

**Protocol to Amend the Framework Agreement on  
Comprehensive Economic Co-operation and Certain  
Agreements thereunder between the Association of  
Southeast Asian Nations (ASEAN) and the People's  
Republic of China**

The Governments of 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 collectively as "ASEAN Member States", or individually as "ASEAN Member State"), and the People's Republic of China (hereinafter referred to as "China"), hereinafter referred to collectively as "Parties" or individually as "Party";

**RECALLING** the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations (ASEAN) and the People's Republic of China (hereinafter referred to as the "Framework Agreement") signed on 4 November 2002 in Phnom Penh, Cambodia;

**RECALLING** the Agreement on Trade in Goods of the Framework Agreement (hereinafter referred to as the "TIG Agreement") signed on 29 November 2004 in Vientiane, Lao PDR;

**RECALLING** the Agreement on Trade in Services of the Framework Agreement (hereinafter referred to as the "TIS

Agreement”) signed on 14 January 2007 in Cebu, Philippines;

**RECALLING** the Agreement on Investment of the Framework Agreement (hereinafter referred to as the “Investment Agreement”) signed on 15 August 2009 in Bangkok, Thailand;

**RECALLING** the Joint Statement of the 16<sup>th</sup> ASEAN-China Summit held on 9 October 2013, taking note of the positive role that the ASEAN-China Free Trade Area (ACFTA) has played in promoting economic and trade relations and welcoming the initiative for the upgrading of the ACFTA by, among others, improving market conditions and trade balance among the Parties as well as expanding the scope and coverage of the Framework Agreement;

**DESIRING** to improve the ACFTA to better respond to the evolving global economic architecture through reaffirmation of the commitment, and to deepen economic linkages between ASEAN and China through the progressive liberalisation of trade in goods and trade in services, more trade-facilitative rules of origin, better customs procedures and trade facilitation measures, improved investment liberalisation, protection, promotion, and facilitation, enhanced economic and technical cooperation; and

**CONFIDENT** that an upgrade of the ACFTA would contribute to increasing the depth and expanding the scope of cooperation, and promoting trade, services and investment among the Parties.

**HAVE AGREED AS FOLLOWS:**

## **CHAPTER 1 AMENDMENT TO THE TIG AGREEMENT**

### **SECTION A: RULES OF ORIGIN**

ANNEX 3 on the Rules of Origin (ROO) of the TIG Agreement shall be substituted by ANNEX 1 of this Protocol.

## **SECTION B: CUSTOMS PROCEDURES AND TRADE FACILITATION**

This Section on the Customs Procedures and Trade Facilitation (CPTF) shall be incorporated into the TIG Agreement:

### **Article 1 Objectives**

The objectives of this Section are to:

- (a) ensure predictability, consistency and transparency in the application of customs law of the Parties;
- (b) promote efficient, economical administration of customs procedures, and the expeditious clearance of goods;
- (c) simplify and harmonise customs procedures to the extent possible; and
- (d) promote co-operation among the customs administrations of the Parties.

### **Article 2 Scope**

This Section applies, in accordance with the Parties' respective domestic laws and regulations, to customs procedures applied to goods traded and the movement of means of transport among the Parties.

### **Article 3 Definitions**

For the purposes of this Section:

**customs administration** means:

- (a) in relation to China, the General Administration of Customs of the People's Republic of China; and
- (b) in relation to ASEAN, the customs administration of each ASEAN Member State and/or competent authorities<sup>1</sup> that are responsible under the law of a Party for the administration of customs law.

**customs law** means the statutory and regulatory provisions relating to the importation, exportation, movement or storage of goods, the administration and enforcement of which are specifically charged to the customs administrations, and any regulations made by the customs administrations under their statutory powers;

**customs procedures** means the treatment applied by the customs administration of a Party to goods and the means of transport, which are subject to that Party's customs law;

**Customs Valuation Agreement** means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (GATT) 1994, contained in Annex 1A to the WTO Agreement; and

**means of transport** means various types of vessels, vehicles, aircraft and pack-animals which enter or leave the territory of a Party carrying persons, goods or articles, where applicable under each Party's domestic laws and regulations.

---

<sup>1</sup> The list of competent authorities and any future changes should be conveyed to all the Parties in a timely manner.

## **Article 4 Facilitation**

1. Each Party shall ensure that its customs procedures and practices are predictable, consistent, transparent and trade-facilitating, including through the expeditious clearance of goods.
2. Customs procedures of each Party shall, where possible and to the extent permitted by its respective customs law, conform with the trade-related instruments and recommended practices of the World Customs Organisation to which that Party is a contracting Party.
3. The customs administration of each Party shall review its customs procedures to facilitate trade.
4. Customs control shall be limited to that which is necessary to ensure compliance with customs law of the respective Parties.

## **Article 5 Customs Co-operation**

To the extent permitted by its domestic laws and regulations, the customs administration of each Party may, as deemed appropriate, cooperate with the customs administration of each other, in relation to:

- (a) the implementation and operation of this Section;
- (b) such other issues as the Parties mutually determine.

## **Article 6 Use of Automated Systems**

1. The customs administration of each Party, where applicable, shall endeavour to have its own system that

supports electronic customs transactions.

2. In implementing initiatives, the customs administration of each Party, taking into consideration the available infrastructure and capabilities of each Party, shall take into account the relevant standards and best practices recommended by the World Customs Organisation.

### **Article 7 Customs Valuation**

The Parties shall apply Article VII of GATT 1994 and the Customs Valuation Agreement to goods traded among them.

### **Article 8 Tariff Classification**

The Parties shall apply the International Convention on the Harmonised Commodity Description and Coding System to goods traded among them.

### **Article 9 Risk Management**

1. The Parties shall use risk management to determine control measures with a view to facilitating legitimate trade, and expediting customs clearance and release of goods.

2. In applying a risk management approach to customs control, the customs administration of each Party shall regularly review the performance, effectiveness and efficiency of its systems.

### **Article 10 Advance Rulings**

1. Each Party, through its customs administration, to the extent permitted by its domestic laws and regulations, on the application of a person described in Paragraph 3(a), shall

provide in writing, advance rulings in respect of tariff classification and origin of goods.

2. In addition to Paragraph 1, the Parties are encouraged to provide advance rulings on the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts.

3. Each Party, in accordance with its domestic laws and regulations, shall adopt or maintain procedures for advance rulings, which shall:

- (a) provide that an importer or an exporter or a producer, authorised by the importing Party, may apply for an advance ruling before the importation of the goods in question;
- (b) require that an applicant for an advance ruling provide a detailed description of the goods and all relevant information needed for the issuance of an advance ruling;
- (c) provide that its customs administration may, at any time during the course of an evaluation of an application for an advance ruling, request that the applicant provide additional information within a specified period;
- (d) provide that any advance ruling be based on the facts and circumstances presented by the applicant, and any other relevant information in the possession of the decision-maker; and
- (e) provide that the advance ruling be issued to the applicant expeditiously on receipt of all necessary information.

4. A Party may reject requests for an advance ruling where the additional information requested by it in

accordance with Paragraph 3(c) is not provided within the specified period.

5. Subject to Paragraphs 1 and 6, each Party shall apply an advance ruling to all importations of goods described in that ruling within three (3) years from the date of that ruling or such other period as specified in that Party's respective domestic laws and regulations.

6. A Party may modify or revoke an advance ruling:

- (a) upon determination that the ruling was based on an error of fact or law, or the information provided is false or inaccurate;
- (b) if there is a change in its domestic laws and regulations consistent with this Agreement; or
- (c) if there is a change in a material fact or circumstance on which the ruling is based.

7. Subject to the confidentiality requirements of a Party's domestic laws and regulations, each Party may publish its advance rulings.

8. Where an importer claims that the treatment accorded to an imported good should be governed by an advance ruling, the customs administration may evaluate whether the facts and circumstances of the said importation are consistent with the facts and circumstances upon which a ruling was based.

## **Article 11 Review and Appeal**

1. Each Party shall, in accordance with its domestic laws and regulations, provide that the importer, exporter or any other person affected by its administrative rulings, determinations or decisions, have access to:



- (a) a level of administrative review by its customs administrations independent of the official or office responsible for the administrative rulings, determinations or decisions, under review. The level of administrative review may include any authority supervising the customs administration subject to domestic laws and regulations; or
- (b) judicial review.

2. The decision on review and/or appeal shall be given to the applicant and/or appellant, and subject to the Party's domestic laws and regulations, the reasons for such decision shall be provided in writing.

## **Article 12**

### **Review of Customs Procedures**

The Parties shall, under the mechanism of the ASEAN-China FTA Joint Committee (ACFTA-JC), periodically review the implementation of the Section on CPTF with a view to further simplifying and harmonising customs procedures to the extent possible and developing mutually beneficial arrangements to facilitate trade among the Parties. A sub-committee on CPTF will be formed and convened as necessary.

## **Article 13**

### **Publication and Enquiry Points**

1. Each Party shall publish on the internet and/or in print form all statutory and regulatory provisions and any customs administrative procedures applied or enforced by its customs administration, except law enforcement procedures and internal operational guidelines.

2. Each Party shall designate one or more enquiry points to deal with enquiries from interested persons concerning customs matters, and shall make available on the internet

and/or in print form, information concerning procedures for making such enquiries.

#### **Article 14 Consultations**

1. The customs administrations of the Parties shall encourage consultations with each other on issues related to trade in goods arising from the operation or implementation of this Section.
2. Such consultations shall be conducted through the relevant contact points of the respective customs administrations.
3. Each Party shall provide information on the contact points of its customs administration to the other Parties and promptly notify the other Parties of any amendment thereto.

#### **Article 15 Pre-arrival Documentation**

The customs administrations of the Parties shall endeavour to make provision for the lodging and registering or checking of the goods declaration and its supporting documents prior to the arrival of the goods.

#### **Article 16 Authorised Economic Operators**

1. The customs administrations of the Parties shall endeavour to establish the programme of Authorised Economic Operators (AEO) to promote informed compliance and efficiency of customs control.
2. The customs administrations of the Parties shall endeavour to work towards mutual recognition of AEO.

**Article 17**  
**Repayment, Drawback and Security**

1. Decisions on claims for repayment shall be reached and notified in writing to the persons concerned, without undue delay, and repayment of amounts overcharged shall be made as soon as possible after the verification of such claims.
2. Drawback shall be paid as soon as possible after the verification of such claims.
3. Where security has been furnished, it shall be discharged as soon as possible after the customs administration is satisfied that the obligations under which the security was required, have been duly fulfilled.

**Article 18**  
**Post Clearance Audit**

The customs administrations of the Parties shall establish and operate post clearance audit for expeditious customs clearance and enhanced customs control.

**Article 19**  
**Temporary Admission**

The customs administrations of the Parties shall facilitate the movement of goods under temporary admission to the greatest extent possible, in accordance with domestic laws and regulations of each Party.

**Article 20**  
**Confidentiality**

1. Nothing in this Section shall be construed to require any Party to furnish or allow access to confidential information, the disclosure of which the Party considers would:

- (a) be contrary to the public interest as determined by its domestic laws and regulations;
- (b) be contrary to any of its domestic laws and regulations, including but not limited to, those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- (c) impede law enforcement; or
- (d) prejudice legitimate commercial interests, which may include the competitive position of particular enterprises, public or private.

2. Where a Party provides information to another Party in accordance with this Section and designates the information as confidential, the Party receiving the information shall maintain the confidentiality of the information, use it only for the purposes specified by the Party providing the information, and not disclose it without the specific written permission of the Party providing the information.

## **CHAPTER 2**

### **AMENDMENT TO THE AGREEMENT ON TRADE IN SERVICES**

1. Pursuant to paragraph 3 of Article 23 of the TIS Agreement, the third package of specific commitments of each Party, which shall become an integral part of the TIS Agreement, is hereby annexed as ANNEX 2 to this Protocol.

2. ANNEX 2 shall apply to the Parties that have submitted their respective specific commitments to the Secretary-General of ASEAN.

## **CHAPTER 3**

### **AMENDMENT TO THE INVESTMENT AGREEMENT**

#### **Article 1 Promotion of Investment**

Article 20 of the Investment Agreement shall be substituted by:

“

1. Each Party shall further cooperate in promoting and increasing investment activities by building upon existing agreements or arrangements already in place for economic cooperation in order to strengthen the economic relationship among the Parties.

2. For the mutual benefit of the Parties, each Party shall encourage and create favourable conditions for investors and their investments.

3. The Parties shall cooperate in promoting and increasing awareness of the Parties as an investment area, through, among others:

- (a) increasing investments among the Parties;
- (b) organising investment promotion activities, including business matching events;
- (c) enhancing industrial complementation and production networks;
- (d) organising and supporting the organisation of various briefings and seminars on investment opportunities and on investment laws, regulations and policies; and
- (e) conducting information exchanges on other issues of mutual concern relating to investment promotion and facilitation.”

## **Article 2**

### **Facilitation of Investment**

Article 21 of the Investment Agreement shall be substituted by:

“

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

2. Subject to their laws and regulations, the Parties shall cooperate to facilitate investments among the Parties 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 laws, rules, regulations, policies and procedures; and
- (d) utilising existing Investment Promotion Agencies or, where necessary, establishing one-stop investment centres or similar mechanisms in the respective host Parties, to provide assistance and advisory services to the business sectors including facilitation of operating licences and permits.”

## CHAPTER 4

### AMENDMENT OF PROVISIONS RELATING TO ECONOMIC AND TECHNICAL COOPERATION UNDER THE FRAMEWORK AGREEMENT

Articles 2(g), 7 and 8(4) of the Framework Agreement shall be deleted. Article 7 of the Framework Agreement shall read as follows:

“

#### **Article 7(I) Basic Principles**

1. The Parties shall undertake economic and technical cooperation activities of mutual benefit to deepen trade and investment among the Parties with a view to promoting economic cooperation pursuant to the Framework Agreement.
2. The Parties shall, subject to the availability of resources and in accordance with their respective domestic laws and regulations, endeavour to facilitate economic and technical cooperation among the Parties. The Parties shall explore ways to expand economic and technical cooperation in areas of mutual interest, including recommendations to enhance existing economic and technical cooperation as well as develop new initiatives.
3. The Parties agree to implement capacity-building programmes and technical assistance, particularly projects that are to address the specific needs and requirements consistent with the priority areas of economic and technical cooperation under the ACFTA. Special consideration shall be provided to Cambodia, Lao PDR, Myanmar and Viet Nam with regard to their participation in these projects and their proposed projects.

**Article 7 (II)**  
**Areas of Economic and Technical Cooperation**

1. The Parties, on the basis of mutual benefit, shall explore and undertake economic cooperation activities in the following areas:

- (a) Trade-related issues;
- (b) Agriculture, Fishery, Forestry and Forestry Products;
- (c) Information and Communications Technology;
- (d) Human Resource Development;
- (e) Investment;
- (f) Trade in Services;
- (g) Tourism;
- (h) Industrial Cooperation;
- (i) Transport;
- (j) Intellectual Property Rights;
- (k) Small and Medium Enterprises;
- (l) Environment; and
- (m) Other fields related to economic and technical cooperation as may be mutually agreed upon by the Parties.

2. The Parties agree to focus on the economic and technical cooperation to support other Working Groups under the ACFTA-JC for better utilisation of the Framework Agreement and agreements thereunder.

**Article 7 (III)**  
**Cross-border Electronic Commerce (E-commerce)**

1. The Parties recognise the economic growth and opportunity that e-commerce provides and the importance of promoting its use and development.

2. The Parties agree to share information, expertise and conduct dialogue on issues related to e-commerce, including laws and regulations, rules and standards, and best practices with a view to creating a favourable environment



for e-commerce development.

3. The Parties shall encourage participation from business communities and facilitation from government agencies to take advantage of e-commerce platforms to enhance trade and investment relations among the Parties.

4. The Parties shall encourage capacity-building cooperation by supporting workshops and training programmes on e-commerce to enhance the capability of Micro, Small and Medium Enterprises (MSMEs) to expand into regional and international markets.

**Article 7 (IV)**  
**Resources for Economic and Technical**  
**Cooperation Activities**

1. With the aim of operationalising this Chapter, activities could be in the form of economic and technical cooperation, including seminars, trainings, policy dialogues, studies as well as other activities agreed upon by the Parties.

2. The Parties agree to source the funding for economic and technical cooperation activities under ACFTA from existing appropriate ASEAN-China resources, or other resources available in the future.

3. The Parties agree to enhance economic and technical cooperation activities under ACFTA by expediting the appraisal and approval process, developing clear guidelines and facilitating enquiries on economic and technical cooperation projects with a view to helping prospective project proponents to better utilise the available resources.

**Article 7 (V)**  
**Implementation of Economic and Technical Cooperation  
Activities**

1. Economic and technical cooperation activities shall involve China and at least two (2) ASEAN Member States, provided that those activities are regional in nature and of benefit to ASEAN Member States and China.
2. The Parties shall undertake economic and technical cooperation activities at a mutually agreed time.

**Article 7 (VI)**  
**Settlement of Dispute**

1. The Agreement on Dispute Settlement Mechanism of the Framework Agreement shall not apply to this Chapter.
2. Any dispute concerning the interpretation, implementation or application of this Chapter shall be settled amicably by the Parties.

**CHAPTER 5**  
**FUTURE WORK PROGRAMME**

1. Consistent with Article 17 of the TIG Agreement, the Parties shall enter into negotiations, to further liberalise trade in goods on a date to be mutually agreed upon by the Parties. The Parties shall undertake to finalise the negotiations within two (2) years from the date of commencement of the negotiations.
2. The Parties shall enter into negotiations on Product Specific Rules (PSRs) with a view to reaching a mutually satisfactory outcome that improves utilisation of ACFTA within one (1) year from the date of entry into force of this Protocol.

3. The Parties shall conclude the discussions with respect to investment liberalisation and protection within three (3) years from the date of entry into force of this Protocol, unless the Parties agree otherwise.

## **CHAPTER 6 FINAL PROVISIONS**

### **Article 1 Amendment**

This Protocol may be amended by agreement in writing by the Parties and such amendment shall come into force on such date or dates as may be agreed among the Parties.

### **Article 2 Depositary**

For the ASEAN Member States, this Protocol shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

### **Article 3 Entry Into Force**

1. Each Party shall notify the Secretary-General of ASEAN of the completion of its internal procedures<sup>2</sup> necessary for entry into force of this Protocol in writing. This Protocol shall enter into force on 1 May 2016, provided that China and at least one (1) ASEAN Member State have notified the Secretary-General of ASEAN of the completion of their internal procedures in writing.

---

<sup>2</sup> For clarity, the term "internal procedures" may include ratification, acceptance or approval by the Parties in accordance with their respective domestic laws and regulations.

2. If this Protocol does not enter into force on 1 May 2016, it shall enter into force sixty (60) days after the date by which China and at least one (1) ASEAN Member State have notified the Secretary-General of ASEAN of the completion of their internal procedures in writing.

3. After the entry into force of this Protocol pursuant to Paragraph 1 or 2, this Protocol shall enter into force for any remaining Party sixty (60) days after the date of its notification to the Secretary-General of ASEAN of the completion of its internal procedures in writing.

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

**DONE** at Kuala Lumpur, Malaysia, this Twenty First day of November in the Year Two Thousand and Fifteen, in duplicate copies in the English language.<sup>3</sup>

For Brunei Darussalam:



**LIM JOCK SENG**  
Minister at Prime Minister's  
Office and Minister of Foreign  
Affairs and Trade II

For the People's Republic  
of China



**GAO HUCHENG**  
Minister of Commerce

---

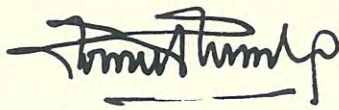
<sup>3</sup> For the Parties that sign this Protocol after 21 November 2015, the date of signing of the Protocol for that Party shall be the date on which the Protocol is signed by that Party.

For the Kingdom of Cambodia:



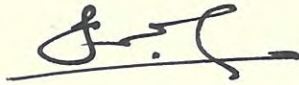
**SUN CHANTHOL**  
Senior Minister and Minister of  
Commerce

For the Republic of Indonesia:



**THOMAS TRIKASIH LEMBONG**  
Minister of Trade

For the Lao People's Democratic Republic:



**KHEMMANI PHOLSENA**  
Minister of Industry and Commerce

For Malaysia:



**MUSTAPA MOHAMED**  
Minister of International Trade and  
Industry

For the Republic of the Union of Myanmar:



**KAN ZAW**  
Union Minister for National Planning and  
Economic Development

For the Republic of the Philippines:



**GREGORY J. DOMINGO**  
Secretary of Trade and Industry

For the Republic of Singapore:



**VIVIAN BALAKRISHNAN**  
Minister for Foreign Affairs

For the Kingdom of Thailand:



**APIRADI TANTRAPORN**  
Minister of Commerce

For the Socialist Republic of Viet Nam:



**VU HUY HOANG**  
Minister of Industry and Trade

## **ANNEX 1: RULES OF ORIGIN**

### **Article 1 Definitions**

For the purposes of this Annex :

- (a) **aquaculture** means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants, from seedstock such as eggs, fry, fingerlings and larvae, by intervention in the rearing or growth processes to enhance production, such as regular stocking, feeding, protection from predators, etc.;
- (b) **Costs, Insurance and Freight (CIF)** means the value of the good imported, and includes the costs of freight and insurance up to the port or place of entry into the country of importation. The valuation shall be determined in accordance with the Customs Valuation Agreement;
- (c) **Free-on-board (FOB)** means the free-on-board value of the good, inclusive of the costs of transport to the port or site of final shipment abroad. The valuation shall be determined in accordance with the Customs Valuation Agreement;
- (d) **generally accepted accounting principles (GAAP)** means the accounting standards, recognised consensus or substantial authoritative support of a Party, with respect to the recording of revenues, expenses, costs, assets and liabilities; the disclosure of information; and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices and

procedures;

- (e) **good** means any merchandise, product, article, or material;
- (f) **identical and interchangeable materials** means materials being of the same kind which are fungible for commercial purposes, whose properties are essentially identical, and between which it is impractical to differentiate by a mere visual examination;
- (g) **material** means any matter or substance used in the production of goods, physically incorporated into a good or subjected to a process in the production of another good;
- (h) **originating material** or **originating good** means a material or good which qualifies as originating in accordance with the provisions of this ANNEX;
- (i) **packing materials and containers for transportation** means the materials and containers used to protect a good during its transportation, different from those materials and containers used for its retail sale;
- (j) **production** means methods of obtaining goods, including growing, raising, mining, harvesting, fishing, aquaculture, farming, trapping, hunting, capturing, gathering, collecting, breeding, extracting, manufacturing, producing, processing, assembling a good, etc.;
- (k) **Product Specific Rules** means rules that specify that the materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy a Regional Value Content criterion or a combination of any of these



criteria;

- (l) **Harmonised System** means the Harmonised Commodity Description and Coding System of the World Customs Organisation;
- (m) **neutral element** means a good used in the production, testing or inspection of another good but not physically incorporated into the good by itself;
- (n) **Customs Valuation Agreement** means the *Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, which is a part of the *Marrakesh Agreement Establishing the World Trade Organization*;
- (o) **non-originating good** or **non-originating material** means a good or material that does not qualify as originating under this ANNEX or a good or material of undetermined origin;

## **Article 2**

### **Originating Goods**

For the purposes of this ANNEX, a good shall be treated as an originating good and eligible for preferential tariff treatment if it is either:

- (a) wholly produced or obtained in a Party as provided in Article 3 of this ANNEX;
- (b) produced in a Party exclusively from originating materials from one or more of the Parties;
- (c) produced from non-originating materials in a Party, provided that the good has satisfied the requirements of Article 4 of this ANNEX

and meets all other applicable requirements of this ANNEX.

### **Article 3**

#### **Goods Wholly Produced or Obtained**

For the purposes of Article 2 (a), the following goods shall be considered as wholly produced or obtained:

- (a) plants and plant products (including fruits, flowers, vegetables, trees, seaweed, fungi and live plants) grown, harvested, picked, or gathered in a Party<sup>1</sup>;
- (b) live animals born and raised in a Party;
- (c) goods obtained from live animals in a Party without further processing, including milk, eggs, natural honey, hair, wool, semen and dung;
- (d) goods obtained from hunting, trapping, fishing, aquaculture, gathering, or capturing in a Party;

---

<sup>1</sup> For the purposes of this Article, "*in a Party*" means:

- (i) For ASEAN Member States, the land, territorial air space, territorial sea, Exclusive Economic Zone, Continental Shelf, and areas beyond the territorial sea over which a Member State exercises sovereign rights or jurisdiction, as the case may be, under respective domestic laws in accordance with international law, including the United Nations Convention on the Law of the Sea.
- (ii) For China, the entire customs territory of the People's Republic of China, including land territory, territorial airspace, internal waters, territorial sea, and areas beyond the territorial sea within which China exercises sovereign rights or jurisdiction under its domestic laws, in accordance with international law.
- (iii) The above definitions are purely for the purpose of the implementation of Article 3 of the Annex of the Rules of Origin. For the avoidance of doubt, nothing contained in the above definitions shall be construed as conferring recognition or acceptance by one Party of the outstanding maritime and territorial positions or claims made by any other Party, nor shall be taken as pre-judging the determination of such positions or claims.

- (e) minerals and other naturally occurring substances extracted or taken from the soil, waters, seabed or beneath the seabed in a Party;
- (f) goods taken from the waters, seabed or beneath the seabed outside the territorial waters of that Party, provided that that Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with international law<sup>2</sup>
- (g) goods of sea fishing and other marine products taken from the high seas by vessels registered with a Party or entitled to fly the flag of that Party;
- (h) goods processed and/or made on board factory ships registered with a Party or entitled to fly the flag of that Party, exclusively from products referred to in paragraph (g) above;
- (i) waste and scrap derived from production process or from consumption in a Party provided that such goods are fit only for the recovery of raw materials; or
- (j) used goods consumed and collected in a Party provided that such goods are fit only for the recovery of raw materials; and
- (k) goods produced or obtained in a Party exclusively from products referred to in Subparagraphs (a) to (j) or from derivatives of the goods produced or obtained in the Party exclusively from products referred to in Subparagraphs (a) to (j).

---

<sup>2</sup> *“International law”* refers to universally recognised international law, including the 1982 *United Nations Convention on the Law of the Sea*.

## Article 4

### Goods Not Wholly Produced or Obtained

1. For the purposes of Article 2(c) of this ANNEX, except for those goods covered under Paragraph 2, a good shall be treated as an originating good:

- (a) if the good has a regional value content of not less than 40 per cent of FOB calculated using the formula as described in Article 5 of this ANNEX, and the final process of production is performed within a Party; or
- (b) for the purpose of goods classified in Chapters 25, 26, 28, 29<sup>3</sup>, 31<sup>4</sup>, 39<sup>5</sup>, 42-49, 57-59, 61, 62, 64, 66-71, 73-83, 86, 88, 91-97 of the Harmonised System if all non-originating materials used in the production of the goods have undergone a change in tariff classification (hereinafter referred to as “CTC”) at the four-digit level, which is a change in tariff heading, of the Harmonised System.

2. In accordance with Paragraph 1, and unless otherwise provided for in the Product Specific Rules as specified in Attachment B, a good shall be treated as an originating good if it meets a regional value content of not less than 40 per cent or those criteria in the Product Specific Rules.

---

<sup>3</sup> For Headings 29.01 and 29.02, the applied criterion is RVC 40%, unless otherwise mutually agreed by the Parties.

<sup>4</sup> For Headings 31.05, the applied criterion is RVC 40%, unless otherwise mutually agreed by the Parties.

<sup>5</sup> For Headings 39.01, 39.02, 39.03, 39.07 and 39.08, the applied criterion is RVC 40%, unless otherwise mutually agreed by the Parties.

