services (CPC 9231/92310) - 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) Professional and / or short courses education services - Language courses and training - Business courses	4) Unbound	4) Unbound	Due to existing Regulations of education, Language courses and training are to be regulated by Ministry of Education.  Business courses are to be regulated by 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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
41	Other education services (CPC 929/9290/92900)  - 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	

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
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)  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.	

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
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	

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
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 authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked, provided:

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, authorize 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 AECF 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 ASPAN 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: 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 AUCP 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/departments/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: 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 AUCP 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: 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 employees, 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<sup>1</sup>

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 of 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.

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:

<sup>1</sup> 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.

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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).
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## 日・ASEAN包括的経済連携協定第一改正議定書

五三三

### 日本国の表

日本国は、この日本国の表の各節に定める条件に従って入国及び一時的な滞在を求めるASEAN構成国の自然人に対し、入国前に適当な査証又はこれに相当するものを取得することを要求することができる。

### 第一節 ASEAN構成国の短期の商用訪問者

業務連絡（物品又はサービスの販売のための交渉を含む。）その他これに類似する活動（日本国において業務上の拠点を設けるための準備活動を含む。）に参加するため、日本国内から報酬を得ることをなく、かつ、一般公衆に対する直接の販売に従事せず、又は自らサービスを提供することなく日本国に滞在するASEAN構成国の自然人については、九十日を超えない期間（この期間には、更新することがある。）の入国及び一時的な滞在が許可される。

### 第二節 ASEAN構成国の企業内転勤者

1 次の全ての要件を満たすASEAN構成国の自然人については、五年を超えない期間（この期間には、更新することができる。）の入国及び一時的な滞在が許可される。

(a) 日本国に入国し、及び一時的に滞在することに係る申請を行った日の直前の一年以上の期間にわたって、日本国においてサービスを提供し、又は投資を行う公私の機関によって雇用されている者であること。

(b) (a)に規定する公私の機関の日本国内の支店若しくは代表事務所に転任する者又は当該公私の機関が所有し、若しくは支配し、若しくは当該公私の機関と関連する他の公私の機関であって、日本国において設立され、若しくは組織されるものに転任する者であること。

(c) 日本国における一時的な滞在の間に次のいずれかの活動に従事する者であること。

- (i) 長として、(b)に規定する支店又は代表事務所を管理する活動
- (ii) 役員又は監査役として、(b)に規定する他の公私の機関を管理する活動

### 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) (b)に規定する他の公私の機関の一又は二以上の部門を管理する活動

(iv) 物理学、工学その他の自然科学若しくは法律学、経済学、経営学、会計学その他の人文科学に関する高度の水準の技術若しくは知識を必要とする活動又は日本国以外の国の文化に基盤を有する思考若しくは感受性を必要とする活動であつて、出入国管理及び難民認定法（昭和二十六年政令第二百十九号）（その改正を含む。以下同じ。）で定める「技術・人文知識・国際業務」の在留資格に基づいて認められるもの

注釈 この１の規定の適用上、公私の機関が他の公私の機関と「関連」するとは、当該他の公私の機関が、当該公私の機関の財務及び事業の方針の決定に対して重要な影響を与えることができる場合をいう。

2 1(c)(iv)に規定する自然科学又は人文科学に関する高度の技術又は知識を必要とする活動とは、自然人が、原則として大学教育（学士）又はそれ以上の教育を修了することによって得た自然科学又は人文科学の専門的な技術又は知識を用いなければ従事することができない活動をいう。

第三節 日本国にある公私の機関との間の個人的な契約に基づき高度の水準の技術又は知識を必要とする事業活動に従事する ASEAN 構成国の自然人

1 日本国にある公私の機関との間の個人的な契約に基づき、日本国における一時的な滞在の間に、次の(a)又は(b)に該当するサービスの提供に係る事業活動であつて出入国管理及び難民認定法でその範囲が定められる「技術・人文知識・国際業務」の在留資格に基づくものに従事する ASEAN 構成国の自然人については、五年を超えない期間（この期間は、更新することができる。）の入国及び一時的な滞在が許可される。