## Article 5

### Calculation of Regional Value Content

1. The Regional Value Content (RVC) shall be calculated as follows:

$$\text{RVC} = \frac{\text{FOB} - \text{VNM}}{\text{FOB}} \times 100\%$$

where:

**RVC** is the regional value content, expressed as a percentage;

**VNM** is the value of the non-originating materials.

2. VNM shall be determined according to the following circumstances:
  - (a) in case of the imported non-originating materials, VNM shall be the CIF value of the materials at the time of importation;
  - (b) in case of the non-originating materials obtained in a Party, VNM shall be the earliest ascertainable price paid or payable for the non-originating materials in that Party. The value of such non-originating materials shall not include freight, insurance, packing costs and any other costs incurred in transporting the material from the supplier's warehouse to the producer's location.
3. If a product which has acquired originating status in accordance with paragraph 1 in a Party is further processed in that Party and used as material in the manufacture of another product, no account shall be taken of the non-originating

components of that material in the determination of the originating status of the product.

4. The valuation shall be determined in accordance with the Customs Valuation Agreement.

## **Article 6**

### **Accumulation**

Unless otherwise provided in this ANNEX, goods originating in a Party, which are used in another Party as materials for finished goods eligible for preferential tariff treatment, shall be treated as originating in the latter Party where working or processing of the finished goods has taken place

## **Article 7**

### **Minimal Operations and Processes**

Operations or processes undertaken, by themselves or in combination with each other for the purposes listed below, are considered to be minimal and shall not be taken into account in determining whether a good has been wholly obtained in a Party:

- (a) ensuring preservation of goods in good condition for the purposes of transport or storage;
- (b) facilitating shipment or transportation;
- (c) packaging<sup>6</sup> or presenting goods for sale.

---

<sup>6</sup> This excludes encapsulation which is termed “packaging” by the electronics industry

## **Article 8**

### **Direct Consignment**

1. Preferential tariff treatment shall be applied to goods satisfying the requirements of this ANNEX and which are consigned directly between the exporting Party and the importing Party.

2. The following shall be considered as consigned directly from the exporting Party to the importing Party:

- (a) goods transported directly from an exporting Party to the importing Party; or
- (b) goods transported through one or more Parties, other than the exporting Party and the importing Party, or through a non-Party, provided that:
  - (i) the transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;
  - (ii) the goods have not entered into trade or consumption there; and
  - (iii) the goods have not undergone any operation there other than unloading and reloading or any other operation to preserve them in good condition.

## **Article 9**

### ***De Minimis***

A good that does not satisfy a change in tariff classification requirement pursuant to Article 4 of this ANNEX will

nonetheless be an originating good if:

- (a) for a good, other than that provided for in Chapters 50 to 63 of the Harmonised System, the value of all non-originating materials used in the production of the good that did not undergo the required change in tariff classification does not exceed 10 per cent of the FOB value of the good;
- (b) for a good provided for in Chapters 50 to 63 of the Harmonised System, the weight of all non-originating materials used in its production that did not undergo the required change in tariff classification does not exceed 10 per cent of the total weight of the good, or the value of all non-originating materials used in the production of the good that did not undergo the required change in tariff classification does not exceed 10 per cent of the FOB value of the good;

and the good meets all other applicable criteria of this ANNEX.

## **Article 10**

### **Treatment of Packing Materials, Packages and Containers**

1. Packing materials, packages and containers for transportation shall not be taken into account in determining the origin of the goods.

2. Packing materials, packages and containers for use in packaging goods for retail sale:

- (a) Where the goods are subject to a regional value content criterion, the value of the packing materials, packages and containers used for packaging goods



for retail sale shall be taken into account in origin determination, provided that the packing materials, packages and containers are classified with the goods.

- (b) Where the goods are subject to a change in tariff classification criterion, the origin of the packing materials, packages and containers in which goods are packaged for retail sale shall not be taken into account in origin determination, provided that the packing materials, packages and containers are classified with the goods.

## **Article 11**

### **Accessories, Spare Parts and Tools**

1. Accessories, spare parts, or tools presented and classified with the good shall be considered as part of the good, provided:

- (a) they are invoiced together with the good; and
- (b) their quantity and value are commercially customary for the good.

2. Where a good is subject to change in tariff classification criterion set out in Attachment B, accessories, spare parts, or tools described in paragraph 1 shall be disregarded when determining the origin of the good.

3. Where a good is subject to a regional value content criterion, the value of the accessories, spare parts or tools described in paragraph 1 shall be taken into account as originating materials or non-originating materials, as the case may be, in calculating the regional value content of the good.

## **Article 12**

### **Neutral Elements**

In determining whether a good is an originating good, the origin of the following neutral elements shall be disregarded:

- (a) fuel, energy, catalysts and solvents;
- (b) equipment, devices and supplies used for testing or inspecting the goods;
- (c) gloves, glasses, footwear, clothing, safety equipment and supplies;
- (d) tools, dies and moulds;
- (e) spare parts and materials used in the maintenance of equipment and buildings;
- (f) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings; and
- (g) any other goods that are not incorporated into the good but whose use in the production of the good can reasonably be demonstrated to be a part of that production.

## **Article 13**

### **Identical and Interchangeable Materials**

Where originating and non-originating identical and interchangeable materials are used in the production of a good, the following methods shall be adopted in determining whether the materials used are originating:

- a) physical separation of the materials; or
- b) an inventory management method recognised in the generally accepted accounting principles of the exporting Party. Once a decision has been taken on the inventory management method, that method shall be used throughout the fiscal year.

#### **Article 14**

#### **Certificate of Origin**

Unless otherwise provided, a claim that goods are eligible for preferential tariff treatment shall be supported by a Certificate of Origin issued by an Issuing Authority notified to the other Parties as set out in Appendix 1 of Attachment A of this ANNEX.

#### **Article 15**

#### **Consultations, Review and Modification**

1. The Parties shall consult regularly to ensure that this ANNEX is administered effectively, uniformly and consistently in order to achieve the spirit and objectives of the Agreement.

2. This ANNEX may be reviewed and modified as and when necessary, upon request of a Party, and subject to the agreement of the Parties, and may be open to such reviews and modifications as may be agreed upon by the ACFTA Joint Committee.

## ATTACHMENT A

### REVISED OPERATIONAL CERTIFICATION PROCEDURES (OCP) FOR THE RULES OF ORIGIN FOR THE ASEAN-CHINA FREE TRADE AREA

For the purpose of implementing the Rules of Origin for the ASEAN-China Free Trade Area (ACFTA), the following operational procedures on the issuance and verification of the Certificate of Origin (Form E) and other related administrative matters shall be followed:

#### DEFINITIONS

##### Rule 1

For the purposes of this Attachment:

„**Movement Certificate**“ means a Certificate of Origin (Form E) issued by an intermediate exporting Party, based on the original Certificate of Origin (Form E) issued by the first exporting Party proving the origin status of the products in question;

„**Customs Authority**“ means the competent authority that is responsible under the law of a Party for the Authority of customs laws and regulations<sup>1</sup>;

„**Exporter**“ means a natural or juridical person located in the territory of a Party from where a product is exported by such a person;

„**Importer**“ means a natural or juridical person located in the territory of a Party into where a product is imported by such a person;

---

<sup>1</sup> Such laws and regulations administered and enforced by the Customs Authority of each Party concerning importation, exportation and transit of products as they relate to customs duties, charges or other taxes or prohibitions, restrictions and controls with respect to the movement of controlled items across the boundary of the Customs Authority of each Party.

**„Issuing Authority“** means any government authority or other entity authorised under the domestic laws, regulations and administrative rules of a Party to issue a Certificate of Origin (Form E).

## **ISSUING AUTHORITIES**

### **Rule 2**

The Certificate of Origin (Form E) shall be issued by the Issuing Authorities of the exporting Party.

### **Rule 3**

a) Each Party shall inform all the other Parties of the names and addresses of its respective Issuing Authorities and shall provide specimen signatures and specimen of official seals, and correction stamps, if any, used by its Issuing Authorities.

b) The above information shall be provided by the contact points electronically to all the other Parties to the Agreement through the ASEAN Secretariat, to the extent possible, at least one month before they take effect. A Party shall promptly inform all the other Parties of any changes in names, addresses, or official seals in the same manner.

c) All Parties shall promptly provide confirmation that they have received the information to the ASEAN Secretariat, who will forward the compiled confirmation to the submitting Party.

### **Rule 4**

For the purpose of verifying the conditions for preferential treatment, the Issuing Authorities shall have the right to call for any supporting documentary evidence or to carry out any checks considered appropriate.

If such right cannot be obtained through the existing domestic laws, regulations and administrative rules, it shall be inserted as a clause in the application form referred to in Rules 5 and 6 of this Attachment.

## **APPLICATIONS**

### **Rule 5**

a) The exporter and/or the manufacturer of the products which qualify for preferential treatment shall apply in writing to the Issuing Authorities requesting the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-verification may not apply to the products which, by their nature, origin can be easily verified.

b) For locally-procured materials, self-declaration by the final manufacturer exporting under the ACFTA shall be used as the basis when applying for the issuance of the Certificate of Origin (Form E).

### **Rule 6**

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorised representative shall submit a written application for the Certificate of Origin (Form E) together with appropriate supporting documents proving that the products to be exported qualify for the issuance of a Certificate of Origin (Form E)<sup>2</sup>.

---

<sup>2</sup> For China, a Chinese manufacturer can apply for a Certificate of Origin (Form E) in the case where the manufacturer needs to authorise other agencies to export on its behalf.

## **PRE-EXPORTATION EXAMINATION**

### **Rule 7**

The Issuing Authorities of each Party shall, to the best of their competence and ability, carry out proper examination of each application for the Certificate of Origin (Form E) to ensure that:

- a) the application and the Certificate of Origin (Form E) are duly completed in accordance with the requirements as defined in the overleaf notes of the Certificate of Origin (Form E), and signed by the authorised signatory;
- b) the origin of the product is in conformity with the Rules of Origin for the ACFTA;
- c) the other statements made in the Certificate of Origin (Form E) correspond to the supporting documentary evidence submitted;
- d) the description, quantity and weight of products, marks and number of packages, number and kinds of packages, as specified, conform to the products to be exported;
- e) multiple items declared on the same Certificate of Origin (Form E) shall be allowed subject to the domestic laws, regulations and administrative rules of the importing Party provided each item must qualify separately in its own right.

## **ISSUANCE OF CERTIFICATE OF ORIGIN (FORM E)**

### **Rule 8**

- a) The Certificate of Origin (Form E) must be on ISO A4 size white paper in conformity to the specimen shown in Appendix 1 of this OCP. It shall be filled out in English. The Certificate of Origin (Form E) shall comprise one (1) original and two (2) copies, namely, the

duplicate and triplicate copies.

b) For a Certificate of Origin (Form E) with multiple pages, the Parties shall use the attached Form shown in Appendix 1. The continuing page(s) shall bear the same signature, seal and reference number as those on the first page.

c) Each Certificate of Origin (Form E) shall contain a unique reference number and cover one or more goods under one consignment.

d) The original copy of the Certificate of Origin (Form E) shall be forwarded by the exporter to the importer for submission to the Customs Authority at the port or place of importation. The duplicate copy shall be retained by the Issuing Authority in the exporting Party. The triplicate copy shall be retained by the exporter.

e) In the case where a Certificate of Origin (Form E) is rejected by the Customs Authority of the importing Party, the said rejected Certificate of Origin (Form E) shall be marked accordingly in Box 4.

f) In the case where a Certificate of Origin (Form E) is not accepted, as stated in paragraph (e), the Customs Authority of the importing Party shall consider the clarifications made by the Issuing Authorities of the exporting Party and assess whether or not the Certificate of Origin (Form E) can be accepted for the granting of the preferential treatment. The clarification shall be detailed and exhaustive in addressing the grounds for denial of preferential treatment raised by the importing Party.

## **Rule 9**

To implement the provisions of Article 2 of the Rules of Origin for the ACFTA, the Certificate of Origin (Form E) issued by the final exporting Party shall indicate the origin criteria or applicable percentage of ACFTA value content in Box 8.



## **Rule 10**

Neither erasures nor superimposition shall be allowed on the Certificate of Origin (Form E). Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by an official authorised to sign the Certificate of Origin (Form E) and certified with official seals or correction stamps of the Issuing Authority. Unused spaces shall be crossed out to prevent any subsequent addition.

## **Rule 11**

In principle, a Certificate of Origin (Form E) shall be issued prior to or at the time of shipment. In exceptional cases where the Certificate of Origin (Form E) has not been issued by the time of shipment or no later than three (3) days from the date of shipment, at the request of the exporter, the Certificate of Origin (Form E) shall be issued retroactively in accordance with the domestic laws, regulations and administrative rules of the exporting Party within twelve (12) months from the date of shipment, in which case it is necessary to indicate "ISSUED RETROACTIVELY" in Box 13. In such cases, the importer claiming preferential treatment for the product may, subject to the domestic laws, regulations administrative rules of the importing Party, provide the Customs Authority of the importing Party with the Certificate of Origin (Form E) issued retroactively.

## **Rule 12**

- a) The Issuing Authorities of the intermediate Party within the ACFTA may issue a Movement Certificate (MC), if an application is made by the exporter while the product is passing through the territory, provided that:
- (i) the importer of the intermediate Party and the exporter who applies for the MC in the intermediate Party are the same;
  - (ii) a valid original Certificate of Origin (Form E) issued by the first

exporting Party is presented;

- (iii) information on the MC includes the name of the Issuing Authority of the Party which issued the original Certificate of Origin (Form E), date of issuance and reference number. The indicated invoice value shall be the invoice value of the products exported from the intermediate Party; and
  - (iv) the total quantity of each product covered in the MC does not exceed the total quantity of each product covered in the original Certificate of Origin (Form E).
- b) In the case of China, the MC shall be issued by Customs Authority. In the case of ASEAN Member States, the MC shall be issued by the Issuing Authorities.
- c) The validity of the MC shall have the same end-date as the original Certificate of Origin (Form E).
- d) The product which is to be re-exported using the MC shall be under the control of the Customs Authority of the intermediate Party. The products shall not undergo any further processing in the intermediate Party, except for repacking and logistics activities consistent with Article 8 of the Rules of Origin for the ACFTA<sup>3</sup>.
- e) The verification procedure in Rule 18 of this Attachment shall also apply to the MC. In particular, the Customs Authority of the importing Party may simultaneously request the original exporting Party and the intermediate Party to provide information regarding the original Certificate of Origin (Form E) and the MC respectively, such as, the first exporter, last exporter, reference number, description of the products, country of origin and the port of discharge, within thirty (30) days from the date of receipt of the request, as the case maybe.

---

<sup>3</sup> The products under control of the Customs Authority of the intermediate Party shall include products that remain in free trade zones or locations approved by the said Customs Authority.

### **Rule 13**

In the event of theft, loss or destruction of a Certificate of Origin (Form E), the exporter may apply in writing to the Issuing Authority which issued it for a certified true copy of the original and the triplicate to be made on the basis of the export documents in its possession bearing the endorsement of the words "CERTIFIED TRUE COPY" in Box 12. The certified true copy of the original Certificate of Origin (Form E) shall bear the date of the original Certificate of Origin (Form E). The certified true copy of the original Certificate of Origin (Form E) shall be issued no later than one (1) year from the date of issuance of the original Certificate of Origin (Form E) and on condition that the exporter provides to the relevant Issuing Authority the triplicate copy of the Certificate of Origin (Form E) or any proof of the issuance of the original Certificate of Origin (Form E).

## **PRESENTATION**

### **Rule 14**

The original Certificate of Origin (Form E) shall be submitted to the Customs Authority at the time of import declaration for the products concerned claiming for preferential treatment in accordance with the domestic laws, regulations and administrative rules of the importing Party.

### **Rule 15**

The Certificate of Origin (Form E) shall remain valid and must be submitted to the Customs Authority of the importing Party within one (1) year from the date of its issuance by the Issuing Authority of the exporting Party.

## **Rule 16**

(a) In the case of the consignment of products originating in the exporting Party and not exceeding US\$ 200.00 FOB, the production of a Certificate of Origin (Form E) shall be waived and the use of a simplified declaration by the exporter that the products in question originated in the exporting Party shall be accepted. Products sent through the post not exceeding US\$200.00 FOB shall also be similarly treated.

(b) Waivers provided for in paragraph (a) shall not be applicable when it is established by the customs authorities of the importing Party that the importation forms part of a series of importations that may reasonably be considered to have been undertaken or arranged for the purpose of avoiding the submission of a Certificate of Origin or Certificates of Origin.

## **Rule 17**

(a) Where the ACFTA origin of the product is not in doubt, unsubstantial discrepancies such as tariff classification differences between the statements made in the Certificate of Origin (Form E) and those made in the documents submitted to the Customs Authority of the importing Party for the purpose of carrying out the formalities for importing the products, shall not, ipso-facto, invalidate the Certificate of Origin (Form E), if it does in fact correspond to the products submitted.

(b) In cases where there are only unsubstantial discrepancies as indicated in paragraph (a) between the exporting Party and importing Party, the products shall be released without any delay subject to administrative measures, such as imposition of customs duties at the higher applied rate or its equivalent amount of deposit. Once the discrepancies have been resolved, the correct ACFTA rate is to be applied and any overpaid duty shall be refunded, in accordance with the domestic laws, regulations and administrative rules of the importing Party.

(c) For multiple items declared under the same Certificate of Origin (Form E), a problem encountered with one of the items listed shall not affect or delay the granting of preferential treatment and customs clearance of the remaining items listed in the Certificate of Origin (Form E). Rule 18(a)(ii) of this Attachment may be applied to the problematic items.

### **Rule 18**

(a) The Customs Authority of the importing Party may request a retroactive check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.

- (i) The request shall be made in writing, accompanied by a copy of the Certificate of Origin (Form E) and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin (Form E) may be inaccurate, unless the retroactive check is requested on a random basis.
- (ii) The Customs Authority of the importing Party may suspend the granting of preferential treatment while awaiting the result of the verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, including imposition of customs duties at the higher applied rate or equivalent amount of deposit, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.
- (iii) The Customs Authority or the Issuing Authority of the exporting Party receiving a request for retroactive check shall respond to the request promptly and reply not later than ninety (90) days after the receipt of the request. The Customs Authority or the

Issuing Authority of the exporting Party may request, in writing, an extension of time of up to ninety (90) days as long as the extension request is made within the initial ninety (90) day - period.

(b) If the Customs Authority of the importing Party is not satisfied with the outcome of the retroactive check, it may, in exceptional cases, request verification visits to the exporting Party.

(i) Prior to the conduct of a verification visit pursuant to the provisions herein, the Customs Authority of the importing Party shall notify the competent authority of the exporting Party with the aim of mutually agreeing on the conditions and means of the verification visit.

(ii) The verification visit shall be conducted not later than sixty (60) days after receipt of the notification pursuant to sub-paragraph (b)(i).

(c) The verification process, including the retroactive check and verification visit, shall be carried out and its results communicated to the Customs Authority and/or the Issuing Authority of the exporting Party within a maximum of one hundred and eighty (180) days after the receipt of the request. In the event that an extension request has been made pursuant to sub-paragraph a(iii), the verification process, including the retroactive check and verification visit, shall be carried out and its results communicated to the Customs Authority and/or the Issuing Authority of the exporting Party shall be extended from one hundred and eighty (180) days to a maximum of two hundred and seventy (270) days after the receipt of the request. While awaiting the results of the verification visit, sub-paragraph (a)(ii) on the suspension of preferential treatment shall be applied.

(d) All exchanges of information regarding the verification request should be done only through the respective contact points of the Parties.

(e) The preferential treatment may be denied when the exporting Party fails to respond to the request to the satisfaction of the Customs Authority of the importing Party in the course of a retroactive check or verification process, as the case may be, within the time frame for verification specified in paragraphs (a), (b) and (c).

(f) Each Party shall maintain the confidentiality of the information and documents provided by the other Party in the course of the verification process. Such information and documents shall not be used for other purposes, including being used as evidence in administrative and judicial proceedings, without the explicit written permission of the Party providing such information.

## **RECORD KEEPING REQUIREMENT**

### **Rule 19**

(a) The application for the Certificate of Origin (Form E) and all documents related to such application shall be retained by the Issuing Authority for not less than three (3) years from the date of issuance.

(b) Information relating to the validity of the Certificate of Origin (Form E) shall be furnished upon request by the importing Party.

(c) Any information communicated between the Parties concerned shall be treated as confidential and shall be used for the validation of the Certificate of Origin (Form E) purposes only.

(d) For the purposes of the verification process/retroactive check pursuant to Rule 18 of this Attachment, the producer and/or exporter applying for the issuance of a Certificate of Origin (Form E) shall, subject to the domestic laws, regulations and administrative rules of the exporting Party, keep the supporting records for the said application for not less than three (3) years from the date of issuance of the Certificate of Origin (Form E).

## **SPECIAL CASES**

### **Rule 20**

When the destination of the products exported to a specified Party is changed, before or after their arrival in the Party, the following rules shall be observed:

- a) If the products have already been submitted to the Customs Authority in the specified importing Party, the Certificate of Origin (Form E) shall, by a written application of the importer, be endorsed to address the situation. The original shall be kept by the Customs Authority and the photocopy of the Certificate of Origin (Form E) shall be provided to the importer.
  
- b) If the changing of destination occurs during transportation to the importing Party as specified in the Certificate of Origin (Form E), the exporter shall apply in writing, accompanied by the issued Certificate of Origin (Form E), for the issuance of a new Certificate of Origin (Form E).

### **Rule 21**

For the purpose of implementing Article 8 of the Rules of Origin for the ACFTA, where transportation is effected through the territory of one or more non-ACFTA Parties, the following shall be submitted to the Customs Authority of the importing Party:

- a) A through Bill of Lading issued in the exporting Party;



- b) A Certificate of Origin (Form E) issued by the relevant Issuing Authorities of the exporting Party;
- c) A copy of the original commercial invoice in respect of the product; and
- d) Supporting documents evidencing that the requirements of Article 8.2(b) sub-paragraphs (i), (ii) and (iii) of the Rules of Origin for the ACFTA are being complied with.

## **Rule 22**

(a) Products sent from an exporting Party for exhibition in another Party and sold during or after the exhibition for importation into a Party shall benefit from the ASEAN-China preferential treatment on the condition that the products meet the requirements of the Rules of Origin for the ACFTA provided it is shown to the satisfaction of the Customs Authority of the importing Party that:

- (i) an exporter has dispatched those products from the territory of the exporting Party to another Party where the exhibition is held and has exhibited them there;
- (ii) the exporter has sold the products or transferred them to a consignee in the importing Party; and
- (iii) the products have been consigned during the exhibition or immediately thereafter to the importing Party in the state in which they were sent for exhibition.

(b) For purposes of implementing the above provisions, the Certificate of Origin (Form E) must be submitted to the Customs Authority of the importing Party. The name and address of the exhibition must be indicated, a certificate issued by the Issuing Authority of the Party where the exhibition took place together with supporting documents prescribed

in Rule 21(d) of this Attachment may be required.

(c) Paragraph (a) shall apply to any trade, agricultural or crafts exhibition, fair or similar show or display in shops or business premises with a view to the sale of foreign products and where the products remain under customs control during the exhibition.

### **Rule 23**

The Customs Authority of the importing Party shall accept a Certificate of Origin (Form E) in cases where the sales invoice is issued either by a company located in a third country or by an ACFTA exporter for the account of the said company, provided that the product meets the requirements of the Rules of Origin for the ACFTA. The invoice-issuing third party can be an ACFTA Party or non-ACFTA Party. The original invoice number or the third party invoice number shall be indicated in Box 10 of the Certificate of Origin (Form E), the exporter and consignee must be located in the Parties and the third party invoice shall be attached to the Certificate of Origin (Form E) when presenting the said Certificate of Origin (Form E) to the Customs Authority of the importing Party.

## **ACTION AGAINST FRAUDULENT ACTS**

### **Rule 24**

(a) When it is suspected that fraudulent acts in connection with the Certificate of Origin (Form E) have been committed, the Government authorities of the Parties concerned shall co-operate in the action to be taken in the territory of the respective Parties against the persons involved.

(b) Each Party shall be responsible for providing legal sanctions for

fraudulent acts committed in relation to the Certificate of Origin (Form E) in accordance with its domestic laws, regulations and administrative rules.

### **Rule 25**

In the case of a dispute concerning origin determination, classification of products or other matters, the Government authorities concerned in the importing and exporting Parties shall consult each other with a view to resolving the dispute, and the result shall be reported to the other Parties for information.

## **CONTACT POINTS**

### **Rule 26**

Each Party shall designate contact points to ensure the effective and efficient implementation of this Attachment.

## ATTACHMENT B

### PRODUCT SPECIFIC RULES

#### Preamble

For the purpose of Article 4: Product Specific Criteria of the Rules of Origin for the ASEAN-China Free Trade Area (ASEAN-China FTA) as set out in ANNEX 3 of the Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between ASEAN and China, products which satisfy the Product Specific Rules set out herein shall be considered as goods which have undergone sufficient transformation, and hence shall be treated as the originating products of a Party in whose territory such transformation took place.

A country of origin of a product shall be a Party in whose territory the last sufficient transformation of that product was performed. As for a product whose production took place in the territories of two or more Parties, originating status shall be conferred on a Party in whose territory the last sufficient transformation took place.

#### A. Exclusive Rule/Criterion

The following product specific criteria shall be the sole criteria for determining the originating status of the following products. When applying for a Certificate of Origin Form E for these products, the exporter concerned can only use the product specific criteria as set out below:

Serial No.	HS Code (HS2012)	Product Description	Origin Criteria
1	1517.90	Margarine, edible mixtures or preparations of animal or vegetable fat or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading 15.16: - Other	Manufactured from fats or oil wholly obtained in either Party
2	2105.00	Ice cream and other edible ice, whether or not containing cocoa.	Change to subheading 2105.00 from any other chapter
3	5103.20	Waste of wool or of fine animal hair, not garneted stock	Obtained from sheep, lambs or

Serial No.	HS Code (HS2012)	Product Description	Origin Criteria
			other animals raised in either Party
4	5103.30	Waste of coarse animal hair, not garneted stock	Obtained from sheep, lambs or other animals raised in either Party
5	5104.00	Garneted stock of wool or of fine or coarse animal hair	Obtained from sheep, lambs or other animals raised in either Party
6	5105.31	Fine animal hair of Kashmir (cashmere) goats, carded or combed	Obtained from sheep, lambs or other animals raised in either Party
7	5105.39	Other fine animal hair, carded or combed	Obtained from sheep, lambs or other animals raised in either Party
8	5105.40	Coarse animal hair, carded or combed	Obtained from sheep, lambs or other animals raised in either Party
9	7101.21	- Cultured pearls: -- Unworked	Wholly Obtained in the territory of exporting Party
10	2901.10	Saturated acyclic hydrocarbons	RVC40%
11	2901.21	Ethylene	RVC40%
12	2901.22	Propene (propylene)	RVC40%
13	2901.23	Butene (butylenes) and isomers thereof	RVC40%
14	2901.24	Buta-1,3-diene and isoprene	RVC40%
15	2901.29	Other acyclic hydrocarbons	RVC40%
16	2902.11	Cyclanes, cyclenes and cycloterpenes	RVC40%
17	2902.19	other	RVC40%
18	2902.20	- Benzene	RVC40%
19	2902.30	- Toluene	RVC40%
20	2902.41	-- o-Xylene	RVC40%
21	2902.42	-- m-Xylene	RVC40%
22	2902.43	-- p-Xylene	RVC40%
23	2902.44	-- Mixed xylene isomers	RVC40%
24	2902.50	- Styrene	RVC40%
25	2902.60	- Ethylbenzene	RVC40%
26	2902.70	- Cumene	RVC40%

Serial No.	HS Code (HS2012)	Product Description	Origin Criteria
27	2902.90	- Other	RVC40%
28	3105.10	- Goods of this Chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg	RVC40%
29	3105.20	- Mineral or chemical fertilisers containing the three fertilising elements nitrogen, phosphorus and potassium	RVC40%
30	3105.30	- Diammonium hydrogenorthophosphate (diammonium phosphate)	RVC40%
31	3105.40	- Ammonium dihydrogenorthophosphate (monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (diammonium phosphate)	RVC40%
32	3105.51	-- Containing nitrates and phosphates	RVC40%
33	3105.59	-- Other	RVC40%
34	3105.60	- Mineral or chemical fertilisers containing the two fertilising elements phosphorus and potassium	RVC40%
35	3105.90	- Other	RVC40%
36	3901.10	- Polyethylene having a specific gravity of less than 0.94	RVC40%
37	3901.20	- Polyethylene having a specific gravity of 0.94 or more	RVC40%
38	3901.30	- Ethylene-vinyl acetate copolymers	RVC40%
39	3901.90	- Other	RVC40%
40	3902.10	- Polypropylene	RVC40%
41	3902.20	- Polyisobutylene	RVC40%
42	3902.30	- Propylene copolymers	RVC40%
43	3902.90	- Other	RVC40%
44	3903.11	-- Expansible	RVC40%
45	3903.19	-- Other	RVC40%
46	3903.20	- Styrene-acrylonitrile (SAN) copolymers	RVC40%
47	3903.30	- Acrylonitrile-butadiene-styrene (ABS) copolymers	RVC40%
48	3903.90	- Other	RVC40%
49	3907.10	- Polyacetals	RVC40%
50	3907.20	- Other polyethers	RVC40%

Serial No.	HS Code (HS2012)	Product Description	Origin Criteria
51	3907.30	- Epoxide resins	RVC40%
52	3907.40	- Polycarbonates	RVC40%
53	3907.50	- Alkyd resins	RVC40%
54	3907.60	- Poly(ethylene terephthalate)	RVC40%
55	3907.70	- Poly (lactic acid)	RVC40%
56	3907.91	- Other polyesters : -- Unsaturated	RVC40%
57	3907.99	-- Other	RVC40%
58	3908.10	- Polyamide-6, -11, -12, -6,6, -6,9, -6,10 or -6,12	RVC40%
59	3908.90	- Other	RVC40%

## B. Alternative Rules

The following criteria shall be applied as alternative rule to the general rule prescribed in Rule 4 of the ASEAN-China FTA Rules of Origin. When applying for a Certificate of Origin Form E, the exporter can use either the general rule prescribed in Rule 4 of the ASEAN-China FTA Rules of Origin or the Rules set out in this Attachment.

### 1. Change in Tariff Classification

Serial No.	HS Code (HS 2012)	Product Description	Origin Criteria
60	1604.11	- Fish, whole or in pieces, but not minced: -- Salmon	Change to subheading 1604.11 from any other chapter
61	1604.12	- Fish, whole or in pieces, but not minced: -- Herrings	Change to subheading 1604.12 from any other chapter
62	1604.13	- Fish, whole or in pieces, but not minced: -- Sardines, sardinella and brisling or sprats	Change to subheading 1604.13 from any other chapter
63	1604.15	- Fish, whole or in pieces, but not minced: -- Mackerel	Change to subheading 1604.15 from any other chapter
64	1604.16	- Fish, whole or in pieces, but not minced: -- Anchovies	Change to subheading 1604.16 from any other chapter

Serial No.	HS Code (HS 2012)	Product Description	Origin Criteria
65	1604.17	- Fish, whole or in pieces, but not minced: -- Eels	Change to subheading 1604.17 from any other chapter
66	1604.19	- Fish, whole or in pieces, but not minced: -- Other	Change to subheading 1604.19 from any other chapter
67	1604.20	- Other prepared or preserved fish	Change to subheading 1604.20 from any other chapter
68	3006.10	- Sterile surgical catgut, similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for surgical wound closure; sterile laminaria and sterile laminaria tents; sterile absorbable surgical or dental haemostatics; sterile surgical or dental adhesion barriers, whether or not absorbable	Change to subheading 3006.10 from any other heading
69	4103.90	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by Note 1(b) or 1(c) to this Chapter: - Other	Change to subheading 4103.90 from any other heading
70	7218.10	- Ingots and other primary forms	Change to subheading 7218.10 from any other heading
71	7218.91	- Other: -- Of rectangular (other than square) cross-section	Change to subheading 7218.91 from any other heading
72	7218.99	- Other: -- Other	Change to subheading 7218.99 from any other heading
73	7221.00	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel.	Change to subheading 7221.00 from any other



Serial No.	HS Code (HS 2012)	Product Description	Origin Criteria
			heading
74	7222.11	- Bars and rods, not further worked than hot-rolled, hot-drawn or extruded: -- Of circular cross-section	Change to subheading 7222.11 from any other heading
75	7222.19	- Bars and rods, not further worked than hot-rolled, hot-drawn or extruded: -- Other	Change to subheading 7222.19 from any other heading
76	7222.20	- Bars and rods, not further worked than cold-formed or cold-finished	Change to subheading 7222.20 from any other heading
77	7222.30	- Other bars and rods	Change to subheading 7222.30 from any other heading
78	7222.40	- Angles, shapes and sections	Change to subheading 7222.40 from any other heading

**2. Process Criterion for Textile and Textile Products - Working or Processing Carried Out on Non-Originating Materials that Confers Originating Status<sup>1</sup>**

**(a) Fibres and Yarns**

1. Manufacture through process of fibre-making (polymerisation, polycondensation and extrusion) spinning, twisting, texturizing or braiding from a blend or any of following:

- Silk
- Wool, fine/coarse animal hair
- Cotton fibres
- Vegetable textile fibres
- Synthetic or artificial filaments/man-made filaments
- Synthetic or artificial staple fibres/man-made staple fibres; or

Serial No.	HS Code (HS 2012)	Product Description
79	5204.11	Cotton sewing thread >= 85% by weight of cotton, not put up for retail sale

<sup>1</sup> Products shall be considered as originating if they result exclusively from the processes and/or operations set out in this Attachment

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
80	5204.19	Cotton sewing thread, <85% by weight of cotton, not put up for retail sale
81	5204.20	Cotton sewing thread, put up for retail sale
82	5205.11	Cotton yarn, >=85%, single, uncombed, >=714.29 dtex, not put up for retail sale
83	5205.12	Cotton yarn, >=85%, single, uncombed, 714.29 > dtex >= 232.56, not put up for retail sale
84	5205.13	Cotton yarn, >=85%, single, uncombed, 232.56 > dtex >= 192.31, not put up for retail sale
85	5205.14	Cotton yarn, >=85%, single, uncombed, 192.31 > dtex >=125, not put up for retail sale
86	5205.15	Cotton yarn, >=85%, single, uncombed, < 125 dtex, not put up for retail sale
87	5205.21	Cotton yarn, >=85%, single, combed, >= 714.29, not put up for retail sale
88	5205.22	Cotton yarn, >=85%, single, combed, 714.29 > dtex. >= 232.56, not put up for retail sale
89	5205.23	Cotton yarn, >=85%, single, combed. 232.56 > dtex >= 192.31, not put up for retail sale
90	5205.24	Cotton yarn, >=85%, single, combed, 192.31 > dtex >= 125, not put up for retail sale
91	5205.26	Cotton yarn, >=85%, single, combed, 106.38 <= dtex < 125, not put up for retail sale
92	5205.27	Cotton yarn, >=85%, single, combed, 83.33 <= dtex < 106.38, not put up for retail sale
93	5205.28	Cotton yarn, >=85%, single, combed, < 83.33 dtex (>120 metric number), not put up for retail sale
94	5205.31	Cotton yarn, >=85%, multi, uncombed, >= 714.29 dtex, not put up for retail sale
95	5205.32	Cotton yarn, >=85%, multi, uncombed, 714.29 > dtex >= 232.56, not put up for retail sale
96	5205.33	Cotton yarn, >=85%, multi, uncombed, 232.56 > dtex >= 192.31, not put up for retail sale
97	5205.34	Cotton yarn, >=85%, multi, uncombed, 192.31 > dtex >= 125, not put up for retail sale
98	5205.35	Cotton yarn, >=85%, multi, uncombed, < 125 dtex, not put up for retail sale
99	5205.41	Cotton yarn, >=85%, multiple, combed, >= 714.29 dtex, not put up for retail sale
100	5205.42	Cotton yarn, >=85%, multi, combed, 714.29 > dtex >= 232.56, not put up for retail sale
101	5205.43	Cotton yarn; >=85%, multi, combed, 232.56 > dtex >= 192.31, not put up for retail sale

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
102	5205.44	Cotton yarn, $\geq 85\%$ , multiple, combed, 192.31 $>$ dtex $\geq 125$ , not put up for retail sale
103	5205.46	Cotton yarn, $\geq 85\%$ , multiple, combed, 106.38 $\leq$ dtex $< 125$ , not put up for retail sale
104	5205.47	Cotton yarn, $\geq 85\%$ , multiple, combed, 83.33 $\leq$ dtex $< 106.38$ , not put up for retail sale
105	5205.48	Cotton yarn, $\geq 85\%$ , multiple, combed, $< 83.33$ dtex, not put up for retail sale
106	5206.11	Cotton yarn, $< 85\%$ , single, uncombed, $\geq 714.29$ , not put up for retail sale
107	5206.12	Cotton yarn, $< 85\%$ , single, uncombed, 714.29 $>$ dtex $\geq 232.56$ , not put up for retail sale
108	5206.13	Cotton yarn, $< 85\%$ , single, uncombed, 232.56 $>$ dtex $\geq 192.31$ , not put up for retail sale
109	5206.14	Cotton yarn, $< 85\%$ , single, uncombed, 192.31 $>$ dtex $\geq 125$ , not put up for retail sale
110	5206.15	Cotton yarn, $< 85\%$ , single, uncombed, $< 125$ dtex, not put up for retail sale
111	5206.21	Cotton yarn, $< 85\%$ , single, combed, $\geq 714.29$ dtex, not put up for retail sale
112	5206.22	Cotton yarn, $< 85\%$ , single, combed, 714.29 $>$ dtex $\geq 232.56$ , not put up for retail sale
113	5206.23	Cotton yarn, $< 85\%$ , single, combed. 232.56 $>$ dtex $\geq 192.31$ , not put up for retail sale
114	5206.24	Cotton yarn, $< 85\%$ , single, combed, 192.31 $>$ dtex $\geq 125$ , not put up for retail sale
115	5206.25	Cotton yarn, $< 85\%$ , single, combed, $< 125$ dtex, not put up for retail sale
116	5206.31	Cotton yarn, $< 85\%$ , multiple, uncombed, $\geq 714.29$ , not put up for retail sale
117	5206.32	Cotton yarn, $< 85\%$ , multiple, uncombed, 714.29 $>$ dtex $\geq 232.56$ , not put up for retail sale
118	5206.33	Cotton yarn, $< 85\%$ , multiple, uncombed, 232.56 $>$ dex $\geq 192.31$ , not put up for retail sale
119	5206.34	Cotton yarn, $< 85\%$ , multiple, uncombed, 192.31 $>$ dtex $\geq 125$ , not put up for retail sale
120	5206.35	Cotton yarn, $< 85\%$ , multiple, uncombed, $< 125$ dtex, not put up for retail sale
121	5206.41	Cotton yarn, $< 85\%$ , multiple, combed, $\geq 714.29$ , not put up for retail sale
122	5206.42	Cotton yarn, $< 85\%$ , multiple, combed, 714.29 $>$ dtex $\geq 232.56$ , not put up for retail sale

Serial No.	HS Code (HS 2012)	Product Description
123	5206.43	Cotton yarn, <85%, multiple, combed, 232.56 >dtex >= 192.31, not put up for retail sale
124	5206.44	Cotton yarn, <85%, multiple, combed, 192.31>dtex >= 125, not put up for retail sale
125	5206.45	Cotton yarn, <85%. multiple, combed. < 125 dtex, not put up for retail sale
126	5207.10	Cotton yarn (other than sewing thread) >= 85% by weight of cotton put up for retail sale
127	5207.90	Cotton yarn (other than sewing thread) < 85% by weight of cotton. put up for retail sale

**(b) Fabric/Carpets And Other Textile Floor Coverings; Special Yarns, twine, cordage and ropes and cables and articles thereof.**

1. Manufacture from:

- Polymer (non-woven)
- Fibres (non-woven)
- Yarns (fabrics)
- Raw or Unbleached Fabrics (finished fabrics)

through substantial transformation process of either:

- needle punching / spin bonding / chemical bonding
- weaving or knitting;
- crocheting or wadding or tufting; or
- dyeing or printing and finishing; or impregnation, coating, covering or lamination.

Serial No.	HS Code (HS 2012)	Product Description
128	5208.11	Plain weave cotton fabric, >= 85%, not more than 100 g/m2, unbleached
129	5208.12	Plain weave cotton fabric, >= 85%, > 100 g/m2 to 200 g/m2, unbleached
130	5208.13	Twill weave cotton fabric, >= 85%, not more than 200 g/m2, unbleached
131	5208.19	Woven fabrics of cotton, >= 85%, not more than 200 g/m2, unbleached, nes
132	5208.21	Plain weave cotton fabrics, >= 85%, not more than 100g/m2, bleached

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
133	5208.22	Plain weave cotton fabric, >/= 85%, > 100 g/m2 to 200 g/m2, bleached
134	5208.23	Twill weave cotton fabric, >/= 85%, not more than 200g/m2, bleached
135	5208.29	Woven fabrics of cotton, >/= 85%, not more than 200 g/m2, bleached, nes
136	5208.41	Plain weave cotton fabric, >/= 85%, not more than 100 g/m2, yarns of different colours
137	5208.42	Plain weave cotton fabrics, >/= 85%, > 100 g/m2 to 200 g/m2, yarns of different colours
138	5208.43	Twill weave cotton fabric, >/= 85%, not more than 200 g/m2, yarns of different colours
139	5208.49	Woven fabrics of cotton, >/= 85%, not more than 200 g/m2, yarns of different colours, nes
140	5209.11	Plain weave cotton fabric, >/= 85%, more than 200 g/m2, unbleached
141	5209.12	Twill weave cotton fabric, >/= 85%, more than 200 g/m2, unbleached
142	5209.19	Woven fabrics of cotton, >/= 85%, more than 200 g/m2, unbleached, nes
143	5209.21	Plain weave cotton fabric, >/= 85%, more than 200 g/m2, bleached
144	5209.22	Twill weave cotton fabrics, >/= 85%, more than 200 g/m2, bleached
145	5209.29	Woven fabrics of cotton, >/= 85%, more than 200 g/m2, bleached, nes
146	5209.41	Plain weave cotton fabrics, >/= 85%, more than 200 g/m2, yarns of different colours
147	5209.42	Denim fabrics of cotton, >/= 85%, more than 200 g/m2
148	5209.43	Twill weave cotton fab, other than denim, >/= 85%, more than 200 g/m2, yarns of different colours
149	5209.49	Woven fabrics of cotton, >/= 85%, more than 200 g/m2, yarns of different colours, nes
150	5210.11	Plain weave cotton fab, < 85% mixd w m-m fib, not more than 200 g/m2, unbleached
151	5210.19	Woven fab of cotton, < 85% mixd with m-m fib, </= 200 g/m2, unbleached, nes

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
152	5210.21	Plain weave cotton fab, < 85% mixd w m-m fib, not more than 200 g/m2, bleached
153	5210.29	Woven fabrics of cotton, < 85% mixd with m-m fib, </= 200 g/m2, bleached, nes
154	5210.41	Plain weave cotton fab, < 85% mixd w m-m fib, not more than 200g/m2 yarns of different colours
155	5210.49	Woven fabrics of cotton. <85% mixd with m-m fib, </= 200 g/m2, yarns of different colours, nes
156	5211.11	Plain weave cotton fab, <85% mixd w m-m fib, more than 200 g/m2, unbleached
157	5211.12	Twill weave cotton fab. <85% mixed w m-m fib. more than 200 g/m2. unbleached
158	5211.19	Woven fabrics of cotton, <85% mixd with m-m fib, more than 200 g/m2, unbleached, nes
159	5211.20	Woven fabrics of cotton, <85% mixd with m-m fib, more than 200 g/m2. bleached
160	5211.41	Plain weave cotton fab, <85% mixd w m-m fib, more than 200 g/m2, yarns of different colours
161	5211.42	Denim fabrics of cotton, < 85% mixed with m-m fib, more than 200 g/m2
162	5211.43	Twill weave cotton fab, <85% mixd w m-m fib, > 200 g/m2, yarn of different colours
163	5211.49	Woven fabrics of cotton, <85% mixd with m-m fib, > 200 g/m2. yarns of other colors. nes
164	5212.11	Woven fabrics of cotton, weighing not more than 200 g/m2, unbleached, nes
165	5212.12	Woven fabrics of cotton, weighing not more than 200 g/m2, bleached, nes
166	5212.14	Woven fabrics of cotton, </=200 g/m2. of yarns of different colours, nes
167	5212.21	Woven fabrics of cotton, weighing more than 200 g/m2, unbleached, nes
168	5212.22	Woven fabrics of cotton, weighing more than 200 g/m2. bleached, nes
169	5212.24	Woven fabrics of cotton, >200 g/m2, of yarns of different colours, nes
170	6001.10	Long pile knitted or crocheted fabrics

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
171	6001.21	Looped pile knitted or crocheted fabrics, of cotton
172	6001.22	Looped pile knitted or crocheted fabrics, of man-made fibres
173	6001.29	Looped pile knitted or crocheted fabrics, of other textile materials
174	6002.40	Knitted or crocheted fab, w $\leq$ 30 cm, $\geq$ 5% of elastomeric, not containing rubber thread
175	6002.90	Knitted or crocheted textile fab, w $\leq$ 30 cm, $\geq$ 5% of elastomeric, containing rubber thread
176	6003.10	Knitted or crocheted fabrics, w $\leq$ 30 cm, of wool or fine animal hair
177	6003.20	Knitted or crocheted fabrics, w $\leq$ 30 cm, of cotton
178	6003.30	Knitted or crocheted fabrics, w $\leq$ 30 cm, of synthetic fibres
179	6003.40	Knitted or crocheted fabrics, w $\leq$ 30 cm, of artificial fibres
180	6003.90	Knitted or crocheted fabrics, w $\leq$ 30 cm, of nes
181	6004.10	Knitted or crocheted textile fab, w $>$ 30 cm, $\geq$ 5% of elastomeric, not containing rubber thread
182	6004.90	Knitted or crocheted textile fab, w $>$ 30 cm, $\geq$ 5% of elastomeric, containing rubber thread
183	6005.21	Warp knitted fabrics, of unbleached or bleached cotton, nes
184	6005.22	Warp knitted fabrics, of dyed cotton, nes
185	6005.23	Warp knitted fabrics, of yarn of different colours cotton, nes
186	6005.24	Warp knitted fabrics, of printed cotton, nes
187	6005.31	Warp knitted fabrics, of unbleached or bleached synthetic fibres, nes
188	6005.32	Warp knitted fabrics, of dyed synthetic fibres, nes
189	6005.33	Warp knitted fabrics, of yarn of different colours synthetic fibres, nes
190	6005.41	Warp knitted fabrics, of unbleached or bleached artificial fibres, nes
191	6005.42	Warp knitted fabrics, of dyed artificial fibres, nes
192	6005.43	Warp knitted fabrics, of yarn of different colours artificial fibres, nes
193	6005.44	Warp knitted fabrics, of printed artificial fibres, nes
194	6005.90	Warp knitted fabrics, of other materials, nes

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
195	6006.10	Knitted or crocheted fabrics, of wool or of fine animal hair, nes
196	6006.31	Knitted or crocheted fabrics, of unbleached or bleached synthetic fibres, nes
197	6006.32	Knitted or crocheted fabrics, of dyed synthetic fibres, nes
198	6006.33	Knitted or crocheted fabrics, of yarn of different colours of synthetic fibres, nes
199	6006.34	Knitted or crocheted fabrics, of printed synthetic fibres, nes
200	6006.41	Knitted or crocheted fabrics, of unbleached or bleached artificial fibres, nes
201	6006.42	Knitted or crocheted fabrics, of dyed artificial fibres, nes
202	6006.43	Knitted or crocheted fabrics, of yarn of different colours of artificial fibres, nes
203	6006.44	Knitted or crocheted fabrics, of printed artificial fibres, nes
204	6006.90	Knitted or crocheted fabrics, of other materials, nes

**(c) Article of Apparel and Clothing Accessories and Other Made Up Textile Articles**

- 1.
- a. Manufacture through the processes of cutting and assembly of parts into a complete article (for apparel and tents) and incorporating embroidery or embellishment or printing (for made-up articles) from:
- raw or unbleached fabric
  - finished fabric;

OR

- b. Undergo a change in tariff classification (hereinafter referred to as "CTC") at four-digit level, which is a change in tariff heading, of the Harmonized System

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
205	6101.20	Men's/boys' overcoats, anoraks, etc of cotton, knitted or crocheted



<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
206	6101.30	Men's/boys' overcoats, anoraks etc, of man-made fibres, knitted or crocheted
207	6101.90	Men's/boys' overcoats, anoraks etc, of other textile materials, knitted or crocheted
208	6102.10	Women's/girls' overcoats, anoraks etc, of wool or fine animal hair, knitted or crocheted
209	6102.20	Women's/girls' overcoats, anoraks etc, of cotton, knitted or crocheted
210	6102.30	Women's/girls' overcoats, anoraks etc, of man-made fibres, knitted or crocheted
211	6102.90	Women's/girls' overcoats, anoraks etc, of other textile materials, knitted or crocheted
212	6103.10	Men's/boys' suits, knitted or crocheted
213	6103.22	Men's/boys' ensembles, of cotton, knitted or crocheted
214	6103.23	Men's/boys' ensembles, of synthetic fibres, knitted or crocheted
215	6103.29	Men's/boys' ensembles, of other textile materials, knitted or crocheted
216	6103.31	Men's/boys' jackets and blazers, of wool or fine animal hair, knitted or crocheted
217	6103.32	Men's/boys' jackets and blazers, of cotton, knitted or crocheted
218	6103.33	Men's/boys' jackets and blazers, of synthetic fibres, knitted or crocheted
219	6103.39	Men's/boys' jackets and blazers, of other textile materials, knitted or crocheted
220	6103.41	Men's/boys' trousers and shorts, of wool or fine animal hair, knitted or crocheted
221	6103.42	Men's/boys' trousers and shorts, of cotton, knitted or crocheted
222	6103.43	Men's/boys' trousers and shorts, of synthetic fibres, knitted or crocheted
223	6103.49	Men's/boys' trousers and shorts, of other textile materials, knitted or crocheted
224	6104.13	Women's/girls' suits, of synthetic fibres, knitted or crocheted
225	6104.19	Women's/girls' suits, of other textile materials,

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		knitted or crocheted
226	6104.22	Women's/girls' ensembles, of cotton, knitted or crocheted
227	6104.23	Women's/girls' ensembles, of synthetic fibres, knitted or crocheted
228	6104.29	Women's/girls' ensembles, of other textile materials, knitted or crocheted
229	6104.31	Women's/girls' jackets, of wool or fine animal hair, knitted or crocheted
230	6104.32	Women's/girls' jackets, of cotton, knitted or crocheted
231	6104.33	Women's/girls' jackets, of synthetic fibres, knitted or crocheted
232	6104.39	Women's/girls' jackets, of other textile materials, knitted or crocheted
233	6104.41	Women's/girls' dresses, of wool or fine animal hair, knitted or crocheted
234	6104.42	Women's/girls' dresses, of cotton, knitted or crocheted
235	6104.43	Women's/girls' dresses, of synthetic fibres, knitted or crocheted
236	6104.44	Women's/girls' dresses, of artificial fibres, knitted or crocheted
237	6104.49	Women's/girls' dresses, of other textile materials, knitted or crocheted
238	6104.51	Women's/girls' skirts, of wool or fine animal hair, knitted or crocheted
239	6104.52	Women's/girls' skirts, of cotton, knitted or crocheted
240	6104.53	Women's/girls' skirts, of synthetic fibres, knitted or crocheted
241	6104.59	Women's/girls' skirts, of other textile materials, knitted or crocheted
242	6104.61	Women's/girls' trousers and shorts, of wool or fine animal hair, knitted or crocheted
243	6104.62	Women's/girls' trousers and shorts, of cotton, knitted or crocheted
244	6104.63	Women's/girls' trousers and shorts, of

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		synthetic fibres, knitted or crocheted
245	6104.69	Women's/girls' trousers and shorts, of other textile materials, knitted or crocheted
246	6105.10	Men's/boys' shirts, of cotton, knitted or crocheted
247	6105.20	Men's/boys' shirts, of man-made fibres, knitted or crocheted
248	6105.90	Men's/boys' shirts, of other textile materials, knitted or crocheted
249	6106.10	Women's/girls' blouses and shirts, of cotton, knitted or crocheted
250	6106.20	Women's/girls' blouses and shirts, of man-made fibres, knitted or crocheted
251	6106.90	Women's/girls' blouses and shirts, of other textile materials, knitted or crocheted
252	6107.11	Men's/boy's underpants and briefs, of cotton, knitted or crocheted
253	6107.12	Men's/boys' underpants and briefs, of man-made fibres, knitted or crocheted
254	6107.19	Men's/boys' underpants and briefs, of other textile materials, knitted or crocheted
255	6107.21	Men's/boys' nightshirts and pyjamas, of cotton, knitted or crocheted
256	6107.22	Men's/boys' nightshirts and pyjamas, of man-made fibres, knitted or crocheted
257	6107.29	Men's/boys' nightshirts and pyjamas, of other textile materials, knitted or crocheted
258	6107.91	Men's/boys' bathrobes, dressing gowns etc of cotton, knitted or crocheted
259	6107.99	Men's/boys' bathrobes, dressing gowns etc of other textile materials, knitted or crocheted
260	6108.11	Women's/girls' slips and petticoats, of man-made fibres, knitted or crocheted
261	6108.19	Women's/girls' slips and petticoats, of other textile materials, knitted or crocheted
262	6108.21	Women's/girls' briefs and panties, of cotton, knitted or crocheted

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
263	6108.22	Women's/girls' briefs and panties, of man-made fibres, knitted or crocheted
264	6108.29	Women's/girls' briefs and panties, of other textile materials, knitted or crocheted
265	6108.31	Women's/girls' nightdresses and pyjamas, of cotton, knitted or crocheted
266	6108.32	Women's/girls' nightdresses and pyjamas, of man-made fibres, knitted or crocheted
267	6108.39	Women's/girls' nightdresses and pyjamas, of other textile materials, knitted or crocheted
268	6108.91	Women's/girls' bathrobes, dressing gowns, etc, of cotton, knitted or crocheted
269	6108.92	Women's/girls' bathrobes, dressing gowns, etc, of man-made fibres, knitted or crocheted
270	6108.99	Women's/girls' bathrobes, dressing gowns etc, of other textile materials, knitted or crocheted
271	6109.10	T-shirts, singlets and other vests, of cotton, knitted or crocheted
272	6109.90	T-shirts, singlets and other vests, of other textile materials, knitted or crocheted
273	6110.11	Pullovers, cardigans & similar article of wool or fine animal hair, knitted or crocheted: of wool
274	6110.12	Pullovers, cardigans & similar article of wool or fine animal hair, knitted or crocheted: of kashmir (cashmere) goats
275	6110.19	Pullovers, cardigans & similar article of wool or fine animal hair, knitted or crocheted: of other animal hair.
276	6110.20	Pullovers, cardigans & similar articles of cotton, knitted or crocheted
277	6110.30	Pullovers, cardigans & similar articles of man-made fibres, knitted or crocheted
278	6110.90	Pullovers, cardigans & similar articles of other textile materials, knitted or crocheted
279	6111.20	Babies' garments & clothing accessories of cotton, knitted or crocheted
280	6111.30	Babies' garments & clothing accessories of synthetic fibres, knitted or crocheted