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(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) 物理学、工学その他の自然科学又は法律学、経済学、経営学、会計学その他の人文科学に関する高度の水準の技術又は知識を必要とする活動

(b) 日本国以外の国の文化に基盤を有する思考又は感受性を必要とする活動

2 1(a)に規定する自然科学又は人文科学に関する高度の技術又は知識を必要とする活動とは、自然人が、原則として大学教育（学士）又はそれ以上の教育を修了することによって得た自然科学又は人文科学の専門的な技術又は知識を用いなければ従事することができない活動をいう。

#### 第四節 ASEAN構成国の投資家

日本国における一時的な滞在の間に次のいずれかの活動に従事するASEAN構成国の自然人については、五年を超えない期間（二）の期間は、更新することができる。（一）、入国及び一時的な滞在が許可される。

- (a) 日本国における事業に投資し、及び当該事業の経営を行う活動
- (b) 日本国の者以外の者であって日本国における事業に投資しているものに代わって当該事業の経営を行う活動
- (c) 日本国における事業であって日本国の者以外の者が投資しているものの管理

#### 第五節 自由職業サービスに従事するASEAN構成国の自然人

法律、会計又は税務に関するサービス提供者として日本国の法令により次の(a)から(c)までに規定するいずれかの資格を有するASEAN構成国の自然人であって、日本国における一時的な滞在の間に、次に規定するそれぞれのサービスを提供するものについては、五年を超えない期間（二）の期間は、更新することができる。（一）、入国及び一時的な滞在が許可される。

(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) 日本国の法令によって「弁護士」としての資格を有する弁護士が提供する法律サービス
- (b) サービス提供者が弁護士としての資格を有する管轄地の法律に関する法的助言サービス。ただし、当該サービス提供者については、日本国の法令によって「外国法事務弁護士」としての資格を有することを条件とする。
- (c) 日本国の法令によって「弁理士」としての資格を有する弁理士が提供する法律サービス
- (d) 日本国の法令によって「海事代理士」としての資格を有する海事代理士が提供する法律サービス
- (e) 日本国の法令によって「公認会計士」としての資格を有する会計士が提供する会計、監査及び簿記のサービス
- (f) 日本国の法令によって「税理士」としての資格を有する税理士が提供する税務サービス
- (g) 日本国の法令によって「司法書士」としての資格を有する司法書士が提供する法律サービス
- (h) 日本国の法令によって「行政書士」としての資格を有する行政書士が提供する法律サービス
- (i) 日本国の法令によって「社会保険労務士」としての資格を有する社会保険労務士が提供する法律サービス
- (j) 日本国の法令によって「土地家屋調査士」としての資格を有する土地家屋調査士が提供する法律サービス

- (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 "Gaikokuno-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 "Kaizaidairishi" 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-Chosashii" under the laws and regulations of Japan.

第六節 同行する配偶者及び子

Section 6  
Accompanying Spouse and Children

1 第二節から前節までの規定に基づいて入国及び一時的な滞在が許可されたASEAN構成国の自然人に同行する配偶者及び子については、原則として当該自然人に許可された一時的な滞在の期間と同一の期間、入国及び一時的な滞在が許可される。ただし、当該配偶者及び子が、当該自然人から扶養を受け、かつ、出入国管理及び難民認定法に定める「家族滞在」の在留資格に基づいて認められる日常的な活動に従事することを条件とする。

2 1の規定に基づいて入国及び一時的な滞在が許可された配偶者については、申請があった場合には、出入国管理及び難民認定法による日本国政府の許可を条件として、その在留資格を就労する<sup>2)</sup>ことが認められるものに変更することができる。

注釈 この節の規定の適用上、「配偶者」又は「子」とは、日本国の法令によって認められた配偶者又は子をいう。

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.

(参考)

この改正議定書は、二〇〇八年一二月に我が国について効力を生じた現行協定にサービスの貿易、自然人の移動及び投資に関する規定を追加するための改正等について定めるものである。