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
281	6111.90	Babies garments & clothing accessories of other textile materials, knitted or crocheted
282	6112.11	Track suits, of cotton, knitted or crocheted
283	6112.12	Track suits, of synthetic fibres, knitted or crocheted
284	6112.19	Track suits, of other textile materials, knitted or crocheted
285	6112.20	Ski suits, of textile materials, knitted or crocheted
286	6112.31	Men's/boy's swimwear, of synthetic fibres, knitted or crocheted
287	6112.39	Men's/boys' swimwear, of other textile materials, knitted or crocheted
288	6112.41	Women's/girls' swimwear, of synthetic fibres, knitted or crocheted
289	6112.49	Women's/girls' swimwear, of other textile materials, knitted or crocheted
290	6113.00	Garments made up of impregnated, coated, covered or laminated textile fabrics or textile fabrics otherwise impregnated, coated or covered, knitted or crocheted
291	6114.20	Garments nes, of cotton, knitted or crocheted
292	6114.30	Garments nes, of man-made fibres, knitted or crocheted
293	6114.90	Garments nes, of other textile materials knitted or crocheted
294	6115.10	Graduated compression hosiery (for example, stockings for varicose veins)
295	6115.21	Panty hose & tights, of synthetic fibre yarns <67 dtex/single yarn knitted or crocheted
296	6115.22	Panty hose & tights, of synthetic fibre yarns >=67 dtex/single yarn knitted or crocheted
297	6115.29	Panty hose & tights, of other textile materials, knitted or crocheted
298	6115.30	Women full/knee-length hosiery, of textile yarn < 67 dtex/single yarn knitted or crocheted
299	6115.94	Hosiery nes, of wool or fine animal hair, knitted or crocheted

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
300	6115.95	Hosiery nes, of cotton, knitted or crocheted
301	6115.96	Hosiery nes, of synthetic fibres, knitted or crocheted
302	6115.99	Hosiery nes, of other textile materials, knitted or crocheted
303	6116.10	Gloves impregnated, coated or covered with plastics or rubber, knitted or crocheted
304	6116.91	Gloves, mittens and mitts, nes, of wool or fine animal hair, knitted or crocheted
305	6116.92	Gloves, mittens and mitts, nes, of cotton, knitted or crocheted
306	6116.93	Gloves, mittens and mitts, nes, of synthetic fibres, knitted or crocheted
307	6116.99	Gloves, mittens and mitts, nes, of other textile materials, knitted or crocheted
308	6117.10	Shawls, scarves, veils and the like, of textile materials, knitted or crocheted
309	6117.80	Clothing accessories nes, of textile materials, knitted or crocheted
310	6117.90	Parts of garments/of clothing accessories, of textile materials, knitted or crocheted
311	6201.11	Men's/boys' overcoats & similar articles of wool/fine animal hair, not knitted or crocheted
312	6201.12	Men's/boys' overcoats & similar articles of cotton, not knitted or crocheted
313	6201.13	Men's/boys' overcoats & similar articles of man-made fibres, not knitted or crocheted
314	6201.19	Men's/boys' overcoats & similar articles of other textile materials, not knitted or crocheted
315	6201.91	Men's/boys' anoraks & similar articles of wool/fine animal hair, not knitted or crocheted
316	6201.92	Men's/boys' anoraks & similar articles of cotton, not knitted or crocheted
317	6201.93	Men's/boys' anoraks & similar articles of man-made fibres, not knitted or crocheted
318	6201.99	Men's/boys' anoraks & similar articles of other textile materials, not knitted or crocheted
319	6202.11	Women's/girls' over coats & similar articles of

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		wool/fine animal hair, not knitted or crocheted
320	6202.12	Women's/girls' overcoats & similar articles of cotton, not knitted or crocheted
321	6202.13	Women's/girls' over coats & similar articles of man-made fibres, not knitted or crocheted
322	6202.19	Women's/girls' over coats & similar articles of other textile materials, not knitted or crocheted
323	6202.91	Women's/girls' anoraks & similar articles of wool/fine animal hair, not knitted or crocheted
324	6202.92	Women's/girls' anoraks & similar articles of cotton, not knitted or crocheted
325	6202.93	Women's/girls' anoraks & similar articles of man-made fibres, not knitted or crocheted
326	6202.99	Women's/girls' anoraks & similar articles of other textile materials, not knitted or crocheted
327	6203.11	Men's/boys' suits, of wool or fine animal hair, not knitted or crocheted
328	6203.12	Men's/boys' suits, of synthetic fibres, not knitted or crocheted
329	6203.19	Men's/boys' suits, of other textile materials, not knitted or crocheted
330	6203.22	Men's/boys' ensembles, of cotton, not knitted or crocheted
331	6203.23	Men's/boys' ensembles, of synthetic fibres, not knitted or crocheted
332	6203.29	Men's/boys' ensembles, of other textile materials, not knitted or crocheted
333	6203.31	Men's/boys' jackets and blazers, of wool or fine animal hair, not knitted or crocheted
334	6203.32	Men's/boys' jackets and blazers, of cotton, not knitted or crocheted
335	6203.33	Men's/boys' jackets and blazers, of synthetic fibres, not knitted or crocheted
336	6203.39	Men's/boys' jackets and blazers, of other textile materials, not knitted or crocheted
337	6203.41	Men's/boys' trousers and shorts, of wool or fine animal hair, not knitted or crocheted
338	6203.42	Men's/boys' trousers and shorts, of cotton, not

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		knitted or crocheted
339	6203.43	Men's/boys' trousers and shorts, of synthetic fibres, not knitted or crocheted
340	6203.49	Men's/boys' trousers and shorts, of other textile materials, not knitted or crocheted
341	6204.11	Women's/girls' suits, of wool or fine animal hair, not knitted or crocheted
342	6204.12	Women's/girls' suits, of cotton, not knitted or crocheted
343	6204.13	Women's/girls' suits, of synthetic fibres, not knitted or crocheted
344	6204.19	Women's/girls' suits, of other textile materials, not knitted or crocheted
345	6204.21	Women's/girls' ensembles, of wool or fine animal hair, not knitted or crocheted
346	6204.22	Women's/girls' ensembles, of cotton, not knitted or crocheted
347	6204.23	Women's/girls' ensembles, of synthetic fibres, not knitted or crocheted
348	6204.29	Women's/girls' ensembles, of other textile materials, not knitted or crocheted
349	6204.31	Women's/girls' jackets, of wool or fine animal hair, not knitted or crocheted
350	6204.32	Women's/girls' jackets, of cotton, not knitted or crocheted
351	6204.33	Women's/girls' jackets, of synthetic fibres, not knitted or crocheted
352	6204.39	Women's/girls' jackets, of other textile materials, not knitted or crocheted
353	6204.41	Women's/girls' dresses, of wool or fine animal hair, not knitted or crocheted
354	6204.42	Women's/girls' dresses, of cotton, not knitted or crocheted
355	6204.43	Women's/girls' dresses, of synthetic fibres, not knitted or crocheted
356	6204.44	Women's/girls' dresses, of artificial fibres, not knitted or crocheted
357	6204.49	Women's/girls' dresses, of other textile



<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		materials, not knitted or crocheted
358	6204.51	Women's/girls' skirts, of wool or fine animal hair, not knitted or crocheted
359	6204.52	Women's/girls' skirts, of cotton, not knitted or crocheted
360	6204.53	Women's/girls' skirts, of synthetic fibres, not knitted or crocheted
361	6204.59	Women's/girls skirts', of other textile materials, not knitted or crocheted
362	6204.61	Women's/girls' trousers & shorts, of wool or fine animal hair, not knitted or crocheted
363	6204.62	Women's/girls' trousers and shorts, of cotton, not knitted or crocheted
364	6204.63	Women's/girls' trousers and shorts, of synthetic fibres, not knitted or crocheted
365	6204.69	Women's/girls' trousers & shorts, of other textile materials, not knitted or crocheted
366	6205.20	Men's/boys' shirts, of cotton, not knitted or crocheted
367	6205.30	Men's/boys' shirts, of man-made fibres, not knitted or crocheted
368	6205.90	Men's/boys' shirts, of other textile materials, not knitted or crocheted
369	6206.10	Women's/girls' blouses and shirts, of silk or silk waste,-not knitted or crocheted
370	6206.20	Women's/girls' blouses & shirts, of wool or fine animal hair, not knitted or crocheted
371	6206.30	Women's/girls' blouses and shirts, of cotton, not knitted or crocheted
372	6206.40	Women's/girls' blouses and shirts, of man-made fibres, not knitted or crocheted
373	6206.90	Women's/girls' blouses and shirts, of other textile materials, not knitted or crocheted
374	6207.11	Men's/boys' underpants and briefs, of cotton, not knitted or crocheted
375	6207.19	Men's/boys' underpants and briefs, of other textile materials, not knitted or crocheted
376	6207.21	Men's/boys' nightshirts and pyjamas, of cotton,

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		not knitted or crocheted
377	6207.22	Men's/boys' nightshirts and pyjamas, of man-made fibres, not knitted or crocheted
378	6207.29	Men's/boys' nightshirts & pyjamas, of other textile materials, not knitted or crocheted
379	6207.91	Men's/boys' bathrobes, dressing gowns, etc, of cotton, not knitted or crocheted
380	6207.99	Men's/boys' bathrobes, dressing gowns etc, of other textile materials, not knitted or crocheted
381	6208.11	Women's/girls' slips and petticoats, of man-made fibres, not knitted or crocheted
382	6208.19	Women's/girls' slips & petticoats, of other textile materials, not knitted or crocheted
383	6208.21	Women's/girls' nightdresses and pyjamas, of cotton, not knitted or crocheted
384	6208.22	Women's/girls' nightdresses and pyjamas, of man-made fibres, not knitted or crocheted
385	6208.29	Women's/girls' nightdresses & pyjamas, of other textile materials, not knitted or crocheted
386	6208.91	Women's/girls' panties, bathrobes, etc, of cotton, not knitted or crocheted
387	6208.92	Women's/girls' panties, bathrobes, etc, of man-made fibres, not knitted or crocheted
388	6208.99	Women's/girls' panties, bathrobes, etc of other textile materials, not knitted or crocheted
389	6209.20	Babies' garments & clothing accessories, of cotton, not knitted or crocheted
390	6209.30	Babies' garments & clothing accessories, of synthetic fibres, not knitted or crocheted
391	6209.90	Babies' garments & clothing accessories, of other textile materials, not knitted or crocheted
392	6210.10	Garments made up of felt or of nonwoven textile fabrics
393	6210.20	Men's/boys' overcoats & similar articles of impreg.ctd.cov etc.textile woven fab
394	6210.30	Women's/girls' overcoats & similar articles of impreg, ctd, cov etc, textile woven fab
395	6210.40	Men's/boys' garments nes, made up of impreg,

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		ctd, cov, etc. tex woven fab
396	6210.50	Women's/girls' garments nes, of impreg, ctd, cov etc, textile woven fab
397	6211.11	Men's/boys' swimwear, of textile materials, not knitted or crocheted
398	6211.12	Women's/girls' swimwear, of textile materials, not knitted or crocheted
399	6211.20	Ski suits, of textile materials, not knitted or crocheted
400	6211.32	Mens/boys garments nes, of cotton, not knitted or crocheted
401	6211.33	Men's/boys' garments nes, of man-made fibres, not knitted or crocheted
402	6211.39	Men's/boys' garments nes, of other textile materials, not knitted or crocheted
403	6211.42	Women's/girls' garments nes, of cotton, not knitted or crocheted
404	6211.43	Women's/girls' garments nes, of man-made fibres, not knitted or crocheted
405	6211.49	Women's/girls' garments nes, of other textile materials, not knitted or crocheted
406	6212.10	Brassieres and part thereof, of textile materials
407	6212.20	Girdles, panty girdles and parts thereof, of textile materials
408	6212.30	Corselettes and parts thereof, of textile materials
409	6212.90	Corsets, braces & similar articles & parts thereof, of textile materials
410	6213.20	Handkerchiefs, of cotton, not knitted or crocheted
411	6213.90	Handkerchiefs, of other textile materials, not knitted or crocheted
412	6214.10	Shawls, scarves, veils and the like, of silk or silk waste, not knitted or crocheted
413	6214.20	Shawls, scarves, veils & the like, of wool or fine animal hair, not knitted or crocheted
414	6214.30	Shawls, scarves, veils and the like, of synthetic fibres, not knitted or crocheted

Serial No.	HS Code (HS 2012)	Product Description
415	6214.40	Shawls, scarves, veils and the like, of artificial fibres, not knitted or crocheted
416	6214.90	Shawls, scarves, veils & the like, of other textile materials fibres, not knitted or crocheted
417	6215.10	Ties, bow ties and cravats, of silk or silk waste, not knitted or crocheted
418	6215.20	Ties, bow ties and cravats, of man-made fibres, not knitted or crocheted
419	6215.90	Ties, bow ties and cravats, of other textile materials, not knitted or crocheted
420	6216.00	Gloves, mittens and mitts, of textile materials, not knitted or crocheted
421	6217.10	Clothing accessories nes, of textile materials, not knitted or crocheted
422	6217.90	Parts of garments or of clothing accessories nes, of textile materials, not knitted or crocheted
423	9619.00*	Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any material.

*\*The rule of origin for HS 9619.00 is a result of the transposition from HS 2007 to HS 2012.*

2. Manufactured through the processes of cutting and assembly of parts into a complete article (for apparel and tents) and incorporating embroidery or embellishment or printing (for made-up articles) from:

- raw or unbleached fabric
- finished fabric

Serial No.	HS Code (HS 2012)	Product Description
424	6301.10	Electric blankets, of textile materials
425	6301.20	Blankets (other than electric) & travelling rugs, of wool or fine animal hair
426	6301.30	Blankets (other than electric) and travelling rugs, of cotton
427	6301.40	Blankets (other than electric) and travelling rugs.

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
		of synthetic fibres
428	6301.90	Blankets (other than electric) and travelling rugs. of other textile materials
429	6302.10	Bed linen, of textile knitted or crocheted materials
430	6302.21	Bed linen, of cotton, printed, not knitted or crocheted
431	6302.22	Bed linen, of man-made fibres, printed, not knitted or crocheted
432	6302.29	Bed linen, of other textile materials, printed, not knitted or crocheted
433	6302.31	Bed linen, of cotton, nes
434	6302.32	Bed linen, of man-made fibres, nes
435	6302.39	Bed linen, of other textile materials, nes
436	6302.40	Table linen, of textile knitted or crocheted materials
437	6302.51	Table linen, of cotton, not knitted or crocheted
438	6302.53	Table linen, of man-made fibres, not knitted or crocheted
439	6302.59	Table linen, of other textile materials, not knitted or crocheted
440	6302.60	Toilet & kitchen linen, of terry towelling or similar terry fab, of cotton
441	6302.91	Toilet and kitchen linen, of cotton, nes
442	6302.93	Toilet and kitchen linen, of man-made fibres
443	6302.99	Toilet and kitchen linen, of other textile materials
444	6303.12	Curtains, drapes, interior blinds & curtain or bed valances, of synthetic fib, knitted or crocheted
445	6303.19	Curtains, drapes, interior blinds & curtain or bed valances, of other textile, material, knitted or crocheted
446	6303.91	Curtains, drapes, interior blinds & curtain or bed valances, of cotton, not knitted or crocheted
447	6303.92	Curtains, drapes, interior blinds & curtain or bed valances, of synthetic fib, not knitted or crocheted
448	6303.99	Curtains, drapes, interior blinds & curtain or bed valance, of other textile material, not knitted or crocheted

<b>Serial No.</b>	<b>HS Code (HS 2012)</b>	<b>Product Description</b>
449	6304.11	Bedspreads of textile materials, nes, knitted or crocheted
450	6304.19	Bedspreads of textile materials, nes, not knitted or crocheted
451	6304.91	Furnishing articles nes, of textile materials, knitted or crocheted
452	6304.92	Furnishing articles nes, of cotton, not knitted or crocheted
453	6304.93	Furnishing articles nes, of synthetic fibres, not knitted or crocheted
454	6304.99	Furnishing articles nes, of other textile materials, not knitted or crocheted
455	6305.10	Sacks & bags, for packing of goods, of jute or of other textile bast fibres
456	6305.20	Sacks and bags, for packing of goods, of cotton
457	6305.32	Sacks & bags, for packing of goods, flexible intermediate bulk containers of man-made textile materials
458	6305.33	Sacks & bags, for packing of goods, of polyethylene or polypropylene strips
459	6305.39	Sacks & bags, for packing of goods, of other man-made textile materials
460	6305.90	Sacks and bags, for packing of goods, of other textile materials
461	6306.12	Tarpaulins, awnings and sunblinds, of synthetic fibres
462	6306.19	Tarpaulins, awnings and sunblinds, of other textile materials
463	6306.22	Tents, of synthetic fibres
464	6306.29	Tents, of other textile materials
465	6306.30	Sails
466	6306.40	Pneumatic mattresses
467	6306.90	Camping goods nes, of textile materials
468	6307.10	Floor-cloths, dish-cloths, dusters & similar cleaning cloths, of textile material
469	6307.20	Life jackets and life belts, of textile materials

Serial No.	HS Code (HS 2012)	Product Description
470	6307.90	Made up articles, of textile materials, nes, including dress patterns
471	6308.00	Sets consisting of woven fab & yarn, for making up into rugs, tapestries etc
472	6309.00	Worn clothing and other worn articles

### Original (Duplicate/Triplicate)

1. Products consigned from (Exporter's business name, address, country)		Reference No. ASEAN-CHINA FREE TRADE AREA PREFERENTIAL TARIFF CERTIFICATE OF ORIGIN (Combined Declaration and Certificate)			
2. Products consigned to (Consignee's name, address, country)		FORM E Issued in _____ (Country) See Overleaf Notes			
3. Means of transport and route (as far as known)  Departure date  Vessel's name/Aircraft etc.  Port of Discharge		4. For Official Use  <input type="checkbox"/> Preferential Treatment Given  <input type="checkbox"/> Preferential Treatment Not Given (Please state reason/s)  ..... Signature of Authorised Signatory of the Importing Party			
5. Item number	6. Marks and numbers on packages	7. Number and type of packages, description of products (including quantity where appropriate and HS number of the importing Party)	8. Origin criteria (see Overleaf Notes)	9. Gross weight or other quantity and value (FOB)	10. Number and date of invoices
11. Declaration by the exporter  The undersigned hereby declares that the above details and statement are correct; that all the products were produced in  ..... (Country)  and that they comply with the origin requirements specified for these products in the Rules of Origin for the ACFTA for the products exported to  ..... (Importing Country)  ..... Place and date, signature of authorised signatory			12. Certification  It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.     .....  Place and date, signature and stamp of certifying authority		
13 <input type="checkbox"/> Issued Retroactively <input type="checkbox"/> Exhibition <input type="checkbox"/> Movement Certificate <input type="checkbox"/> Third Party Invoicing					



**OVERLEAF NOTES**

1. Parties which accept this form for the purpose of preferential treatment under the ASEAN-CHINA Free Trade Area Preferential Tariff:

BRUNEI DARUSSALAM	CAMBODIA	CHINA
INDONESIA	LAOS	MALAYSIA
MYANMAR	PHILIPPINES	SINGAPORE
THAILAND	VIETNAM	

2. CONDITIONS: The main conditions for admission to the preferential treatment under the ACFTA Preferential Tariff are that products sent to any Parties listed above:

- (i) must fall within a description of products eligible for concessions in the country of destination;
- (ii) must comply with the consignment conditions that the products must be consigned directly from any ACFTA Party to the importing Party but transport that involves passing through one or more intermediate non-ACFTA Parties, is also accepted provided that any intermediate transit, transshipment or temporary storage arises only for geographic reasons or transportation requirements; and
- (iii) must comply with the origin criteria given in the next paragraph.

3. ORIGIN CRITERIA: For exports to the above mentioned countries to be eligible for preferential treatment, the requirement is that either:

- (i) The products wholly obtained in the exporting Party as defined in Rule 3 of the Rules of Origin for the ACFTA;
- (ii) Subject to sub-paragraph (i) above, for the purpose of implementing the provisions of Rule 2 (b) of the Rules of Origin for the ACFTA, products worked on and processed as a result of which the total value of the materials, parts or produce originating from non-ACFTA Parties or of undetermined origin used does not exceed 60% of the FOB value of the product produced or obtained and the final process of the manufacture is performed within territory of the exporting Party;
- (iii) Products which comply with origin requirements provided for in Rule 2 of the Rules of Origin for the ACFTA and which are used in a Party as inputs for a finished product eligible for preferential treatment in another Party/Parties shall be considered as a product originating in the Party where working or processing of the finished product has taken place provided that the aggregate ACFTA content of the final product is not less than 40%; or
- (iv) Products which satisfy the Product Specific Rules provided for in Attachment B of the Rules of Origin for the ACFTA shall be considered as products to which sufficient transformation has been carried out in a Party.

If the products qualify under the above criteria, the exporter must indicate in Box 8 of this form the origin criteria on the basis of which he claims that his products qualify for preferential treatment, in the manner shown in the following table:

Circumstances of production or manufacture in the first country named in Box 11 of this form	Insert in Box 8
(a) Products wholly produced in the country of exportation (see paragraph 3 (i) above)	"WO"
(b) Products worked upon but not wholly produced in the exporting Party which were produced in conformity with the provisions of paragraph 3 (ii) above	Percentage of single country content, example 40%
(c) Products worked upon but not wholly produced in the exporting Party which were produced in conformity with the provisions of paragraph 3 (iii) above	Percentage of ACFTA cumulative content, example 40%
(d) Products satisfied the Product Specific Rules (PSR)	"PSR"

4. EACH ARTICLE MUST QUALIFY: It should be noted that all the products in a consignment must qualify separately in their own right. This is of particular relevance when similar articles of different sizes or spare parts are sent.

5. DESCRIPTION OF PRODUCTS: The description of products must be sufficiently detailed to enable the products to be identified by the Customs Officers examining them. Name of manufacturer, any trade mark shall also be specified.

6. The Harmonised System number shall be that of the importing Party.

7. The term "Exporter" in Box 11 may include the manufacturer or the producer. In the case of MC the term "Exporter" also includes the exporter in the intermediate Party,

8. FOR OFFICIAL USE: The Customs Authority of the importing Party must indicate ( ✓ ) in the relevant boxes in column 4 whether or not preferential treatment is accorded

9. Movement Certificate: In cases of Movement Certificate, in accordance with Rule 12 of the Operational Certification Procedures, "Movement Certificate" in Box 13 should be ticked (√). The name of original Issuing Authorities of the Party, date of the issuance and the reference number of the original Certificate of Origin (Form E) to be indicated in Box 13.

10. THIRD PARTY INVOICING: In cases where invoices are issued by a third country, "the Third Party Invoicing" in Box 13 shall be ticked (√). The invoice number shall be indicated in Box 10. Information such as name and country of the company issuing the invoice shall be indicated in Box 7.

11. EXHIBITIONS: In cases where products are sent from the exporting Party for exhibition in another Party and sold during or after the exhibition for importation into a Party, in accordance with Rule 22 of Attachment A of the Rules of Origin for the ACFTA, the "Exhibitions" in Box 13 should be ticked (√) and the name and address of the exhibition indicated in Box 2.

12. ISSUED RETROACTIVELY: In exceptional cases, due to involuntary errors or omissions or other valid causes, the Certificate of Origin (Form E) may be issued retroactively in accordance with Rule 11 of Attachment A of the Rules of Origin for the ACFTA. The "Issued Retroactively" in Box 13 shall be ticked (√).

**BRUNEI DARUSSALAM**

**Schedule of Specific Commitments**

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence</p> <p>(4) Unbound except for measures concerning the entry and temporary presence of intra- corporate transferees at the level of managers, executives and specialists. Intra- corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provides services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year</p>	<p>(3) With respect to existing commercial presence:</p> <ul style="list-style-type: none"> <li>- One of the 2 directors or where there are more than 2 directors at least 2 of them shall be ordinarily resident in Brunei Darussalam.</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> <p>(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>immediately preceding the date of their application for admission and who are one of the following:</p> <p>(a) <b>Managers</b> - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p> <p>(b) <b>Executives</b> - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not</p>		

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>directly perform tasks related to the actual provision of the service or services of the organisation.</p> <p>(c) <b>Specialists</b> - persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions). Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed five years.</p>		

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<p><b>1. BUSINESS SERVICES</b></p> <p>A. <u>Professional Services</u></p> <p>b. Auditing services (CPC 862)</p>	<p>(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:</p> <p>A. For accounts kept in English</p> <p>1. Associate membership of one of the following bodies:</p> <p>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</p> <p>(b) The Association of Certified Accountants.</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p>B. For accounts kept in language other than English:</p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>- In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance</p>	<p>(2) In order to apply to be an authorised auditor, a Person must have as minimum qualifications.</p> <p>A. For accounts kept in English:</p> <ol style="list-style-type: none"> <li>1. Associate membership of one of the following bodies:               <ol style="list-style-type: none"> <li>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</li> <li>(b) The Association of Certified Accountants.</li> <li>(c) The Australian Society of Accountants</li> <li>(d) The New Zealand Society of Accountants</li> </ol> </li> <li>B. For accounts kept in languages other than English.               <ol style="list-style-type: none"> <li>(a) Associate membership of one of the bodies set out in A(a) above; and</li> <li>(b) Evidence of competency in the language concerned.</li> </ol> </li> </ol> <p>- In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <ul style="list-style-type: none"> <li>- Maximum number of partners in an audit firms is twenty.</li> <li>- A partnership may consist of only individuals, local companies and/or branches of foreign companies.</li> <li>- Principal or only place of residence within Brunei Darussalam.</li> </ul> <p>(4) Unbound except as indicated under horizontal measures.</p>	<p>(3) Must prove commitment to recruit and develop more local human resources.</p> <p>(4) Unbound except as indicated under horizontal measures</p>	
d. Architectural Services (CPC 8671)	<p>(1) None, other than plans should be submitted through licensed practising architects and a registered partnership</p> <p>(2) None</p> <p>(3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Name Act respectively. ii) Foreign equity participation shall not exceed 45%. iii) Companies or firm must be registered with the Ministry of Development.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p>	



**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>iv) The Board of Directors of a company must comply with the requirements of the relevant professional legislation related to architects and must be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practising architects should have recognised academic and professional qualifications and registered as “qualified persons” with the Ministry of Development. Qualified persons or licensed architects are registered if they have been one year residence in Brunei and practising with a local licensed architect.</p>	<p>(4) Unbound</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
h. Medical and dental services (CPC 9312)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	
B. <u>Computer and Related Services</u>	(1) None	(1) None	
a. Consultancy services related to the installation of computer hardware (CPC 841)	(2) None	(2) None	
b. Software implementation (CPC 842)	(3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam	(3) None	
c. Data processing services (CPC 843)			
d. Database services (CPC 844)	(4) Unbound except as indicated in the horizontal measures	(4) Unbound except as indicated in the horizontal measures	
e. Others (CPC 845 + 849)			
Computer Reservation System Services	(1) None (2) None (3) Foreign equity participation shall not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>E. <u>Rental/Leasing Services without Operators</u></p> <p>b. Rental/leasing services relating to aircraft without operators (CPC 83104)</p>	<p>(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity</p> <p>(2) None</p> <p>(3) Unbound except: (a) Only through a representative office; or (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).</p> <p>(4) Unbound except with respect to (b), one technical post subject to: - Local availability test, - Designation of a specified number of Brunei trainees.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated under horizontal "measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met; (a) residency (b) registration).</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b> C. <u>Telecommunication Services</u> 1. Local service a. Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s)  (2) None  (3) Foreign equity participation 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	
2. International service a. 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) None	(1) None  (2) None  (3) None  (4) None	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
3. Mobile services a. Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s).  (2) Subject to commercial arrangements with licensed operator(s).  (3) Foreign Equity participation should not exceed 40%  (4) Unbound	(1) None  (2) None  (3) None  (4) None	
c. Circuit-switched data transmission services (CPC 7523**)	(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.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
d. Telex services (CPC 7523**)	(1) None	(1) None	
e. Telegraph services (CPC 7522**)	(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.	
f. Facsimile services (CPC 7521** + CPC 7529**)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Unbound	(3) Unbound	
	(4) Unbound except as indicated in the horizontal section.	(4) Unbound except as indicated in the horizontal section.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic mail (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control  (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.	
i. Voice mail (CPC 7523**)	(1) Subject to commercial arrangements with licensed operator(s)  (2) None  (3) Foreign equity participation should not exceed 40%  (4) Unbound	(1) None  (2) None  (3) None  (4) None	
j. On-line information and database retrieval (CPC 7523**)	(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.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
k. Electronic data interchange (EDI) (CPC 7523**)	(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.	
l. Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)	(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.	
m. Code and Protocol Conversion	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	



**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
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) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) None	This offer is based on the new licensing regime under the new Telecommunications Order 2001.  This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.
n. Online Information and Data Processing (including transaction processing) (CPC 843*)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Public payphone services	(1) None, except subject to commercial arrangements with licensed operators(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
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) Foreign equity participation 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.	
Paging Services (CPC 75291)	(1) None (2) None (3) Foreign equity participation 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.	
Trunked Radio Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Foreign equity participation 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.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>5. EDUCATION SERVICES</b>  Adult Education (CPC 924)  Course with the maximum duration of 3 months (Private education)	(1) None (2) None (3) (i) Through joint venture, with foreign equity participation shall not exceed 49% (ii) Foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre (CPC 929)	(1) None (2) None (3) Foreign Equity participation should not exceed 49% (4) Unbound	(1) None (2) None (3) Majority of senior managers in any such enterprise are Bruneian nationals (4) Unbound	
<b>7. FINANCIAL SERVICES</b>  A. <u>All insurance and insurance-related services</u>  (a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(1) Unbound (2) None (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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 in Brunei Darussalam  (4) Unbound except as indicated in the horizontal section.	(1) None  (2) None  (3) None  (4) Unbound except as indicated in the horizontal section.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (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) 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 Ministry of Finance (ii) Broker, underwriting and insurance managers require approval. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services auxiliary to insurance, as follows:			
(a) Consultancy (excludes insurance agency services to insurance industry)	(1) None	(1) None	
(b) Actuarial risk assessment	(2) None	(2) None	
(c) Risk management	(3) None	(3) None	
(d) Maritime loss adjusting	(4) Unbound except as indicated in the horizontal section.	(4) Unbound except as indicated in the horizontal section.	
<b>B. Banking and Other Financial Services</b>			
(1) Acceptance of deposit and other repayable funds from the public	(1) Unbound	(1) Unbound	
	(2) Unbound	(2) Unbound	
	(3) Subject to approval from the Authoriti Monetari Brunei Darussalam and relevant existing domestic laws	(3) Subject to approval from the Authoriti Monetari Brunei Darussalam and relevant existing domestic laws	
	(4) Unbound	(4) Unbound	
(2) Provision and transfer of financial information, financial data processing and related software by providers of other financial service (CPC8131)	(1) Unbound	(1) Unbound	
	(2) Unbound	(2) Unbound	
	(3) Authoriti Monetrari Brunei Darussalam approval is required	(3) Authoriti Monetrari Brunei Darussalam approval is required	
	(4) Unbound	(4) Unbound	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(3) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advise on acquisitions and on corporate restructuring and strategy	(1) Unbound (2) Unbound (3) Authoriti Monetari Brunei Darussalam approval is required and subject to existing domestic laws (4) Unbound	(1) Unbound (2) Unbound (3) Authoriti Monetari Brunei Darussalam approval is required and subject to existing domestic laws (4) Unbound	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>  A. Hotel and restaurants (including catering)  Hotel lodging services (CPC 64110)	(1) None (2) None (3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes not less than 39% of the total. (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>	(1) None	(1) None	
A. Maritime Transport Services	(2) None	(2) None	
a. Passenger Transportation (CPC 7211)	(3) Foreign Equity Participation should not exceed 40%	(3) Unbound	
	(4) None, except as indicated in the horizontal section	(4) None, except as indicated in the horizontal section	
b. Freight Transportation (CPC 7212)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign Equity Participation should not exceed 40%	(3) Unbound	
	(4) None, except as indicated in the horizontal section	(4) None, except as indicated in the horizontal section	



**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>C. <u>Air Transport Services</u></p> <p>c. Rental of aircraft with crew (CPC 734)</p>	<p>(1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity.</p> <p>(2) None</p> <p>(3) Unbound except: (a) Only through a representative office; Or (b) Only by appointment of a General Sales Agent: who is a Bruneian controlled company; and (c) Permanent address in Brunei Darussalam with respect to (a)</p> <p>(4) Unbound except with respect to (b), one technical post subject to: Local availability test; Designation of a specified number of Brunei trainees.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
d. Maintenance and repair of aircraft (CPC 8868**)	(1) None  (2) None  (3) Unbound  (4) None, except as indicated in the horizontal section	(1) None  (2) None  (3) Unbound  (4) None, except as indicated in the horizontal section	
D. <u>Space Transport</u> (CPC 733/7330)	(1) None  (2) None  (3) Foreign equity participation should not exceed 40%  (4) Unbound	(1) None  (2) None  (3) Unbound  (4) Unbound	
E. <u>Rail transport Services</u>  Passenger transportation (CPC 7111)	(1) None  (2) None  (3) Foreign equity participation should not exceed 40%  (4) Unbound	(1) None  (2) None  (3) Unbound  (4) Unbound	

**BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

**CAMBODIA**

**Schedule of Specific Commitments**

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>A. HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE</b>			
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.		
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	
Presence of natural persons	(4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories:  <u>Business visitors</u>  A natural person who:  - enters Cambodia for the purposes of participating in business meetings, establishing business contacts including negotiations for the sale of	(4) Unbound, except for measures affecting the categories referred to under market access.	

### CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>services and/or other similar activities;</p> <ul style="list-style-type: none"> <li>- stays in Cambodia without receiving income from within Cambodian sources;</li> <li>- does not engage in making direct sales to the general public or supplying services.</li> </ul> <p>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.</p>		
	<p><u>Persons responsible for setting up of a commercial establishment:</u> Persons working in an executive or managerial position, receiving remuneration from an entity as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Member, that will support employment of persons described in a, b, and c below. The subject persons are not subject to a maximum duration of stay.</p> <p><u>Intra-Corporate Transferees</u> Natural persons who have been employed by a juridical person of another member for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are:</p> <p>a) <u>Executives:</u> without requiring</p>		

**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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.</p>		
	<p>b) <u>Managers</u>: 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.</p> <p>c) <u>Specialists</u>: Natural persons, within an organization who possess knowledge at</p>		

### CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management.</p> <p>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.</p>		



## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>I. BUSINESS SERVICES</b>			
<b>1. Professional Services</b>			
(a) Legal services (CPC 861):	(1) None (2) None (3) In commercial association with Cambodian law firms <sup>1</sup> , and may not directly represent clients in courts. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	
Foreign legal consultancy on law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(b) Accounting, auditing, bookkeeping (CPC 86211, 86212, 86220)	(1) None, except must have commercial presence in Cambodia for auditing services. (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 8630)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

<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.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Architectural services (consulting, planning or design services) (CPC 8671)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(h) Specialized medical services (CPC 93122) Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialized dental services	(1) Unbound (2) None (3) Provision of services is permitted through a joint venture with Cambodian juridical persons (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None  (4) Unbound, except as indicated in the horizontal section	
<b>2. Computer and Related Services</b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Other (CPC 845+849)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>5. 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 the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
<b>6. Other Business Services</b>			
(a) Advertising services (CPC 871)	(1), (2), (3) None  (4) Unbound, except as indicated in the horizontal section	(1), (2), (3) None (4) Unbound, except as indicated in the horizontal section	
(b) Market research services (CPC 86401) (c) Management consulting services (CPC 865) (d) Services related to man. Consulting (CPC 866) (e) Technical testing and analysis services (CPC 8676)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(h) Services incidental to mining (CPC 883**) (j) Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (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, except as indicated in the horizontal section.	
<b>II. COMMUNICATION SERVICES</b>			
<b>2. Courier Services</b>			
Courier services (CPC 7512)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
<b>3. 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) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+7529**) (g) Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) None, except subject to requirement for local share holding of up to 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section	Cambodia undertakes obligations contained in the Reference Paper attached.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(o) Other services: - Mobile services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.
<b>III. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
1. General Construction Work for Buildings (CPC 512) 2. General Construction Work for Civil Engineering (CPC 513) 3. Installation and Assembly Work (CPC 514; CPC 516) 4. Building Completion and Finishing Work (CPC 517) 5. Other (CPC 511, 515, 518)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

\* Unbound due to lack of technical feasibility.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>IV. DISTRIBUTION SERVICES</b>			
1. Commission agents' services (CPC 621)	(1), (2), (3) None  (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section	
2. Wholesale trade services  Wholesale trade services of motor vehicles (CPC61111) Sales of parts of motor vehicles (CPC6113) Sales of motorcycles and related parts (CPC6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC62244)	(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	
3. Retailing services  - 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	(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>2</sup> Large supermarkets and department stores are those of floor space no less than 2,000 m<sup>2</sup>.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services (CPC631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC63211). - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234)			
5. Franchising services (CPC 8929)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
6. Other - Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
<b>V. EDUCATIONAL SERVICES</b>			
3. Higher education services (CPC 923) 4. Adult education (CPC 924) 5. Other education services (CPC 929)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
<b>VI. ENVIRONMENTAL SERVICES</b>			
1. Sewage services (CPC 9401) 2. Refuse disposal services (CPC 9402) 3. Sanitation and similar services (CPC 9403) 4. Other services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons - Cleaning of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental services not included elsewhere (CPC 9409)			
<b>VII. FINANCIAL SERVICES</b>			
<b>1. All insurance and insurance-related services</b>			
(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 the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(b) Non-life insurance services (CPC 8129)	(1) None for marine, aviation, and transport insurance once a law has been passed, the appropriate regulations in place and a local firm authorized, whichever comes first.  Until the conditions above are met, marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.	(1) None	



## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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.</p> <p>(2) None (3) None (4) Unbound, except as indicated in the horizontal section</p>	<p>(2) None (3) None (4) Unbound, except as indicated in the horizontal section</p>	
(c) Reinsurance and retrocession (CPC 81299)	<p>(1) None (2) None (3) None, except companies must reinsure 20% of their risk in Cambodia Re (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.</p>	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	<p>(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.</p>	
<b>2. Banking and other financial services</b>			
<p>The commitments for subsectors (a), (b) and (d) refer to commercial banking only.</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119) (b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial</p>	<p>(1) None, except deposits from the public must be reinvested in Cambodia (2) None (3) None, except only permitted through authorized financial institutions as banks</p>	<p>(1) None (2) None (3) None</p>	

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Modes of supply: (1) Cross-border supply (d) transaction (CPC 8113); All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339 <sup>3</sup> )	(2) Consumption abroad (4) Unbound, except as indicated in the horizontal section.	(3) Commercial presence (4) Unbound, except as indicated in the horizontal section.	(4) Presence of natural persons
The commitments for subsectors (c) and (e) refer to commercial banking only. (c) Financial leasing (e) Guarantees and commitments	(1) Unbound (2) None (3) Unbound until related laws and regulations are established (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) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following (A) money market instruments (including cheques, bills, certificates of deposits); (B) foreign exchange (C) derivative products including, but not limited to, futures and options; (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	(1) Unbound (2) None (3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority. (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>3</sup> According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>bullion</p> <p>(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;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>(l) 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</p>			

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
research and advice, advice on acquisitions and on corporate restructuring and strategy.			
<b>VIII. HEALTH RELATED AND SOCIAL SERVICES</b>			
1. Hospital services Ownership and management of private hospitals and clinics only	(1) None (2) None (3) None, except at least one director for technical matters must be Cambodian (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section	
<b>IX. TOURISM AND TRAVEL RELATED SERVICES</b>			
1. Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher <sup>4</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	
Restaurants (CPC 642, 643)	(1) Unbound* (2) None (3) Permit is granted taking into account characteristics of the area <sup>5</sup> (4) Unbound	(1) Unbound* (2) None (3) Unbound  (4) Unbound	
2. Travel agencies and tour operators services (CPC7471)	(1) None (2) None (3) None, except foreign equity participation limited to 51% for travel agencies (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	

<sup>4</sup> 3 stars hotel is defined as in the Sub-decree on Hotel One to Five Stars Rating and Accommodations of 2004.

<sup>5</sup> 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.

**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
3. Tourist guides services (CPC 7472)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Cambodian nationality requirement for tourist guides	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
<b>X. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
- 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 provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
<b>XI. TRANSPORT SERVICES</b>			
<b>1. Maritime Services</b>			
International transport (Freight and passengers) (CPC7211 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 Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services:  1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal

**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
			services; 9. Surveying and classification services.

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>3. Air Transport Services</b>			
- Aircraft repair and maintenance services (CPC 8868) - Selling and marketing of air transport services - Computer Reservation System Services (CRS)	(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>6. Road Transport Services</b>			
(a) Passenger transportation (CPC 7121 + 7122) (b) Freight transportation (CPC 7123) (c) Rental of commercial vehicles with operator (CPC 7124)	(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) 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 the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
<b>7. Pipeline Transport Services</b>			
(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- cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by-cases basis. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

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:



**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

- (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.

**CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

2.5. Interconnection: dispute settlement

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

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

3. Universal service

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

4. Public availability of licencing criteria

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

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

## CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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.

### List of Article II (MFN) Exemptions of Cambodia

Sector or sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services - Production and distribution of television programmes and cinematographic works	Measures based upon coproduction agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Countries with which such bilateral or plurilateral agreements are in force, now or in the future	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned
Audiovisual Services – Production and distribution of television programmes and cinematographic works	Measures granting the benefit of support programmes (such as “Fonds d’aide a la production de l’agence intergouvernemental de la Francophonie”) to audiovisual works, and suppliers of such works meeting origin criteria.	Countries with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Cambodia has a long-standing cultural links
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	Countries with which bilateral or plurilateral agreements concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Cambodia, and with other countries, including in the region
Land transport	Facilitation of transport and transit transport agreements.	Existing and future bilateral or plurilateral agreements	Indefinite	The need to promote tourism and trade in transport services especially among the neighbouring countries.

Sector or sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Internal waterways	Establishes procedures, charges, and specific regulations applicable for ships of countries concerned operating in Mekong river basin.	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Mekong river.
Maritime transport	Establishes procedures, charges, and specific regulations for maritime transport applicable for ships of countries concerned operating in Siam Gulf.	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Siam Gulf.

**INDONESIA**

**Schedule of Specific Commitments**

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise.</p> <p>Joint venture should meet the following requirements:</p> <p>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT),</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>(4) Subject to Indonesian Labour and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise, are allowed to stay for two years and could be extended for a maximum two times subject to two years extension each time. Manager and technical experts (intra corporate transfer) are allowed based on an economic needs test.</p>	<p>(3) Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property.</p> <p>Any juridical and natural persons should meet professional qualification requirements.</p> <p>(4) Expatriate Charges Any foreign natural persons supplying services are subject to charges levied by Governments</p> <p>Labour Laws and Regulations. Any expatriate employed by a joint-venture enterprise, representatives office, and/or other types of juridical person and/or an individual services provider must hold a valid working permit issued by the Ministry of Manpower and Transmigration</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The entry and temporary stay of business visitor(s) is (are) permitted for a period of 60 days and could be extended maximum for 120 days.		
<p><b>Definitions:</b></p> <p><b>"Director":</b> One or a group of persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprises inside and/or outside of the court.</p> <p><b>"Manager":</b> Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from the board of directors of the business, including directing the service supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.</p> <p><b>"Technical Expert/Advisor":</b> Person employed by a service supplier who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietary to the service, research equipment, techniques or management.</p> <p><b>"Joint Operator":</b> A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws</p> <p><b>"Joint venture Enterprise":</b> A joint venture enterprise is a legal entity organized under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian ( national) capital.</p> <p><b>"Contract Management":</b> Contract management is a contract organized under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.</p> <p><b>Business visitor(s) is (are) natural person staying in Indonesia for the purpose of participating in business meeting, business contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.</b></p>			

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<p><b><u>CONSTRUCTION AND RELATED ENGINEERING SERVICES</u></b></p> <p><u>A. General construction work for building</u></p> <p>Construction work for building (CPC 512 except CPC 51210)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	



**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>B. General construction work for civil engineering</u></p> <p>Construction work for civil engineering (CPC 513)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>C. Installation and assembly work</u></p> <p>Assembly and erection of prefabricated construction (CPC 514)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>D. <u>Other</u></p> <p>- Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
- Steel binding and erection (incl. welding) (CPC 51550)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Renting Services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518)	(1) Unbound*  (2) None  (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.  (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.  Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).  (4) As specified in the Horizontal Section	(1) Unbound*  (2) Unbound  (3) (a)1. License fee requirement 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 shall be registered by Construction Services Development Board and having qualification A/Big  (4) As specified in the Horizontal Section	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>- Foundation work including pile driving (CPC 51510)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Gas fitting construction work (CPC 51630)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>- Fire alarm construction work (CPC 51642)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	



**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Burglar alarm system construction work (CPC 51643)	(1) Unbound*  (2) None  (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.  (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.  Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).  (4) As specified in the Horizontal Section	(1) Unbound*  (2) Unbound  (3) (a)1. License fee requirement 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 shall be registered by Construction Services Development Board and having qualification A/Big  (4) As specified in the Horizontal Section	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>- Lift and escalator construction work (CPC 51691)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>(b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>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>(1) Unbound*</p> <p>(2) Unbound</p> <p>(3) (a)1. License fee requirement 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.</p> <p>(b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b><u>TOURISM AND TRAVEL RELATED SERVICES</u></b>			
Hotel (CPC 64110)	<p>(1) None</p> <p>(2) None</p> <p>(3) In East of Indonesia, Kalimantan, Bengkulu, Jambi, East Nusa Tenggara 100% of capital share can be owned by foreign investor. In other areas FEP is 49%</p> <p>(4) Unbound, except for:</p> <p style="margin-left: 20px;">a. Top Management Level in Hotel business comprised of:</p> <ul style="list-style-type: none"> <li>- General Manager</li> <li>- Food and Beverage Managers</li> <li>- Resident Manager</li> <li>- Comptrollers (Only for 4-5 star hotels)</li> <li>- Marketing Directors (only for 4-5 star hotels)</li> </ul> <p style="margin-left: 20px;">b. Highly-skilled Professionals comprised of:</p> <ul style="list-style-type: none"> <li>- Executive Chef</li> <li>- Sous Chef (pnly for 4-5 star hotels)</li> <li>- Specialty Cook</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Meal Serving Services with Full Restaurant Services (CPC 64210)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except in Kalimantan, Bengkulu, Jambi, Sulawesi and East Nusa with foreign equity participation (FEP) is permitted up to 51%</p> <p>(4) Unbound, <i>except for</i>:</p> <p>a. Top Management Level in Hotel business comprised of:</p> <ul style="list-style-type: none"> <li>- General Manager</li> <li>- Food and Beverage Managers</li> <li>- Resident Manager</li> <li>- Comptrollers (Only for 4-5 star hotels)</li> <li>- Marketing Directors (only for 4-5 star hotels)</li> </ul> <p>b. Highly-skilled Professionals comprised of:</p> <ul style="list-style-type: none"> <li>- Executive Chef</li> <li>- Sous Chef (pnly for 4-5 star hotels)</li> <li>- Specialty Cook</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS</p> <p>(4) As specified in the Horizontal Section</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Golf Courses and Other Sporting Facilities (CPC 96413)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except in: Kalimantan, Bengkulu, Jambi, Sulawesi and East Nusa Tenggara with FEP 100%.</p> <p>(4) Unbound except Resort Managers</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020.  b. Only 3,4, or 5 starred hotels are permitted</p> <p>(4) As specified in the Horizontal Section</p>	
Beverage Serving Services with Entertainment (CPC 64310)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except in Sulawesi, Papua, Maluku, East Nusa Tenggara), FEP is permitted up to 49%</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS.</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except for : A) Top Management Level in Hotel Business which comprise of: i) General Managers, ii) Food and Beverage Managers. B) Highly Skilled Professionals: i) Excecutive Chef, ii) Specialty Cooks	(4) As specified in the Horizontal Section	
Beverage Serving Services without Entertainment (CPC 64310)	(1) None  (2) None  (3) Unbound, except in Sulawesi, Papua, Maluku, East Nusa Tenggara), FEP is permitted up to 49%  (4) Unbound except for : A) Top Management Level in Hotel Business which comprise of: i) General Managers, ii) Food and Beverage Managers.  B) Highly Skilled Professionals: i) Excecutive Chef, ii) Specialty Cooks	(1) None  (2) None  (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS.  (4) As specified in the Horizontal Section	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourism Consultancy Services (CPC 91136)	(1) None  (2) None  (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do joint venture, joint operation and contract management  (4) Unbound	(1) None  (2) None  (3) Unbound  (4) As specified in the Horizontal Measures	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
International Hotel Operator (CPC 91135)	(1) None  (2) None  (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do contract management , joint venture and joint operation  (4) Unbound, except for: a. Top Management Level in Hotel business comprised of: - General Managers - Food and Beverage Managers - Resident Manager - Comptrollers - Marketing Directors b. Highly-skilled Professionals comprised of: - Executive Chefs - Sous Chefs - Specialty Cooks	(1) None  (2) None  (3) Unbound  (4) As specified in the Horizontal Section	



**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Tourist Resorts including: <ul style="list-style-type: none"> <li>• Hotels (3,4, and 5 star)</li> <li>• Marinas</li> </ul>	(1) None  (2) None  (3) In Eastern Part of Indonesia, Bengkulu and Jambi, 100% of capital share can be owned by foreign investor  (4) Unbound, except for Resort Manager	(1) None  (2) None  (3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted  (4) As specified in the Horizontal Section	
Travel Agent and Tour Operator (TA & TO) (CPC 74710)	(1) None  (2) None  (3) Maximum service providers 30 TA & TO  (4) Unbound except for technical advisor	(1) None  (2) None  (3) Tour operator must be Travel Agent located in Jakarta and Bali  (4) As specified in the Horizontal Section	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>FINANCIAL SERVICES</b>			
General condition on Non Banking Financial Services Sub-sector :			
<p>1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members.</p> <p>2) The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. 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.</p> <p>3) Limitation on national treatment in terms of taxation which is specified in the Horizontal Measures is not applied on the Non Banking Financial Services Sub-sector.</p> <p>4) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year.</p> <p>5) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors.</p> <p>6) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended.</p> <p>7) All joint venture companies shall provide training for their employees.</p> <p>8) Limitation on national treatment in terms of difference in paid up capital requirement will be eliminated in the year 1998.</p>			
Portfolio management, all forms of collective investment management	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Through establishment of an investment management company.</p> <p>(4) Unbound, except for directors</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As specified in the General Conditions</p> <p>(4) As specified in the Horizontal Measures</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 Measures	(1) None (2) None (3) As specified in the General Conditions (4) As specified in the Horizontal Section	
Asset Management limited only to investment fund management	(1) Unbound (2) None (3) Through establishment of an investment management company. (4) Unbound, except for directors	(1) None (2) None (3) As specified in the General Conditions (4) As specified in the Horizontal Measures	
<p>Banking Sub-sector : General Conditions on Banking Sub-sector.</p> <ol style="list-style-type: none"> <li>1. All Market Access and National Treatment limitation specified in the banking sub-sector will be eliminated by the year 2020 subject to similar commitment by other members.</li> <li>2. 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>(a) Unbound for new license</li> <li>(b) Only bank institutions are permitted to establish joint venture banks.</li> </ol> </li> </ol>			

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>3. The share ownership of foreign services supplier in the joint venture bank is bound at prevailing laws and regulation. 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 concerned.</p> <p>4. Acquisition of local existing banks is allowed through the purchase of up to 49% of the shares of locally incorporated bank listed in the stock exchange.</p> <p>5. Limitation on national treatment in terms of difference in paid up capital requirement will be eliminated in the year 1998.</p> <p>6. Foreign bank and joint ventures bank may open their offices in the cities of Jakarta, Surabaya, Semarang, Bandung, Medan, Makasar, Denpasar , and Batam Island,</p> <p>7. 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>8. In addition to the Horizontal Measures, temporary entry will be granted to 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> <p>9. Limitation on national treatment in terms of taxation which is specified in Horizontal Measures is not applied on the Banking Sub-sector.</p>			
<p>Commercial Banking Business</p> <p>Lending of all types, including consumer credit, mortgage, credit, factoring, and financing of commercial transaction</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Bound only 1 (one) sub-branches and 1 (one) auxiliary offices for foreign bank's branch office. (b) Bound only 1 (one) branches and 1 (one) sub-branches for joint venture bank</p> <p>(4) Unbound except as indicated in the Horizontal Measures and General Conditions on Banking Sub-sector.</p>	<p>(1) None</p> <p>(2) None</p> <p>(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.</p> <p>(b) For the joint venture bank, only for the director can be assumed by the expatriates in proportion to the ownership sharing.</p> <p>(4) Unbound except as indicated in the Horizontal Measures and General Conditions on Banking Sub-sector.</p>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>ENERGY SERVICES</b>			
<b>General condition on energy services</b>			
- 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)  a) According to Indonesia Proposal of Energy Services Classification is under : Seismic Data Acquisition (1A.1.4.1.1.)  b) According to W/120 Seismic Data Acquisition is under : Business Services on Subsurface Surveying Services (CPC 8672)	(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	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Liquefaction and gasification only for coal – Coal liquefaction (2.4.4.4) – Coal Gasification (2.4.4.5)  According to W/120 is under Services Incidental to Manufacturing (CPC 884)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Joint venture through a representative office in Indonesia	(3) As specified in the Horizontal Section	
	(4) Unbound, except for directors and technical experts	(4) As specified in the Horizontal Section	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>FINANCIAL SERVICES</b>			
<b>Non banking</b>			
<b>General condition on Non Banking Financial Services Sub-sector :</b>			
<ol style="list-style-type: none"> <li>1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members.</li> <li>2) The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. 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.</li> <li>3) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year.</li> <li>4) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors.</li> <li>5) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended.</li> <li>6) All joint venture companies shall provide training for their employees.</li> </ol>			
Factoring Services (CPC 8113)	<ol style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) As specified in the Horizontal Section and General Conditions.</li> <li>(4) Unbound except as indicated in the Horizontal Section</li> </ol>	<ol style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) As specified in the General Conditions.</li> <li>(4) As specified in the Horizontal Section.</li> </ol>	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Air Transport Services</b>			
a. Aircraft repair and maintenance service	(1) None  (2) None  (3) Foreign service suppliers should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%.  (4) Unbound except as indicated in horizontal commitments	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments	



**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Computer reservation system (CRS) services	(1) None  (2) None  (3) Foreign CRS services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%.  (4) Unbound except as indicated in horizontal commitments	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments	
c. Selling and marketing	(1) None  (2) None  (3) Foreign Sales and Ticketing services should be limited entity in accordance with Indonesian Law and regulations and have a permanent office in Indonesia, with maximum foreign equity 49%.  (4) Unbound except as indicated in horizontal commitments	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments	

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Maritime Transport</b>			
a. Passenger Transportation (Excluding Cabotage) (CPC 7211)	(1) None  (2) None  (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49%  (4) As specified in the Horizontal section	(1) None*)  (2) None  (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents  (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping
B Freight Transportation (Excluding Cabotage) (CPC 7212)	(1) None  (2) None  (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49%  (4) As specified in the Horizontal section	(1) None*)  (2) None  (3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agents  (4) As specified in the Horizontal section	Access to and use of port facilities in the port which is opened for international shipping

**INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Maritime cargo handling Services	(1) Unbound due to lack of technical feasibility  (2) None  (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49%  (4) As indicated in the horizontal section	(1) Unbound due to lack of technical feasibility  (2) None  (3) As indicated in the horizontal section  (4) As indicated in the horizontal section	
d. Rental of vessel without crew	(1) None  (2) None  (3) Unbound due to lack of technical feasibility  (4) As indicated in the horizontal section	(1) None  (2) None  (3) As indicated in the horizontal section  (4) As indicated in the horizontal section	
<b>Notes (Maritime) :</b>			
*) : effective after issuance of implementing regulation of Shipping Law No 17 Year 2008 by May 2009 and foreign shipping company should be appointed national shipping agency company			

-----

**LAO PDR**

**Schedule of Specific Commitments**

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>(1) Borrowing from abroad by banks and enterprises shall be approved by the Bank of the Lao PDR.</p> <p>(2) A resident of Lao PDR who intends to invest directly or indirectly in a foreign country shall be approved by the concerned authorized organizations. The transfer of fund to be invested abroad shall be approved by the Bank of the Lao PDR.</p> <p>Bringing out of the Lao PDR the foreign currency more than 2,000 US\$ shall be approved by the Bank of the Lao PDR.</p> <p>(3) Commercial presence of foreign service suppliers can be in the following form:</p> <ul style="list-style-type: none"> <li>- A joint venture with one or more domestic Lao investors,</li> <li>- A wholly foreign-owned enterprise<sup>1</sup></li> <li>- A branch or representative office</li> </ul> <p>The commercial presence of foreign service supplier shall be subject to approval of the concerned competent authority and of licensing by the Foreign Investment</p>	<p>(1) As indicated in the market access column.</p> <p>(2) As indicated in the market access column.</p> <p>(3) Foreign service suppliers in the Lao PDR may lease land within the Lao PDR and transfer their leasehold interest; and they may own improvements on land and other moveable property and transfer those ownership interest.</p> <p>Foreign enterprises subject to the Law on Promotion and Management of Foreign Investment in the Lao PDR shall pay an annual profit tax, calculated in accordance with the</p>	

<sup>1</sup> 100% foreign invested Companies

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Management committee of the Lao PDR.</p> <p>The joint venture is established and registered under the laws and regulations of the Lao PDR. It is jointly owned and operated by one or more legal foreign investors/service suppliers and by one or more legal domestic Lao investors.</p> <p>The activities and relationship of its parties shall be governed by the contract between its parties and the Joint Venture's Articles of Association, in accordance with the laws and regulations of the Lao PDR.</p> <p>Foreign investors/service suppliers in a joint venture must contribute a minimum portion 30% of the total equity investment in that venture. The wholly foreign-owned enterprise is a foreign investment/service supplier registered under the laws and regulations of the Lao PDR. By one or more legal foreign investors without the participation of legal domestic Lao investors. The enterprise established in the Lao PDR may be either a new company or a branch or representative office</p>	<p>provisions of the applicable laws and regulations of the Lao PDR.</p> <p>Other Lao taxes, duties and fees shall also be payable in accordance with the applicable laws and regulations of the Lao PDR</p>	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>of a foreign company. The incorporation and registration of a foreign investment shall be in conformity with the Enterprise/Business Law of the Lao PDR. The terms of operations of an enterprise with foreign owned capital and of a business cooperation contract shall be specified in the investment license of each project in accordance with the laws and regulations of the Lao PDR.</p> <p>The branch or representative office of a foreign company shall have articles of Association which shall be consistent with the laws and regulations and the Business Law of the Lao PDR and subject to the approval of the Foreign Investment Management Committee of the Lao PDR.</p> <p>(4) Foreigners who work in Lao PDR shall be subject to the law on Promotion and Management of Foreign Investment in the Lao PDR and the regulations on immigration.</p> <p>However, foreign enterprises have the right to employ skilled and expert foreign personnel when necessary and with the approval of the competent authority of the Government of the Lao PDR.</p>	<p>(4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government personal income tax, which subject to a uniformed progressive income tax rates as indicated in the amended Tax Law No. 05/NA year 2012.</p>	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Facilitation for the entry into, travel within, stay within, and exit from the Lao territory of foreign investors/service suppliers, their foreign personnel, and the immediate family members of those investors, service suppliers and those personnel will be granted by the Government of the Lao PDR. All such persons are subject to and must obey the above mentioned laws and related regulations while they are on the Lao territory. Foreign investors/service suppliers have an obligation to upgrade the skills of their Lao employees, through such techniques as training in the Lao PDR or abroad</p>		
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
A. Professional Services	(1) None	(1) None	
(b) Architectural Services (CPC 8671)	(2) None	(2) None	
	(3) As specified in the horizontal section	(3) As specified in the horizontal section	
	(4) As specified in the horizontal section	(4) As specified in the horizontal section	



### LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Engineering services (CPC 8672)	(1) None	(1) None	
	(2) None	(2) None	
	(3) a) As specified in the horizontal section b) Not applied for public funded and foreign granted project	(3) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
(d) Integrated engineering services  - Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731)  - Integrated engineering and project management services (CPC 86732)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Joint venture with Lao services Suppliers is required and foreign equity Participation limited 2/3.	(3) As indicated in the horizontal section	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
- Integrated engineering services for construction of manufacturing turnkey projects (CPC 86733)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Joint venture with Lao services Suppliers is required and foreign equity Participation limited 2/3.	(3) As indicated in the horizontal section	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Urban Planning and landscape Architectural services  - Urban planning services (CPC 86741)  - Landscape architectural Services (CPC 86742)	(1) None  (2) None  (3) a) As specified in the horizontal section b) Not applied for public funded and foreign granted project  (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	
(f) Computer and related services  - Consultancy services related to the installation of computer hardware (CPC 841)  - Software implementation services (CPC 842)  - Database services (CPC 844)	(1) None  (2) None  (3) As specified in the horizontal section  (4) This has to be in consistence with the Labour Law and Law on the Promotion And Management of the Foreign Investment	(1) None  (2) None  (3) Same as mention in market access  (4) Same as mention in market access and in Law on taxation	
- Data processing services, Excluded sensitive data and for non-commercial purpose (CPC 843)  - Other: Maintenance and repair services of Computer (Part of CPC 84500)	(1) None  (2) None  (3) As specified in the horizontal commitments  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) Same as mention in market access  (4) Unbound, except as indicated in the horizontal section	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Research and development services  - Research and experimental development services on natural sciences and engineering (CPC 851)  - Research and experimental development services on social sciences and humanities (CPC 852)  - Interdisciplinary research and experimental development services (CPC 853)	(1) None  (2) None  (3) Joint venture with Lao services supplier is required  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) Unbound  (4) Unbound, except as indicated in the horizontal section	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. Pre-erection work at construction site (CPC 511)	(1) Unbound	(1) Unbound	
B. General construction work for buildings (CPC 512)	(2) None	(2) None	
C. General construction work for civil engineering (CPC 513)	(3) Foreign equity participation limited to 70%	(3) Unbound, except as indicated in the horizontal commitment	
D. Assembly and erection of prefabricated constructions (CPC 514)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
E. Special trade construction (CPC 515)			
F. Installation work (CPC 516)			
G. Building completion and finishing work (CPC 517)			
H. Rental services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518)			

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>5. PRIVATE EDUCATIONAL SERVICES</b>			
The education curriculum and contents must be approved by the Ministry of Education of Lao PDR			
A. Secondary education services (part of CPC 922)	(1) Unbound	(1) Unbound	
B. Higher education services <sup>2</sup> (part of CPC 923)	(2) None	(2) None	
C. Adult education <sup>2</sup> (part of CPC 924)	(3) Foreign equity participation limited to 51%.	(3) Directors must be qualified teachers who are Lao PDR nationals	
D. 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	
<b>6. ENVIRONMENTAL SERVICES<sup>3</sup></b>			
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. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services	(1) Unbound, except related consulting services	
B. Refuse Disposal Services (CPC 9402)	(2) None	(2) None	
C. Sanitation and Similar Services (CPC 9403)	(3) Foreign equity participation limited to 70%	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	

<sup>2</sup> The commitments cover only technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields

<sup>3</sup> Environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<b>A. Insurance</b> (life and non-life insurance services) <b>including reinsurance and retrocession</b> , (Excluding pension fund, broking and agency service)	(1) Unbound  (2) None, however, insurance contracts on individuals living and residing, on risks or goods/assets located and registered in Lao PDR shall be established only with authorized insurance companies in Lao PDR in accordance with Insurance Law of Lao PDR No.11/90.NA, dated 29 November 1990  (3) None, The authorized insurance companies in Lao PDR must have a legal entity operating in insurance business under a company forms: state enterprise, joint-venture company or private company (public company or limited company) and branches of foreign insurance companies in accordance with Insurance Law of Lao PDR No. 11/90.NA, dated 29 November 1990 and Decree of the Prime Minister No. 01/PM, dated 23 January 1992 regarding implementation of Insurance Law of Lao PDR. State enterprise, joint-venture company or private company (public company or limited company) and	(1) Unbound  (2) None, except specified in the Limitation on Market Access  (3) None, except specified in the Limitation on Market Access	

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>branches of foreign insurance companies are required to acquire business and investment licenses from relevant authorities of Lao PDR (Ministry of Finance, Committee of Planning and Investment, Bank of Lao PDR) in accordance with relevant applicable law and regulations of Lao PDR.</p> <p>During the operation, the authorized insurance companies must comply with the relevant laws and regulations of Lao PDR.</p> <p>The authorized insurance companies must have a minimum registered capital and a guarantee in accordance with Decree of the Prime Minister No. 01/PM, dated 23 January 1992 regarding implementation of Insurance Law of Lao PDR.</p> <p>The guarantee must be deposited with the banks resided in Lao PDR in accordance with Decree of the Prime Minister No. 01/PM, dated 23 January 1992 regarding implementation of Insurance Law of Lao PDR.</p> <p>Other than provided above, other requirements shall be applied in accordance with relevant laws and regulation of the Lao PDR.</p>		

## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except the following: (a) Only senior managers, experts are allowed. The entry and movement of the mentioned natural persons in Lao PDR shall be approved by relevant authorities of Lao PDR.	(4) Unbound, except Specified in the Limitation on Market Access. Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government the personal income tax, calculated in accordance with the provisions of the applicable Laws and regulations of the Lao PDR.	
<b>B. Banking and other financial services</b>  c. Financial leasing (CPC 8112)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	
d. All payment and money transmission services (CPC 81339**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal commitments	
f. trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the	(1) None (2) None	(1) None (2) None	



### LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
following: - money market instruments (cheques, bills, certificate of deposits, etc.) (CPC 81339**) - foreign exchange (CPC 81333) - derivative products incl., but not limited to, futures and options (CPC 81339**) - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc. (CPC 81339**) - transferable securities (CPC 81321*) - other negotiable instruments and financial assets. Incl. bullion (CPC 81339**)	(3) None, except for sub sectors such as derivative products incl., but not limited to, futures and options (CPC 81339**), transferable securities (CPC 81321*), until related Laws and regulations have been developed.  (4) Unbound, except as indicated in the horizontal commitments	(3) None, except for sub sectors such as derivative products incl., but not limited to, futures and options (CPC 81339**), transferable securities (CPC 81321*), until related Laws and regulations have been developed.  (4) Unbound, except as indicated in the horizontal commitments	

**MALAYSIA**

**Schedule of Specific Commitments**

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<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 requires approval and apply to the following:</p> <p>(a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 15 per cent or more or exceeding RM5 million in value;</p> <p>(b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and</p> <p>(c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.</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> 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 (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to services suppliers in which the Government has an interest. This</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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 or indicated in sectoral commitments:</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>a) senior managers being persons within an organisation having proprietary information of the organisation and who exercise wide latitude in decision making relating to the establishment, control and operation of the organisation being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organisation; and</p> <p>b) two specialists or experts per organisation being persons within the organisation who possess</p>	<p>requirement does not prevent the acquisition of services from other services suppliers where their services are competitive in terms of price, quality and delivery.</p> <p>(4) Unbound except for the categories of natural persons referred to under market access</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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>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 similar capacity.</p> <p>2. <u>Others</u></p> <p>a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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</p> <p>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</p> <p>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 the sale of services or</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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 2 c), the period of stay shall not exceed a total of 90 days.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>Professional Services</b> Legal Services (CPC 8619)  covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None  (2) None  (3) Only through a corporation incorporated in the Federal Territory of Labuan.  Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access.	
Accounting, auditing and bookkeeping services (CPC 862)	(1) None  (2) None  (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 49 per cent.	(1) None  (2) None  (3) None	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language.



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Unbound, except as indicated in the horizontal section. In respect of 1(b), additional two specialists/experts for each firm/company</p> <p><i>In respect of 2(b), residency is required for registration</i></p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
Taxation Services (CPC 863)	<p>(1) None</p> <p>(2) None</p> <p>(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 30 per cent.</p> <p>(4) Unbound, except as indicated in the horizontal section. In respect of 1(b), additional two specialists/experts for each firm/company</p> <p><i>In respect of 2(b), residency is required for registration</i></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>	<p>(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.</p>

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Architectural services may be supplied only by natural person. b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.</p> <p>(4) Unbound, except as indicated in the horizontal section and in respect of 2(b), <i>only an architect who is a consultant to a project in collaboration with a Malaysian professional architect for wholly foreign funded projects</i></p>	<p>(1) Architectural services must be authenticated by a licensed professional architect in Malaysia.</p> <p>(2) Architectural services must be authenticated by a licensed professional architect in Malaysia.</p> <p>(3) a) None  b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	<p>(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.</p>

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering services (CPC 8672)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Engineering services may be supplied only by natural person.</p> <p>b) For multi-disciplinary practices* (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.</p> <p>(4) Unbound, except as indicated in the horizontal section <i>and in respect of 2(b), subject to temporary registration for a period of one year per temporary registration</i></p>	<p>(1) Engineering services must be authenticated by a registered professional engineer in Malaysia.</p> <p>(2) Engineering services must be authenticated by a registered professional engineer in Malaysia.</p> <p>(3) a) None</p> <p>b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	<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.</p>

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673)	<p>(1) None</p> <p>(2) None</p> <p>(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.</p> <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 duration necessary to complete the services contract.</p> <p>(4) Unbound, except as indicated in the horizontal section <i>and in respect of 2(b), for a period of up to one year or the duration necessary to complete the services contract</i></p>	<p>(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>(2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	<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.</p>

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban Planning Services (CPC 86741)  covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with view to creating and maintaining systematic, coordinated urban planning.	(1) None  (2) None  (3) Unbound  (4) Unbound, except for: <i>i. independent professionals* with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;</i> <i>ii. consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company.</i> <i>iii. Any other requirements or provisions as spelt out under the relevant legislation</i>	(1) None  (2) None  (3) Unbound  (4) Unbound, except for the categories of natural persons referred to under market access.	(4) The qualifying examination to determine the competence and ability to supply the 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

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Landscaping services</p> <p>covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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.</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, except for the categories of natural persons referred to under market access.</p>	
<p>Specialised medical services</p> <p>covering forensic medicine, nuclear medicine, geriatrics, microvascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine. (CPC 93122)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Medical speciality services may be supplied by a natural person.</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) <i>None other than:</i>  <i>i. practice only in private hospitals of at least 70 beds;</i>  <i>ii. practice to be only at a specified location and a change in location requires approval;</i>  <i>and</i>  <i>iii. the setting up of individual or joint group practices is not permitted.</i></p>	<p>The qualifying examination to determine the competency and ability to supply the service will be conducted in English.</p>

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>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 (4) Unbound, except as indicated 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. Consultancy services related to software implementation service covering advisory and implementation for customised software (CPC 842)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
c. Data processing services (CPC 843)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
d. Data base services (CPC 8440)	(1) None (2) None (3) None (4) Unbound, except as indicated 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>Research and Development Services</b> Research and experimental development services on other 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 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Rental and Leasing Services Without Operators</b> a. Relating to ships exclude cabotage and offshore trades (CPC 83103)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
b. Rental and leasing services without operators, relating to aircraft (CPC 83104)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
c. Leasing or rental services, without operator relating to construction and mining equipment and industrial plant and equipment (CPC 83107**)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(3) None	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
<p><b>Other Business Services</b></p> <p>i) Sale or leasing services of advertising space or time (CPC 8711)</p>	<p>(1) Commercial presence is required</p> <p>(2) None</p> <p>(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 30 per cent.</p> <p><u>Advertisement through electronic media</u></p> <p>Advertisement must have at least 80 per cent local content and be made in Malaysia.</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, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ii) Planning, creating and placement services of advertising (CPC 8712)	(1) Commercial presence is required  (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 30 per cent.  <u>Advertisement through electronic media</u>  Advertisement must have at least 80 per cent local content and be made in Malaysia.  (4) Unbound, except as indicated in the horizontal section	(1) Unbound  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access.	
iii) Other advertising services (CPC 8719)	(1) Commercial presence is required  (2) None	(1) Unbound  (2) None	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(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 30 per cent.</p> <p><u>Advertisement through electronic media</u></p> <p>Advertisement must have at least 80 per cent local content and be made in Malaysia.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<p>Market research services (CPC 864) and Public opinion polling services (CPC 864)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
<p><b>Other Management Consulting Services</b></p> <p>covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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.</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, except for the categories of natural persons referred to under market access.</p>	
<p>covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
covering advisory and guidance in the field of pharmacy as follows:  - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing drugs and vaccine; and - Vaccine production (CPC 8650*)	(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 the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access.	
covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)	(1) None  (2) None  (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None  (2) None  (3) None	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
<b>Technical Testing and Analysis Services</b>  i) Composition and purity testing and analysis services (CPC 86761)	(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 the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access.	
ii) Testing and analysis services of physical properties (CPC 86762)	(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.	(1) None  (2) None  (3) None	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
iii) Testing and analysis services of integrated mechanical and electrical systems (CPC 86763)	(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 the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
iv) Other technical testing and analysis services (CPC 86769)	(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.	(1) None (2) None (3) None	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
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. (part of CPC 881* and 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 joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Services incidental to manufacturing (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.	(1) None (2) None (3) None	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (part of CPC 87909)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Translation and interpretation services may be supplied only by a natural person. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access. <i>Translation and/or interpretation from English Language to the Malay language or vice versa is not permitted.</i>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
<p>Convention Centre (part of CPC 87909)</p> <p>(convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) <i>a) Only through joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</i></p> <p>b) for Convention Centers with seating capacity of over 5,000 aggregate foreign shareholdings up to 49% shall be permitted.</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, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>Other Business n.e.c</b></p> <p>Operational Headquarters (OHQ) Services (part of CPC 87909)</p> <p>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. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) Unbound due to lack of technical feasibility.</p> <p>(3) Only though a locally incorporated wholly foreign-owned company.</p> <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>OHQ must operate in Malaysia and fulfil the following criteria:</p> <p>a) carry out at least 3 of the OHQ service activities;</p> <p>b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies;</p> <p>c) have a well-established foreign-owned company</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) Unbound due to lack of technical feasibility.</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>d) which is sizeable in terms of assets and employees;</p> <p>e) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>f) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia;</p> <p>g) be able to contribute to the Malaysia economy by:</p> <ul style="list-style-type: none"> <li>i) using services such as legal, accounting, etc. provided by Malaysians;</li> <li>ii) creating job opportunities for Malaysians;</li> <li>iii) enabling greater inflow of foreign funds.</li> </ul> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

### Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>2. COMMUNICATION SERVICES</b>  <b>Telecommunication Services</b>  <u>Basic Telecommunication</u></p> <p>Based on domestic regulations, Malaysia has reclassified its communications services sector on the basis of provision of Network Service Provider (NSP), provision of Application Service Provider (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.</p> <p><i>Individual license</i>                      1. <i>NFP(I)</i><sup>1</sup>                      2. <i>NSP(I)</i><sup>2</sup>                      3. <i>ASP(I)</i><sup>3</sup></p>	<p>(1) None</p> <p>(2) None</p> <p>(3) With respect to Network Facilities Provider (NFP) and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I).</p> <p>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.</p> <p>- For NFP(I) and NSP(I) foreign shareholding of up to 30 per cent in these services providers is allowed</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>Pro-competition regulatory principle in respect of interconnection (Refer to Annex I)</p>

Explanatory Note for Individual Licence Categories

<sup>1</sup> Network facilities provider (NFP) individual licence enables the provision of network facilities services such as earth stations, fixed links and cables public payphone facilities, radio communications transmitters and links, satellite hubs and towers, duct and pits used in conjunction with other network facilities.

<sup>2</sup> Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services.

<sup>3</sup> Application Service Provider, individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service.

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>- For ASP(I), foreign shareholding of up to 49 per cent in these services providers is allowed.</p> <p>[The management control of such companies shall be in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30 per cent <i>with not one single country holding more than 5 per cent of the equity at any one time.</i>]</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>Value-Added Services</b></p> <p>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:</p> <p>Class License</p> <p>4. NFP(C)<sup>4</sup></p> <p>5. NSP(C)<sup>5</sup></p> <p>6. ASP(C)<sup>6</sup></p>	<p>(1) None</p> <p>(2) None</p> <p>(3) With respect to NFP and NSP components of the service, only through an 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 shares of an existing licensed ASP(C) operator/corporations.</p> <ul style="list-style-type: none"> <li>- For NFP(C) and NSP(C) foreign shareholding of up to 30 per cent in these services providers is allowed</li> <li>- With respect to ASP(C), foreign shareholding of up to 49 per cent in these services providers is allowed.</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

<sup>4</sup> NFP 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.

<sup>5</sup> NSP class license enables the provision of niched customer access or niched connection services such as public mobile radio work services, 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.

<sup>6</sup> Applications service provider license enables the provision of application services such as audio text hosting services provided on an opt-in basis, directory services, messaging services.



## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
<b>Audiovisual Services</b>  Motion picture, video tape and audio recording distribution services (CPC 96113)	(1) Commercial presence is required  (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 the horizontal section	(1) Unbound  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access.	

Explanatory Note

- 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 1998
  - 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.
  - b. Network services means a service for carrying communications by means of guided and/or unguided electromagnetic radiation. Network service provider means a person who provides network services.

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>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.</p> <p>3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001</p> <p>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 means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.</p> <p>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 means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.</p> <p>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 means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations</p>			

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
<p><b>Construction Work</b>                      a. Pre-erection work at construction site (CPC 511)</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <p>i) Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</p> <p>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<p>b. Construction work for buildings (CPC 512)</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <ul style="list-style-type: none"> <li>i) Construction projects wholly financed by foreign investment and/or grants;</li> <li>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</li> <li>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</li> <li>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</li> </ul> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
c. Construction work for civil engineering (CPC 513)	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <p>i) Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</p> <p>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<p>d. Assembly and erection of prefabricated constructions (CPC 514)</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <ul style="list-style-type: none"> <li>i) Construction projects wholly financed by foreign investment and/or grants;</li> <li>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</li> <li>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</li> <li>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</li> </ul> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Special trade construction work (CPC 515)	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <p>i) Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</p> <p>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
f. Installation Work (CPC 516)	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>i) Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</p> <p>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</p> <p>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
g. Building completion and finishing work (CPC 517)	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <p>i) Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii) Construction projects financed by loans of international tendering according to the terms of the loans;</p> <p>iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) (a) None</p> <p>(b) Unbound</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>iv) 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<b>5. EDUCATIONAL SERVICES</b>			
<p><b>Higher Education</b> Other Higher Education</p> <p>Services provided by privately funded higher education institutions<sup>7</sup> other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)</p>	<p>(1) Unbound, except for requirement for commercial presence.</p> <p>(2) None</p>	<p>(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.</p> <p>(2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.</p>	<p>3) Up to than 51 per cent foreign equity will be considered subject to additional criteria which include:</p> <p>a) courses deemed important to attain Malaysia's educational objective</p> <p>b) Potential to generate export revenues</p>

<sup>7</sup> as defined in Malaysian Legislation

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through a joint venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.</p> <p>(4) Unbound, except as indicated in the horizontal section and as below:</p> <p><u>Lecturers and experts</u>                      (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing the necessary qualifications, knowledge, credentials and/or experience</p> <p>(b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution</p>	<p>(3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other education services covering only: a) language courses b) short courses: - technical and vocational courses - cognitive skills development	(1) Unbound due to technical feasibility.  (2) None  (3) Only through a joint venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.	(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.  (2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.  (3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Unbound, except as indicated in the horizontal section and as below:</p> <p><u>Lecturers and experts</u>                      (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing the necessary qualifications, knowledge, credentials and/or experience</p> <p>(b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

**7. FINANCIAL SERVICES, INCLUDING INSURANCE**

Horizontal Commitments Applicable to the Financial Services Sector

1. The commitments in the financial services sector are in accordance with the General Agreement on Trade in Services and the Annex on Financial Services.
2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated.
3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of banks and merchant banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of financial service as specified for each activity in this Schedule.



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>All Financial Services</b>	<p>(3) Limitations on investments as contained in the all-sector horizontal section</p> <p>(4) Limitations in the all-sector horizontal section will apply indicated in each activity.</p>	<p>(3) Limitations on land and other immovable property as contained the all-sector horizontal section.</p> <p>Unbound for measures affecting financial services accorded, to Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).</p> <p>(4) Limitations in the all-sector horizontal section will apply when indicated in each activity.</p>	
<p>1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.</p>	<p>(1) Unbound* except as otherwise specified in this schedule.</p> <p>(2) Unbound* except as otherwise specified in this schedule.</p> <p>(3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.</p> <p>(4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>(1) Unbound*, except as otherwise specified in this schedule.</p> <p>(2) Unbound*, except as otherwise specified in this schedule.</p> <p>(3) None</p> <p>(4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Commercial banks and merchant banks.	<p>(1) Unbound * except as otherwise specified in this schedule.</p> <p>(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. Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent. A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank. A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank.</p>	<p>(1) Unbound* except as otherwise specified in this schedule.</p> <p>(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 below. Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</li> <li>(b) The country of the foreign bank has significant trade and investment interests in Malaysia; and</li> <li>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</li> </ul>	

\* Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution. 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 bank.</p>	<p>(4) Unbound except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<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. Specialists or experts for each bank for areas relating to:</p> <ul style="list-style-type: none"> <li>(i) trade financing;</li> <li>(ii) corporate finance;</li> <li>(iii) treasury management; and</li> <li>(iv) information technology.</li> </ul> <p>(c) For a representative office, 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>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Direct insurance companies.	<p>(1) Unbound* except as otherwise specified in this schedule.</p> <p>(2) Unbound* except as otherwise specified in this schedule.</p> <p>(3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted. Foreign shareholding not exceeding 51percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent. New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for new licenses.</p>	<p>(1) Unbound* except as otherwise specified in this schedule.</p> <p>(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 below.</p> <p>Acquisition by a foreign insurance company of an aggregate of more than 5 percent 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> <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 significant representation in Malaysia insurance industry; or</p>	

\* Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>An insurance company is not allowed to acquire more than 5percent share:</p> <p>(a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or</p> <p>(b) In an insurance broking company.</p> <p>Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in:</p> <p>(a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or</p> <p>(b) An insurance broking company.</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>(4) Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in supply through the mode of respect of commercial presence.</p> <p>(b) Two senior managers and three 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>Five specialists or experts for each institution for areas relating to:</p> <p>(i) underwriting of specialized classes of general business;</p> <p>(ii) information technology; and</p> <p>(iii) actuarial functions.</p>	<p>(4) Unbound except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Entry shall be limited to a maximum period of five years.		
<p><b>Banking And Other Financial Services, Excluding Insurance</b></p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p>	<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, a merchant bank or an offshore bank.</p> <p>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 horizontal section.</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 horizontal section.</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.	(1) 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 merchant banks in Malaysia.  (2) Financial services associated with lending to residents in any currency in excess of an RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.  (3) Entry as a non-bank for scheduled businesses is limited to:  (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign	(1) None  (2) None  (3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>(b) A representative office. Representative offices can only undertake research and liaison services.</p> <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 percent.</p> <p>Merchant 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>For commercial banks, unbound ATMs) and networking with ATMs in Malaysia</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<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 management post which CEO post, for each establishment.</p> <p>For representative offices of scheduled businesses, 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>(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 persons referred to under market</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial leasing	<p>(1) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.</p> <p>(2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant 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 percent.</p> <p>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 49 percent; or</p> <p>(b) A representative office. Representative offices can only undertake research and liaison services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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 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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.</p>	<p>(1) Electronic fund transfer system requires approval.</p> <p>(2) None</p> <p>(3) Offshore banks are permitted to extend payment and money transmission services to non-residents only. Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services. 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 30 percent.</p> <p>(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. Entry shall be limited to a maximum period of five years</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.  Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent.</p> <p>(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Charge cards.	(1) None  (2) None  (3) Entry is limited to establishment of a company Malaysia. Approval of the Bank is required.  (4) Unbound except two senior managers for each establishment. Entry shall be limited to a maximum period of five years.	(1) None  (2) None  (3) None  (4) Unbound except for the categories of natural persons referred to under market access.	
Guarantees and commitments	(1) None except banks established Malaysia may be given the right of first refusal.  (2) None except banks established Malaysia may be given the right of first refusal.  (3) None  (4) Unbound except as indicated in the all financial services and all-sector horizontal section.	(1) None  (2) None  (3) None  (4) Unbound except as indicated in the all financial services and all-sector horizontal section.	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Money and foreign exchange broking services	<p>(1) 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.</p> <p>(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.</p> <p>(3) Entry is limited to:</p> <p>(a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or</p> <p>(b) the establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.</p> <p>(4) Unbound.</p> <p>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</p>	<p>(4) Unbound</p> <p>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.</p>	
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> <li>- money market instruments</li> <li>- foreign exchange</li> <li>- transferable securities</li> <li>- exchange rate and interest rate instruments</li> <li>- derivative products, including futures and options</li> <li>- other negotiable instruments, including bullion</li> </ul>	<p>(1) Dealing is limited to contracts traded on specified exchanges</p> <p>(2) None</p> <p>(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.</p> <p>Transactions by offshore banks and offshore investment banks in</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>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.</p> <p>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate 30 percent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to member companies of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized.</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses)</p>	<p>(1) Participation in issues and services related to such issues requires authorization.</p> <p>(2) Participation in issues and services related to such issues requires authorization. Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia. Only merchant banks are permitted to make submissions to the Securities Commission for new issues. Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. Unbound for appointment as principal dealers</p> <p>(4) For banks, unbound except as indicated in the all financial services horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) For banks, unbound except as indicated in the all financial services horizontal section.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For non-banks, unbound except as indicated in the all-sector horizontal section.	For non-banks, unbound except as indicated in the all-sector horizontal section.	
Underwriting	<p>(1) Commercial presence is required</p> <p>(2) Authorization is required</p> <p>(3) For non-banks, only licensed dealers are permitted to Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such Commercial banks are permitted to underwrite private debt securities only.</p> <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>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>(4) For commercial banks, merchant 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, merchant 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>Asset management as follows:</p> <ul style="list-style-type: none"> <li>- cash or portfolio management</li> <li>- all forms of collective investment</li>   <li>- custodial and depository services</li> </ul>	<p>(1) Commercial presence is</p> <p>(2) None</p> <p>(3) Custodial and depository services are limited to scrip based securities. 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 nonresident customers other than offshore companies incorporated in</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>Labuan in which residents have shareholdings.</p> <p>Entry as a non-bank, other than Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 percent. Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities</p>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission.</p> <p>(4) For commercial banks and merchant 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</p>	<p>(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.</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy</p>	<p>(1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>(2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>(3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only.</p> <p>Representative offices of securities companies are not permitted to publish and circulate Malaysia.</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.</p> <p>For non-banks, one senior manager and one specialist or</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for 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>	<p>(1) Unbound*</p> <p>(2) Unbound*</p> <p>(3) Only through a locally incorporated wholly foreign-owned company.</p> <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 fulfill the following criteria:</p> <p>(a) Carry out at least three of the OHQ service activities;</p>	<p>(1) Unbound*</p> <p>(2) Unbound*</p> <p>(3) None</p>	

\* Due to lack of technical feasibility

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>(b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies;</li> <li>(c) Have a well established foreign-owned company which is sizeable in terms of assets and employees;</li> <li>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;</li> <li>(e) Be able to make decisions independently without consultation with its head office or parent Malaysian economy by:                             <ul style="list-style-type: none"> <li>(i) Using services such as legal, accounting etc. provided by Malaysians;</li> <li>(ii) Creating job opportunities for Malaysians;</li> <li>(iii) Enabling greater inflow of foreign funds.</li> </ul> </li> </ul>		

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) One specialist or expert per organisation subject to the following conditions: (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 (b) Entry shall be limited to a maximum of five years and renewable.	(4) None	
Securities broking services comprising:  - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research	(1) Trades on Malaysian stock exchanges must be transacted through Malaysia which are participating organisations of  Promotion in Malaysia of Malaysian stocks requires approval.  Provision of investment advisory services and credit reference services to residents requires commercial presence.	(1) None	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	<p>(2) Trades on Malaysian stock exchanges must be transacted through Malaysia which are participating organisations of the exchange.</p> <p>(3) Entry is limited to recognized foreign stock broking companies</p> <p>(a) Equity participation in an existing stockbroking</p> <p>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company.</p> <p>And aggregate foreign shareholding in such 49 percent</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognized foreign stockbroking companies is also permitted through a representative office.</p>	<p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p> <p>New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Commodity futures broking services	<p>(1) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>(2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>(3) Entry is limited to:                      (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or                      (b) A representative office. Representative offices are permitted to undertake research, information and liaison services only.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Total membership of the exchange will be based on economic needs.</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>	
<p><b>Insurance Services</b> Direct insurance (non-life).</p>	<p>(1) Soliciting and advertising in Malaysia are not allowed.</p> <p>Direct placement abroad 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 requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia</p>	<p>(1) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) Direct placement abroad 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 requires approval. Approval will be granted if such insurance is not 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>(4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>(2) None</p> <p>(3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance Malaysian-owned direct insurance companies to promote their development.</p> <p>(4) Unbound except as indicated in the all financial services horizontal section.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	<p>(1) Unbound</p> <p>(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.</p> <p>(4) Unbound except as indicated in the all financial services horizontal section.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special Malaysian-owned direct insurance companies to promote their development.</p> <p>(4) Unbound except as indicated in the all financial services horizontal section.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Reinsurance and retrocession (non-life).	<p>(1) Outward reinsurance is only if local capacity is not available.</p> <p>(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 30 percent.</p>	<p>(1) Voluntary cession up to 30 of each class of non-life reinsurance business to the Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>(2) Voluntary cession up to 30 percent 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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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 or management of the financial service supplier.</p> <p>(b) Entry shall be limited to a maximum period of five years.</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Reinsurance and retrocession (life).	<p>(1) Outward reinsurance is permitted only if local capacity is not available.</p> <p>(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                      (a) direct life insurance and life reinsurance Malaysia; and                      (b) offshore direct life insurance and offshore life 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</p>	<p>(1) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>(2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Group Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p> <p>(4) Unbound except for:                      (a) Two senior managers and three specialists or experts for each                      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 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>(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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(c) 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>		
Insurance intermediation - insurance broking (excluding agency).	<p>(1) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>(2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p>	<p>(1) None</p> <p>(2) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Unbound for onshore insurance broking. 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>(3) None</p> <p>(4) Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Insurance intermediation - insurance underwriting and insurance management.</p>	<p>(1) Insurance underwriting and insurance management are not permitted.</p> <p>(2) Insurance underwriting and insurance management are not permitted.</p>	<p>(1) None</p> <p>(2) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Unbound for onshore insurance underwriting and insurance management. An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan. 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>(3) None</p> <p>(4) Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>(1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Limited to the establishment                      (a) Locally incorporated                      (b) Branches; or                      (c) Partnerships.</p> <p>Offshore companies are not permitted to Malaysian residents.</p>	<p>(3) None</p>	
	<p>(4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>(4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>8. HEALTH AND SOCIAL SERVICES</b>  <b>Private hospital services</b>                      (CPC 93110*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Economic needs test</p> <p>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 40 per cent; and</p> <p>the joint-venture corporation shall operate a hospital with a minimum of 100 beds.</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Establishment of feeder outpatient clinics is not permitted.</p> <p>(4) Unbound except for the categories of natural persons referred to under market access</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>Veterinary services</b> (CPC 932) Services delivered to equine animals in equestrians or turf clubs</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both and aggregate share of foreign interest shall not exceed 49%, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognized by and registered with relevant professionals bodies</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 for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p><b>Hotel, Tourist Resort And Restaurant Services</b> Covering the management and operational of hotels or resorts including, outlet which may not include ownership of such properties (CPC 641)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Entry for service activities under CPC 641 is permitted 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 30 per cent;</p> <p>(b) or CPC 64110 covering 4- and 5-star hotel establishments only, aggregate foreign shareholdings up to 49 per cent in the joint venture corporation is permitted</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, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Food serving services (CPC 642)	(1) None (2) None (3) Entry for service activities under CPC 642 is permitted 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 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) Entry for service activities under CPC 643 is permitted 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 30 per cent. (4) Unbound, except as indicated 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>Travel Agencies and Tour Operators Services</b>  for inbound travel only (CPC 7471)	(1) None (2) None (3) (a) 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 30 per cent.	(1) None (2) None (3) a) None	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p><i>Establishment of another office requires additional license.</i></p> <p>(b) <i>For inbound travel only, aggregate foreign shareholdings in the joint venture corporation is permitted up to 49%</i></p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	
<p>Tourist Guide Services (CPC 7471)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Tourist guide services only to be supplied by a natural person</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
<b>Other Entertainment Services</b> Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191)	(1) Unbound due to lack of technical feasibility. (2) None (3) Entertainment services may be supplied only by a natural person. (Only through a Malaysian-controlled corporation acting as the local sponsor) (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 96192)	(1) Unbound due to lack of technical feasibility. (2) None (3) Entertainment services may be supplied only by a natural person. (Only through a Malaysian-controlled corporation acting as the local sponsor) (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Circus, amusement park and similar attraction services (CPC 96194)</p> <p>Theme Park (part of CPC 96194)</p> <p>A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment, edutainment, adventure and excitement. The concept of the park can either be outdoor or indoor or a combination of both</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(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.</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, except for the categories of natural persons referred to under market access.</p>	
<p>Sports events promotion services (CPC 96411)</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) Only through a Malaysian-controlled corporation acting as the local sponsor.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) Unbound due to lack of technical feasibility.</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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sports events organisation services (CPC 96412)	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through a Malaysian-controlled corporation acting as the local sponsor. (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
<b>11. TRANSPORT SERVICES</b>			
<b>Maritime Transport Services</b>  International maritime transportation services excluding cabotage and government cargo  Passenger transportation (CPC 7211)  Freight transportation (CPC 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:	(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, fuelling 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 facilities i) Anchorage, berth and berthing services

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia.  (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Rental/Leasing Services of Seagoing Vessels with Operator for International Shipping (CPC 72130)  Excludes cabotage and offshore	(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) Unbound (4) Unbound, except as indicated in the horizontal section	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103)  Excludes cabotage and offshore trades	(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) Unbound (4) Unbound, except as indicated in the horizontal section	
Supporting services for maritime transport  Vessel salvage and refloating services except on inland waters (CPC 74540)  <i>(Vessels salvage services provided on ocean and seas. Such services consist of Recovering distressed and</i>	(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	
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) 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	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Maritime freight forwarding services  Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information  (CPC 7480)	(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 licences.  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

Consolidated Offer for the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>12. OTHER SERVICES</b>			
<p><b>Skills Training Services</b></p> <p>covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows:</p> <p>1) automated manufacturing technology;                  2) advanced materials technology;                  3) biotechnology;                  4) electronics;                  5) information technology; and                  6) avionics/aviation technology.</p> <p>(part of CPC 97090*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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 30 per cent; and establishment of local branches requires additional licences.</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, except for the categories of natural persons referred to under market access.</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**  
**For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services**

**MALAYSIA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS**

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors	Liberalization of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia may be carried out in a differentiated manner based on reasons including proximity, either contiguous or regional, religious and/or cultural compatibility	All countries	Indefinite	The measure is required to:  (1) maintain the arrangements under existing bilateral agreements; and  (2) ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
All sectors	Waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner	All countries	Indefinite	The measure would be applied in a differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximize economic benefits of foreign participation in the Malaysian economy.
Advertising services	20 per cent foreign content limitation for advertising is waived for these countries	Brunei Darussalam Indonesia Philippine Singapore Thailand	5 years	The measure is required to promote intra-ASEAN tourism

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**  
**For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services**

**ANNEX I**

**Annex to Additional Commitments on Telecommunication Services**

<b>Principles</b>	<b>Procedural Requirements</b>
1. Competition safeguards	<p>The regulatory body must take measures to:</p> <ul style="list-style-type: none"> <li>- Maintain fair competition among network operators;</li> <li>- Safeguards the interest of consumers;</li> </ul> <p>- Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences;</p> <p>- To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators;</p> <p>To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;</p> <p>To ensure that the following principles pertaining to interconnection arrangements are adhered to:</p> <ul style="list-style-type: none"> <li>- Interconnection and access between network operators shall be on an equitable and non-discriminatory basis;</li> <li>- Charges for interconnection facilities and services provided by network operators shall be fair and equitable;</li> <li>- The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks;</li> <li>- A domestic network operator in any of the market segments shall not abuse its market power to limit access to essential facilities only for interconnection;</li> <li>- The network operator that provides the access connection to the customer should be allowed to tell him (the customer);</li> <li>- No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share.</li> </ul>
2. Universal Service	
3. Public availability of licensing criteria	
4. Independent regulator	
5. Interconnection arrangements	

**MYANMAR**

**Schedule of Specific Commitments**

## MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments										
<b>I. 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>3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, The Special Companies Act 1950, the Foreign Investment Law (2012) and existing Notifications of Myanmar Investment Commission, the Foreign Investment Rules (2013) and Myanmar Citizens' Investment Law (2013).</p> <p>As stipulated in the Foreign Investment Law (2012), the investment may be carried out in any of the following forms:</p> <p>(i) carrying out an investment by a foreigner with one hundred per cent foreign capital on the business permitted by the Commission;</p> <p>(ii) carrying out a joint venture between a foreigner and a citizen or the relevant Government department and organization;</p> <p>(iii) carrying out by any system contained in the contract which approved by both parties.</p> <p>The proposed investment may be refused subject to such implications as financial arrangements security risk involved and compliance with existing conditions.</p> <p>In forming the form of investment in Myanmar, it shall be formed as company in accord with existing law.</p> <p>(b) Incorporation of an enterprise, not involving a</p>	<p>3) (a) According to the Notification No. 167/ 2011, Non-Resident Foreigner will be subject to a withholding tax as follows;</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Class of Income</th> <th style="text-align: right;">Non-resident foreigner</th> </tr> </thead> <tbody> <tr> <td>- Interest</td> <td style="text-align: right;">15%</td> </tr> <tr> <td>- Royalties paid for the use of licenses, trademarks, patent rights etc.</td> <td style="text-align: right;">20%</td> </tr> <tr> <td>- Payments of contracts and buying goods within Myanmar and, by the consistent contracts, agreement or any kinds of agreement, performed for State organizations, city development committees, cooperative societies, companies registered and non-government organizations.</td> <td style="text-align: right;">3.5 %</td> </tr> <tr> <td>- Payments of contracts and buying goods inside Myanmar by the consistent contracts or agreement performed for the un-registered foreign entitles and foreign companies.</td> <td style="text-align: right;">3.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigner	- Interest	15%	- Royalties paid for the use of licenses, trademarks, patent rights etc.	20%	- Payments of contracts and buying goods within Myanmar and, by the consistent contracts, agreement or any kinds of agreement, performed for State organizations, city development committees, cooperative societies, companies registered and non-government organizations.	3.5 %	- Payments of contracts and buying goods inside Myanmar by the consistent contracts or agreement performed for the un-registered foreign entitles and foreign companies.	3.5 %	
Class of Income	Non-resident foreigner												
- Interest	15%												
- Royalties paid for the use of licenses, trademarks, patent rights etc.	20%												
- Payments of contracts and buying goods within Myanmar and, by the consistent contracts, agreement or any kinds of agreement, performed for State organizations, city development committees, cooperative societies, companies registered and non-government organizations.	3.5 %												
- Payments of contracts and buying goods inside Myanmar by the consistent contracts or agreement performed for the un-registered foreign entitles and foreign companies.	3.5 %												

## MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>state enterprise is to be made under the Myanmar Companies Act 1914.</p> <p>If the investment involves a state enterprise, incorporation shall be made under the Myanmar Companies Act 1914, Partnership Act 1932, Special Companies Act 1950, Myanmar Companies Act (Amendment) 1955, and Myanmar Companies Regulations 1957.</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><u>Tax</u></p> <p>Under the section 27 of Foreign Investment Law promulgated on 2<sup>nd</sup> November 2012, the Myanmar Investment Commission shall, for the purpose of promoting foreign investments within the State, grant the investor the income tax exemption for a period of 5 consecutive years, inclusive of the year of commencement of production of goods or services. In addition, one or more than one or all of the remaining tax exemptions or tax reliefs may be granted if it is applied.</p>	<p>According to the 2014 Union Taxation Law, 'Income tax 35 percent shall be assessed upon non-resident foreigner's total income before deduction of allowance prescribed by Income Tax Law Section 6 and 6 (a). If the income is in foreign currency, the income tax must be paid with that foreign currency.'</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 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 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</p>	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments								
	<p>4) (a) Subject to the Foreign Investment Law (2012) and Foreign Investment Rules (2013), 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 <u>Business Visa*</u></p> <table border="0" data-bbox="427 914 1003 1061"> <tr> <td>Period for Permission of</td> <td align="right">70 days</td> </tr> <tr> <td>Period for Permission of stay Extension</td> <td></td> </tr> <tr> <td>-up to 3 months**</td> <td align="right">36 US\$</td> </tr> <tr> <td>-Over 3 months-up to one year**</td> <td align="right">90 US\$</td> </tr> </table> <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 Immigration and Population has been obligating)</p>	Period for Permission of	70 days	Period for Permission of stay Extension		-up to 3 months**	36 US\$	-Over 3 months-up to one year**	90 US\$	<p>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, depending on individual circumstance.</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 and Immigration rules , 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 Labor, Employment and Social Security.</p> <p>- The Department of Labour, under the Ministry of Labour, Employment and Social Security performs registration for oversea 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 determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries.</p>	
Period for Permission of	70 days										
Period for Permission of stay Extension											
-up to 3 months**	36 US\$										
-Over 3 months-up to one year**	90 US\$										

### MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) The Department of Labour, under the Ministry of Labour, Employment and Social Security performs registration for oversea workers who have been given the permission to stay in work by the Myanmar Investment Commission.		

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

**\*Types of visa and Regulation for stay extension**

No	Type of visa	Period for Permission of visa	Period for Permission of stay Extension	Fees of stay extension	Documents to be Needed	Ministry/board for stay extension permitted	Remark
1	Tourist visa	28 days		20 US\$	-	-	-
2	Business Visa	70 days	-Up to 3 months - Over 3 months -Up to one year	36 US\$ 90US\$	- Recommendation of Ministry concerned - Application Form - Passport (original & copy) - Stay Form - (2) Recent Photos - FRC - Company Registration Card - Export & Import License	Visa confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating
3	Transit Visa	24 hours	-	18US\$	-	-	-
4	Social Visa	28 days	-Up to 3 months -Over 3 months -Up to one year	36US\$ 90US\$	- National Registration Card (original &copy ) - Household List (original & copy) - Recommendation of Township immigration officer concerned - Passport (original & copy) - Stay Form - (2)Recent Photos - FRC	Visa confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating



**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

No	Type of visa	Period for Permission of visa	Period for Permission of stay Extension	Fees of stay extension	Documents to be Needed	Ministry/board for stay extension permitted	Remark
5	GOC/DGOC Visa	Duration of assignment	Duration of assignment	Gratis	<ul style="list-style-type: none"> <li>- Recommendation of Foreign Ministry</li> <li>- Copy of Application Form from Embassy</li> <li>- Passport ( original &amp; copy )</li> <li>- Stay Form</li> <li>- (2) Recent Photos</li> </ul>	Visa confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating
6	SRV  MJEV/MJSRV	-	<ul style="list-style-type: none"> <li>- (6 months) within stay permit period for SRV</li> <li>- (1 Year) stay permit period for MJEV/ MJSRV</li> </ul>	54 US\$  180US\$	<ul style="list-style-type: none"> <li>- Recommendation for Foreign Affair Ministry or Ministry concerned</li> <li>- Copy of Application Form organization concerned</li> <li>- Passport (original &amp; copy)</li> <li>- Stay Form</li> <li>- (2) Recent Photos</li> </ul>	Visa confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration and Population has been obligating

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>II. SPECIFIC COMMITMENTS</b>			
<b>BUSINESS SERVICES</b>			
<b>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 Foreign Investment Law, provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/ her country. - As Indicated in the Horizontal Commitment (4) None for Accounting and bookkeeping services, auditing service	(1) None (2) None (3) As indicated in market access  (4) As indicated in market access	          Foreign practising accountant holds an Accountancy Certificate or degree conferred by any foreign country and recognized by the Myanmar Accountancy council  He/she is registered in the list of practising accountants managed by his/her country.  Subject to MAC's licensing requirements.

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Architectural Services (CPC 8671)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Engineering Services (CPC 8672)	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
Integrated Engineering Services (CPC 8673)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Landscape Architectural Services (CPC 86742)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Computer and Related Services</b>			
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	Subject to comply with the provisions of existing rules and regulations
Software implementation Services (CPC 842) (i) System and software consulting Services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423) (iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to comply with the provisions of existing rules and regulations

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
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)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to comply with the provisions of existing rules and regulations
Data base services (CPC 844)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to comply with the provisions of existing rules and regulations
Other (CPC 845-849) (i) Maintenance and repair services of 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	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	Subject to comply with the provisions of existing rules and regulations

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>E. Rental/Leasing Services without Operator</b>			
Rental and leasing of Studio Recording Equipment (CPC 83109)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
<b>F. Other Business Services</b>			
Advertising Services (CPC 871)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Printing and Publishing (CPC 88442)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
<b>COMMUNICATION SERVICES</b>			
<b>C. Telecommunication Services</b>			
Telecommunication Services (CPC 7523)  Telex Services (CPC 7523**) Telegraph Services (CPC 7522)	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Electronic mail services (CPC 7523**) Voice mail services(CPC 7523**) Electronic Data Interchange (EDI) (CPC 7523**) On-line information and data base retrieval (CPC 7523**) Code and protocol conversion (CPC 7523**) On-line information and / or data processing (CPC 843**)	(1) (a) Subject to comply with the provision of existing rules and regulations (b) Subject to Utilization of the National Gateway only  (2) None*  (3) As indicated in the Horizontal Commitment  (4) As indicated in the Horizontal Commitment	(1) Unbound  (2) None*  (3) As indicated in the Horizontal Commitment  (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.
<b>D. Audio Visual Services</b>			
Motion Picture and Video Tape Production Services (CPC 96121)	(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	
Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	(1) None  (2) None  (3) Unbound  (4) Unbound	(1) None  (2) None  (3) Unbound  (4) Unbound	



**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Construction and Engineering Related Services</b>			
Construction Work for Buildings (CPC 512)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Construction Work for Civil Engineering Services(CPC 513)	(1) Unbound * (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
Assembly and Erection of Prefabricated Construction (CPC 514)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	

\* Unbound due to lack of technical feasibility

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Installation Work (CPC 516)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Building Completion and Finishing Work (CPC 517)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Pre-erection Work at Construction Site (CPC 511)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Special Trade Construction(CPC 515)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
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>EDUCATIONAL SERVICES</b>			
Primary Education Services (CPC 921) - Preschool education services (CPC 9211) - Other primary education services (CPC 9219)	(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	All kinds of education services are to be regulated by Ministry of Education.
Secondary education services - General secondary education services (CPC 9221) - Technical & vocational secondary education services (CPC 9223) - Technical & vocational secondary school type education services for handicapped students (CPC 9224)	(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	All kinds of education services are to be regulated by Ministry of Education.

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons				
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	
Higher education services (CPC 923) - Post-secondary education services (CPC 9231/92310) - Other higher education services (CPC 9239/92390)	(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		All kinds of education services are to be regulated by Ministry of Education.
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		All kinds of education services are to be regulated by Ministry of Education.
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) avionic	(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		All kinds of education services are to be regulated by Ministry of Education.

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>FINANCIAL SERVICES</b>			
Actuarial Services	(1) None  (2) None  (3) None  (4) None	(1) According to the existing laws & regulations and subject to the permission of Insurance Business Supervisory Board.  (2) None  (3) According to the existing laws & regulations and subject to the permission of Insurance Business Supervisory Board.  (4) According to the existing laws & regulations and subject to the permission of Insurance Business Supervisory Board.	
Average and Loss adjustment services (CPC 8143)	(1) None  (2) None  (3) None  (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Supervisory Board.	(1) None  (2) None  (3) None  (4) None	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Foreign Bank's Representative Offices services	(1) Unbound * (2) Unbound (3) - Foreign Banks are allowed to open their representative offices in Myanmar** - As indicated in the Horizontal Commitment (4) Unbound	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	

\* Unbound due to lack of technical feasibility

\*\* Subject to the approval of the Central Bank of Myanmar according to the Central Bank of Myanmar Law and Financial Institutions of Myanmar Law

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b>			
Dental Services (CPC 93123)	(1) None (2) None (3) - Commercial presences of dental surgeons will be permitted according to Myanmar Dental Council Law. - As indicated in the Horizontal Commitment (4) Unbound	(1) None (2) None (3) - Commercial presences of dental clinics will be permitted according to Myanmar Dental and Oral Surgery Council Law. - As indicated in the Horizontal Commitment (4) Unbound	
Deliveries and related services, Nursing Services, Physiotherapist and paramedical personnel (CPC 93191)	(1) None (2) None (3) - Commercial presences of health care providers will be permitted according to Myanmar Medical Council Law (2015), Myanmar Nurse and Midwifery Council Law (2015). - As indicated in the Horizontal Commitment (4) Unbound	(1) None (2) None (3) - Commercial presences of health care providers will be permitted according to Myanmar Medical Council Law (2015), Myanmar Nurse and Midwifery Council Law (2015). - As indicated in the Horizontal Commitment (4) Unbound	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotels (CPC 641-643)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Unbound (4) Unbound	
Travel Agencies and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
International Passenger Transport Services (Excluding Cabotage) (CPC 7211)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
International Freight Transport (Excluding Cabotage)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) Unbound (4) Unbound	
<b>C. Air Transport Services</b>			
Aircraft Repair and Maintenance Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Selling and Marketing of Air Transport Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	
Computer Reservation System Services	(1) None, except that service providers must use public telecommunication networks under national telecommunication authorities in accordance with prescribed rules and regulations. (2) Subject to commercial arrangements with licensed operator(s) (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
<b>H. Services auxiliary to all modes of transport</b>			
Maritime cargo handling services	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	

**MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Maritime Storage and Warehousing Services	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
Maritime Freight Forwarding Services (CPC 7480)	(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	

**SINGAPORE**

**Schedule of Specific Commitments**

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(4) Presence of natural persons unbound, except for intra-corporate transferees (see below)</p> <p>(4) Temporary movement of skilled personnel unbound except for the temporary movement of intra-corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provide services within Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>(a) Managers – persons within an organization who primarily direct the organization, or a department or sub-division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as</p>	(4) Unbound	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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.</p> <p>(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.</p> <p>(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).</p>		

### SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Entry for these intra corporate transferees is limited to a two year period that may be extended for up to three additional years each time for a total term not exceeding eight years</p>	<p>(3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions:</p> <p>A foreigner who wishes to register a business firm must have a local manager who should be a Singapore citizen or a Singapore Permanent Resident or a Singapore Employment Pass holder. (However, a foreigner who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.)</p> <ul style="list-style-type: none"> <li>- -At least one director of the company must be locally resident</li> <li>- -All branches of foreign companies registered in Singapore must have at least 2 locally resident agents. (To qualify as locally resident, a person should be either a Singapore citizen or Singapore Permanent Resident or Singapore Employment Pass holder.)</li> </ul>	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(1, 2, 3, 4) Specific commitments in market access in any sector or subsector, through any mode of delivery, shall not be construed to override the limitations established in the financial services sector		



**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>  A. <u>Professional Services</u>  b. Accounting/Auditing Services (CPC 862**)	(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	(1) None	
	(2) None	(2) None	
	(3) As in mode 1)	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
c. Taxation Services  Taxation services except for other tax-related services (CPC 863**)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
Other tax-related services (CPC 86309**)	(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. Only Public Accountants registered with the Public Accountants Board Singapore can practise as tax consultants for local tax laws.	(1) None	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Modes of supply: (1) Cross-border supply      (2) Consumption abroad (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(3) Commercial presence (2) None (3) None (4) Unbound	(4) Presence of natural persons
d. Architectural Services (CPC 8671)	(1) None (2) None (3) <u>Limited Corporations</u> - Only registered architect or allied professionals (Professional Engineers or Land Surveyors) shall be director of the corporation - Not less than two-thirds or such lower proportion as the Minister for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by and registered in the names of registered architects or allied professionals who are directors, managers or employees of the corporation. - Architectural work in Singapore will be under the control and management of a director of the corporation who is a registered architect ordinarily resident in	(1) None (2) None (3) None	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Singapore and who has a valid certificate and is registered owner of at least one share of the corporation.</p> <p><u>Unlimited Corporation</u></p> <ul style="list-style-type: none"> <li>- Only registered architects or allied professionals (Professional Engineers or Land Surveyors) shall be a director of the corporation</li> <li>- The articles of association of the corporation provide that any person who is neither a registered architect nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee of the corporation, shall not be registered as a member of that corporation</li> <li>- The business of the corporation, so far as it relates to architectural services, will be under the control and management of a director of the corporation who:               <ul style="list-style-type: none"> <li>- is a registered architect ordinarily resident in Singapore;</li> <li>- has in force a practising certificate authorizing him to engage in the practice of architecture; and</li> <li>- is a member, or a registered</li> </ul> </li> </ul>		

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p style="text-align: center;">owner of at least one share, of the corporation</p> <p><u>Partnership</u></p> <ul style="list-style-type: none"> <li>- The partnership consists of only registered architects with valid practising certificates and allied professionals; and</li> <li>- The supply of 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 a valid practising certificate.</li> </ul>		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
<p>e. Engineering Services (CPC 8672**)</p> <p>The sectors covered by Engineering services are:</p> <ul style="list-style-type: none"> <li>(a) Civil engineering services</li> <li>(b) Production engineering services</li> <li>(c) Mechanical engineering services</li> <li>(d) Electrical engineering services</li> <li>(e) Electronic engineering services</li> <li>(f) Aeronautical engineering services</li> <li>(g) Marine engineering services</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment.</p> <p><u>Limited Corporations</u></p> <ul style="list-style-type: none"> <li>- Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors).</li> <li>- Not less than two-thirds or such lower proportion as the Minister</li> </ul>	<p>(1) None, other than engineers should be effectively resident in Singapore</p> <p>(2) None</p> <p>(3) None</p>	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>(h) Naval architectural engineering services                      (i) Industrial engineering services                      (j) Chemical engineering services</p>	<p>for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by and registered in the names of registered Professional Engineers or allied professionals</p> <ul style="list-style-type: none"> <li>- Professional engineering work in Singapore will be under the control and Management of a director of the Corporation who is a registered owner of at least one share of the corporation; who is a registered Professional Engineer ordinarily resident in Singapore and who has a valid Certificate</li> </ul> <p><u>Unlimited Corporation</u></p> <ul style="list-style-type: none"> <li>- Only registered Professional Engineers or allied professionals (registered Architects or Land Surveyors) shall be a director of the corporation</li> <li>- The articles of association of the corporation provide that any person who is neither a registered Professional Engineer nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee</li> </ul>		

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>▪ of the corporation, shall not be registered as a member of that corporation</li> <li>- The business of the corporation, so far as it relates to professional engineering work, will be under the control and management of a director of the corporation who:-                             <ul style="list-style-type: none"> <li>is a registered Professional Engineer ordinarily resident in Singapore;</li> <li>has in force a practising certificate authorizing him to engage in such professional engineering work; and</li> <li>is a member, or a registered owner of at least one share, of the corporation</li> </ul> </li> </ul> <p><u>Partnership</u></p> <ul style="list-style-type: none"> <li>- The partnership consists of only registered Professional Engineers with valid practising certificates and allied professionals; and</li> <li>- Professional engineering work in each discipline of engineering in Singapore will be under the control and management of a partner who is a registered Professional Engineer in the relevant discipline, ordinarily resident in Singapore and who has a valid practising certificate</li> </ul>		

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Limitation on Market Access		Limitation on National Treatment		Additional Commitments	
		(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound		
g. Landscaping services (CPC 86742 **)	(1)	None		(1)	None		
	(2)	None		(2)	None		
	(3)	None		(3)	None		
	(4)	Unbound except as indicated in the horizontal Section		(4)	Unbound		
h. Medical Services, specifically General Medical Services (CPC 93121) and Specialised Medical Services (CPC 93122)	(1)	Unbound*		(1)	None		
	(2)	None		(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		(3)	None		
	(4)	Unbound except as indicated in the horizontal Section		(4)	Unbound		
Dental Services (CPC 93123)	(1)	None		(1)	None		
	(2)	None		(2)	None		
	(3)	None		(3)	None		
	(4)	Unbound except as indicated in the horizontal Section		(4)	Unbound		

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons				
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
i. Veterinary Services (CPC 932)	(1) None	(2) None	(1) None	
	(2) None	(3) None	(2) None	
	(3) None	(4) Unbound except as indicated in the horizontal Section	(3) None	
	(4) Unbound except as indicated in the horizontal Section		(4) Unbound	
B. <u>Computer and Related Services</u>	(1) None	(2) None	(1) None	
Computer Services	(2) None	(3) None	(2) None	
The services covered are:	(3) None	(4) Unbound except as indicated in the horizontal Section	(3) None	
- Software development	(4) Unbound except as indicated in the horizontal Section		(4) Unbound	
- Systems Integration Services				
- Data processing				
- Data base services				
Commitments in Telecommunication services are recorded in 2.C of the Schedule of Specific Commitments.				
C. <u>Research and Development Services</u>	(1) None	(2) None	(1) None	
Biotechnology Services (CPC 851**)	(2) None	(3) None	(2) None	
	(3) None	(4) Unbound except as indicated in the horizontal Section	(3) None	
	(4) Unbound except as indicated in the horizontal Section		(4) Unbound	



## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Industrial Research (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	
b. 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>  a. 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.	(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.	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None  (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.  (4) Unbound except as indicated in the horizontal Section	(2) None  (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.  (4) Unbound	
E. <u>Rental/Leasing Services without Operators</u>  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	
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	
c. Relating to motor vehicles (CPC 831**)	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>		<b>Additional Commitments</b>		
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
F. <u>Other Business Services</u>	(1)	None	(1)	None			
a. Advertising services (8711, 8712, 8719)	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
b. Commercial Market Research (CPC 86401)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
c. Public Relations Consultancy Services, (CPC 865**)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>		<b>Additional Commitments</b>		
c. Management Consultancy Services, including Office Management and Administrative Services (CPC 865**)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
c. Advertising Consultancy Services (CPC 865**)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
c. Information Technology Consultancy Services (CPC 865**)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound			
c. Buildings and Facilities Management Services (CPC 865**)	(1)	None	(1)	None			
	(2)	None	(2)	None			
	(3)	None	(3)	None			

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons					
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
d. Services related to management consulting (CPC 866)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
e. Technical testing and analysis services	(1)	Unbound*	(1)	Unbound*	
Technical testing and analysis services of motor vehicles (CPC 8676**)	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
Technical testing and analysis services, excluding testing and analysis services of motor vehicles and classification societies (CPC 8676 **)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishery And	(1)	None	(1)	None	
	(2)	None	(2)	None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	<b>Additional Commitments</b>
Mining, including Oilfield Services (CPC 881**, 882**, 883**, 5115**)	(3) None	(3) None	(3) None	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	(4) Unbound	(4) Unbound	(4) Unbound		
k. Placement and supply services of personnel (CPC 872)	(1) None	(1) None	(1) None	(1) None	(1) None		
	(2) None	(2) None	(2) None	(2) None	(2) None		
	(3) None	(3) None	(3) None	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	(4) Unbound	(4) Unbound	(4) Unbound		
l. Investigation and security  Security consultation services (CPC 87302)	(1) None	(1) None	(1) None	(1) None	(1) None		
	(2) None	(2) None	(2) None	(2) None	(2) None		
	(3) None	(3) None	(3) None	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	(4) Unbound	(4) Unbound	(4) Unbound		
Alarm monitoring services (CPC 87303)	(1) None	(1) None	(1) None	(1) None	(1) None		
	(2) None	(2) None	(2) None	(2) None	(2) None		
	(3) None	(3) None	(3) None	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	(4) Unbound	(4) Unbound	(4) Unbound		

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Unarmed guard services (87305 **)	<p><u>Horizontal limitation on market access and national treatment</u> All commitments in this sector are subject to the Private Investigation and Security Agencies Act (Cap. 249). The Act stipulates that:</p> <ul style="list-style-type: none"> <li>- Foreigners are permitted to set up agencies to provide unarmed guards for hire but must register a company with local participation. At least one of the directors must be a Singapore citizen or Singapore permanent resident.</li> <li>- The foreign directors must produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a local commissioner of oaths.</li> <li>- Foreigners are not allowed to work as guards, but can be involved in the administration of the company.</li> </ul>		
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</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>	
o. Building cleaning services (CPC 874)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons					
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
p. Photographic services (CPC 875)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
q. Packaging services (CPC 876)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
s. Convention Services and Exhibition Management Services (CPC 87909**)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	None	(3)	None	
	(4)	Unbound except as indicated in the horizontal Section	(4)	Unbound	
t. Other Translation/Interpretation Services (CPC 87905)	(1)	None	(1)	None	
	(2)	None	(2)	None	



**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
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	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services Courier Services in respect of documents and parcels, excluding letters and postcards	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Telecommunication Services			
General Conditions statement			
Commitments undertaken in this schedule are subject to the following conditions:			
The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act.			

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
1. Basic Telecommunication Services (facilities-based):  (a) Public Switched Services <sup>1</sup> (local and international) (b) Leased Circuit Services (local and international)	(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 except as indicated in the horizontal Section	
2. Mobile Services <sup>2</sup> :  (a) Public Mobile Data Service (PMDS) (b) Public Trunked Radio Service (PTRS) (c) Public Radio Paging Service (PRPS) (d) Public Cellular Mobile Telephone Service (PCMTS)	(1) Subject to commercial arrangements with licensed operator(s).  (2) None  (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.  (4) Unbound except as indicated in the horizontal Section	(1) None  (2) None  (3) None  (4) Unbound except as indicated in the horizontal Section	
Resale basis:	(1) None	(1) None	
(a) Public Switched Services	(2) None	(2) None	

<sup>1</sup> This includes voice, data and facsimile services.

<sup>2</sup> Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(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	(3) None  (4) Unbound, except as indicated in horizontal Section	(3) None  (4) Unbound, except as indicated in horizontal commitments	
4. Value-added Network (VAN) services  The services covered are: - electronic-mail - voice-mail - on-line information and - data base retrieval - electronic data interchange - on-line information and/or - data processing - store-and-forward (S&F) - store-and-retrieve (S&R)	(1) Provision of VAN services is subject to licence from the Infocomm Development Authority of Singapore (IDA)  (2) None  (3) As in mode 1)  (4) Unbound except as indicated in the horizontal Section	(1) None  (2) None  (3) None  (4) Unbound	
D. Audiovisual Services  (i) the services covered are production, distribution and public display of	(1) None  (2) None  (3) None	(1) None  (2) None  (3) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
<ul style="list-style-type: none"> <li>- motion pictures</li> <li>- video recordings</li> <li>- sound recordings, except where excluded under (ii)</li> </ul> (CPC 9611, CPC 9612)  (ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being <ul style="list-style-type: none"> <li>- Free-to-air</li> <li>- Broadcasting Cable and pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Teletext</li> </ul>	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Construction Services	(1) None  (2) None  (3) None  (4) Unbound except as indicated in the horizontal Section	(1) None  (2) None  (3) None  (4) Unbound	
<b>4. DISTRIBUTION SERVICES</b>			
<u>Horizontal limitations on Market Access and National Treatment</u> 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 - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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  Commission agents' services except for: pharmaceutical and medical goods and cosmetics (CPC 621, except CPC 62117)	(1) None  (2) None  (3) None  (4) Unbound except as indicated in the horizontal Section	(1) None  (2) None  (3) None  (4) Unbound	
Sales on a fee or contract basis of pharmaceutical goods and medical goods intended for the Singapore market (CPC 62117**)	(1) Unbound  (2) None  (3) None  (4) Unbound except as indicated in the horizontal Section	(1) Unbound  (2) None  (3) None  (4) Unbound	
B. Wholesale Trade Services  Wholesale trade services except for pharmaceutical goods 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	
Wholesale trade of pharmaceutical and medical goods and surgical and	(1) Unbound  (2) None	(1) Unbound  (2) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
orthopaedic instruments (CPC 62251 & 62252)	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
C. Retailing services  Retail sales of pharmaceutical, medical and orthopaedic goods (CPC 63211)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound	
D. Franchising  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	
<b>5. EDUCATION SERVICES</b>			
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 purposes of admission, registration and qualification for professional practice in Singapore.			
D. Adult education services (CPC 924 n.e.c.)	(1) None (2) None (3) None	(1) None (2) None (3) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons				
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>		<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(4)	Unbound except as indicated in the horizontal Section	(4) Unbound	
E. Short term training including language courses (CPC 92900 **)	(1)	None	(1) None	
	(2)	None	(2) None	
	(3)	None	(3) None	
	(4)	Unbound except as indicated in the horizontal Section	(4) Unbound	
<b>6. ENVIRONMENTAL SERVICES</b>				
C. Sanitation and similar services (CPC 9403)	(1)	Unbound*	(1) Unbound*	
	(2)	None	(2) None	
	(3)	None	(3) None	
	(4)	Unbound except as indicated in the horizontal Section	(4) Unbound	
D. Cleaning services of exhaust gases (CPC 9404)	(1)	Unbound*	(1) Unbound*	
	(2)	None	(2) None	
	(3)	None	(3) None	
	(4)	Unbound except as indicated in the horizontal Section	(4) Unbound	
D. Noise abatement services (CPC 9405)	(1)	Unbound*	(1) Unbound*	
	(2)	None	(2) None	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Limitation on National Treatment	Additional Commitments
	(3) None	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	(4) Unbound	
<b>7. FINANCIAL SERVICES</b>				
A. <u>Insurance and Insurance-related Services</u>				
<p>All the commitments in this Schedule are also 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 may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.</p>				
(a) Life insurance services including annuity, disability income, accident and health insurance services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except 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; insurance companies must establish as branches or subsidiaries; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory savings scheme.	(1) Unbound (2) None (3) None		



**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	<b>Additional Commitments</b>
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section					
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	(1) Unbound (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. (3) None except that 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; and insurance companies must establish as branches or subsidiaries. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section					
(c) Reinsurance and retrocession	(1) None (2) None (3) None except that 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 except as indicated in the horizontal Section					

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(d) Insurance intermediation comprising broking and agency services	<p>(1) Unbound</p> <p>(2) These measures are also limitations on national treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risks 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 shipowners insured by protection &amp; indemnity clubs.</p> <p>(3) These measures are also limitations on national treatment. Unbound except for admission of direct<sup>3</sup> insurance and reinsurance brokers as locally incorporated subsidiaries</p> <p>(4) Unbound except as indicated in the horizontal Section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
(e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services	<p>(1) None</p> <p>(2) None</p> <p>(3) None</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 except as indicated in the horizontal Section</p>	

<sup>3</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.

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Limitation on National Treatment	Additional Commitments
<p><b>B. <u>Banking and other financial services</u></b></p> <p>All the commitments in this Schedule are also 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 may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.</p>				
<p>(a) Acceptance of deposits and other repayable funds from the public</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment. Only institutions licensed or approved as banks, merchant banks 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-à-vis the home country depositors in receivership or winding-up 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.</p> <p>Establishment and operation of</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(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.</p> <p>Wholesale banks can only accept foreign currency fixed 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. For</p>		

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B(l) and the following limitations:</p> <p><u>Commercial banks</u> No new full and Wholesale banks. New foreign banks may only establish as offshore bank branches or representative offices. Representative offices cannot conduct business or act as agents. Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents. A single/related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares.</p> <p><u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.</p> <p><u>Finance companies</u> No new finance companies. No foreign person shall acting alone or in concert with other persons, assume control of any finance</p>	<p>Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit from non-residents. A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.<sup>4</sup></p> <p><u>Merchant banks</u> Merchant banks can operate from only one office (excluding back-office operations). Location and relocation of merchant banks require MAS' prior approval. Merchant banks can, with MAS' authorization, 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 companies controlled by their shareholders, banks, other merchant banks and finance companies.</p> <p><u>Finance companies</u> Location of finance companies and relocation of sub-branches require MAS' prior approval.and</p>	

<sup>4</sup> MAS may permit a bank incorporated in Singapore which is a wholly owned subsidiary of a bank of another Member incorporated outside Singapore, to have less than a majority of directors who are either Singapore citizens or Singapore permanent residents.

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>company. A foreign person is a person that is: in the case of a natural person, not a citizen of Singapore and in the case of a corporation, not controlled by citizens of Singapore. Approval from the 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> <p>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 debt/convertible securities.</p>	<p>Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches.</p>	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	(1) Unbound. Measures taken are also limitations 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 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 believe that the S\$ proceeds may be used for S\$ currency speculation. (iii) Establishment of credit companies which do not conduct activities requiring MAS'	(1) None  (2) None  (3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S\$500m in aggregate.  Offshore banks should not use their related merchant banks to circumvent the S\$500m lending limit.  Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	approval is allowed.  (4) Unbound except as indicated in the horizontal Section	  (4) Unbound except as indicated in the horizontal Section	
(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 except as indicated in the horizontal section.	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	(1) Unbound  (2) None  (3) These measures are also limitations on 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. 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)	(1) Unbound  (2) None  (3) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(e)Guarantees and commitments	<p>(1) 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.</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 except as indicated in the horizontal section</p>	



## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- money market instruments (including cheques, bills, certificates of deposit)</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> <li>- other negotiable instruments and financial assets, including bullion</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 limitations on national treatment.</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment. Banks and merchant banks are required to set up separate subsidiaries to trade financial futures for customers. Financial futures brokers can establish as branches or subsidiaries. The offer of derivative products by both local and 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 those 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</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None except as indicated for activity B(b) above.</p>	

### SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>products in the Singapore branch/subsidiary; and</p> <ul style="list-style-type: none"> <li>- MAS is satisfied that the financial institution has and continues to have the financial strength and adequate internal controls and risk management systems to trade in these products. The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B.b)3)(ii). Moneychangers, except where the moneychanging business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens</li> </ul>		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	<p>(1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore. Measures taken are also limitations on national treatment.</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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\$150,000.</p> <p>Representative offices cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interests 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. Unbound for new Primary and Registered dealers of Singapore Government Securities.</p> <p>(4) Unbound except as indicated in the horizontal Section</p>	<p>(3) None except as indicated for activity B(b) above</p> <p>(4) Unbound except as indicated in the horizontal Section</p>	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(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 except as indicated in the horizontal section.	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except asset management companies, custodial depositories, and trust services companies can establish as branches, subsidiaries or joint ventures; only the Central Depository Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system; and 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	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments	<p>(1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only.</p> <p>(2) None</p> <p>(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 (Pte) Limited and SGX-DT respectively. Only one clearing house established under the Banking Act may provide clearing services for Singapore dollar cheques and interbank fund transfer.</p> <p>(4) Unbound except as indicated in the horizontal Section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
(k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	<p>(1) Commercial presence is required for provision of investment and portfolio research and advice to the public.</p> <p>(2) None</p> <p>(3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section.	
(l) 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. 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 national treatment.</p> <p>(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</p>	<p>(1) None for the provision of financial information by providers such as Reuters and Bloomberg.</p> <p>(2) None</p> <p>(3) None</p>	

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section		
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>				
Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments				
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		
C. Social services delivered through residential institutions to old persons and the handicapped (CPC 93311) Social services delivered through residential institutions to children and other clients (CPC 93312 **)	(1) Unbound* (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound		

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Child day-care services including day-care services for the handicapped(CPC 93321) Vocational rehabilitation services(CPC 93324)	(1) Unbound  (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.  (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded.  (4) Unbound except as indicated in the horizontal Section	(1) Unbound  (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.  (3) None except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded.  (4) Unbound	
C. 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	



## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Welfare services not delivered through residential institutions (CPC 93323)	(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	
C. Other social services without accommodation(CPC 93329 **)	(1) Unbound  (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.  (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded.  (4) Unbound except as indicated in the horizontal Section	(1) Unbound  (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.  (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded.  (4) Unbound	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel and Restaurants (including catering)	(1) Unbound*	(1) None	
Hotel Services (CPC 6411)	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
Restaurant and Catering Services (CPC 64210, 64230)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
b. Travel Agent and Tour Operators Services (CPC 7471)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
c. Tourist Guide Services (CPC 7472)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)</b>			
A. Entertainment services (including theatre, live bands & circus services) (CPC 9619)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Archive services except for services specified under the National Heritage Board Act (CPC 963**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Library Services (CPC 96311)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Parks except for national parks, nature reserves and parklands as defined under the National Parks Acts (CPC 9633**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Sports and recreational services, except gambling and betting services (964**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services  International maritime transport (freight and passengers) excluding cabotage transport (CPC 7211 **, 7212 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews	(1) None (2) None (3) None (4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of 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;

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			<ul style="list-style-type: none"> <li>- garbage collecting and ballast; waste disposal</li> <li>- port captain's services;</li> <li>- navigation aids emergency;</li> <li>- repair facilities;</li> <li>- anchorage; and</li> <li>- other shore-based operational services essential to ship operations, including communications, water and electrical suppliers.</li> </ul>
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	
Maritime Auxiliary Services: 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	
Maritime Auxiliary Services: International Towage	(1) None (2) None	(1) None (2) None	

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	
	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
Maritime Auxiliary Services: Classification societies, except for statutory services for Singapore flag ships	(1) None	(1) None		
	(2) None	(2) None		
	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
D. Air Transport Services	(1) None	(1) None		
	(2) None	(2) None		
Selling and marketing of air transport services	(3) Unbound	(3) Unbound		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
F. Road Transport Services	(1) Unbound*	(1) Unbound*		
Rental services of cars with operators (CPC 71222)	(2) None	(2) None		
	(3) None	(3) None		
Rental services of buses and coaches with operators (CPC 71223)	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
Rental services of commercial freight vehicles with operators (CPC 71240)				

**SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>	
Freight transportation of:	(1) Unbound*	(1) Unbound*		
a) refrigerated goods (CPC 71231)	(2) None	(2) None		
b) liquids or gases (CPC 71232)	(3) None	(3) None		
c) containerized freight (CPC 71233)	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
d) furniture (CPC 71234)				
Maintenance and repair services of motor vehicles (CPC 61120)	(1) None	(1) None		
	(2) None	(2) None		
Maintenance and repair services of parts of motor vehicles (CPC 88 **)	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		
Parking services (CPC 74430)	(1) None	(1) None		
	(2) None	(2) None		
	(3) None	(3) None		
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound		

## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</b>			
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 9702)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
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	

-----



## SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

### APPENDIX

#### **TYPES OF SOCIAL SERVICES EXCLUDED FROM SINGAPORE'S SCHEDULE OF COMMITMENTS**

**1 Statutory Supervision Services With Accommodation for the Following Types of Clients (CPC 9331):**

- a) women and girls detained in a place of safety under Section 160 of the Women's Charter (CPC 93312);
- b) children detained in a place of safety under Section 8 of the Children & Young Persons (CYP) Act (CPC 93312);
- c) children and young persons detained in a place of detention under Section 44 (1) (f) CYP Act, or on probation to an approved school<sup>5</sup> under Section 44 (1) (g) of the CYP Act (CPC 93319);
- d) children and young persons admitted to an approved home for statutory supervision under Section 49 (ii) of CYP Act (CPC 93312);
- e) persons placed on probation with the requirement of residence in an approved institution under Section 12 of the Probation of Offenders Act (CPC 93319).

**2 Statutory Supervision Services Without Accommodation for the Following Types of Clients (9332):**

- a) children and young persons placed under supervision of an appointed welfare officer under Section 49 (i) of the CYP Act (CPC 93329);
- b) persons placed on probation without the requirement of residence in an approved institution under Section 5 of the Probation of Offenders Act (CPC 93329).

---

<sup>5</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 educational institution. Young offenders are detained in an 'approved school' for rehabilitation rather than for formal education.

**THAILAND**

**Schedule of Specific Commitments**

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

**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 the lack of technical feasibility.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(1), (2), (3), (4) "All taxation measures are subject to domestic laws, rules and regulations, consistent with GATS".</p> <p>(3) Commercial presence in sectors or subsectors in this schedule is permitted only through limited liability company which is registered in Thailand or the other type of legal entity as specified in the sector-specific commitments of which the company is incorporated and registered, pursuant to Thai laws and regulations and will have to meet one of the following condition as indicated in the sector-specific commitments:</p> <p>3.1 a. Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p>b. The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned; or</p> <p>3.2 Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national must meet the following conditions:</p> <p>a. prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by</p>	<p>For 3.1, 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 3.2, prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by relevant authorities. In establishing its commercial presence, a legal entity which is owned or controlled by foreigner(s) must apply for a certificate of business operation pursuant to a treaty or obligation under section XI of the Foreign Business Act; Ministerial</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>relevant authorities;</p> <p>b. a minimum capital requirement rate referred to applicable laws and regulations of Thailand shall be applied to limited liability company or the legal entity of another Party;</p> <p>c. entity of another party; board of directors 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; and</p> <p>d. have a domicile in Thailand; and a person or representative of the limited liability company or the legal entity who applies for a license must be of Thai national; and</p> <p>e. the number of foreign shareholders must be less than half of the total number of shareholders.</p>	<p>Regulation Prescribing Rules and procedures Pertaining to the Application for a Foreign Business certificate B.E. 2546 (2003). According to article XIV and XIV bis of GATS, service supplier is required to comply with section V of the Foreign Business Act.</p> <p>For 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>Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, taxation measures and nationality requirement.</p>	
	<p>(4) Temporary movement of natural persons is unbound except in the following categories:</p> <p>I. Business Visitor (BV):</p> <p>(a) Service sellers: Representatives of a service supplier who enter and stay in Thailand temporarily without receiving remuneration from within Thailand for the sale of goods and services or entering into agreement for such sale for that service supplier.</p>	<p>(4) Unbound, except as provided in the MA column.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>(b) Persons responsible for establishing a commercial presence: Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of:</p> <ul style="list-style-type: none"> <li>- participating in business meetings or contracts,</li> <li>- visiting of business establishments or other similar activities,</li> <li>- entering with a purpose to establish a commercial presence of a service supplier in Thailand when the service supplier has no commercial presence in Thailand.</li> </ul> <p><u>Conditions:</u> Representatives of such service suppliers or employees of such juridical person will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p><u>Duration of stay:</u> Such temporary entry will be permitted and a work permit granted, when applied for, for an initial period of not more than 90 days and may be extended for a further period of not more than one year.</p> <p>II. Intra-corporate Transferee (ICT): Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand.</p>		

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>The employees refer to Managers, Executives, or Specialists as defined below:</p> <p>Manager is defined as :                      A person within an organization who primarily directs the organization, or a department or sub-division of the organization; supervises and controls the work of other supervisory, professional or managerial employees; has the authority to hire or fire or recommend hiring, firing, or other personal actions (such as promotion or leave authorization); and exercises discretionary authority over day-to-day operations; does not include first-line supervisors, unless the employees supervised are professionals, does not include employee who primarily perform tasks necessary for the provision of the service.</p> <p>Executive is defined as :                      A person within an organization who primarily directs the management of the organization, exercises wide latitude in decision-making, and receives only general supervision or direction from higher-level executive would not directly perform tasks related to the actual provision of a service or services of the organization.</p>		

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>Specialist is defined as : A person within an organization who possesses knowledge at an advanced level of continued expertise and possesses proprietary knowledge of the organization services, research equipment, techniques, or management.</p> <p><u>Conditions:</u> Such a person has been employed by the company concerned outside Thailand for a period of not less than one year immediately preceding the date of his or her application for admission and has satisfied the criteria for management needs<sup>1</sup> stipulated by the Department of Employment.</p> <p><u>Duration of stay:</u> The temporary stay is limited to one year period and may be extended for a further three terms of not more than one year each.</p>		

<sup>1</sup> In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>(3), (4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings.</p> <p>For 3.1 and 3.2, a natural person or juridical person of another member that acquires or gains ownership of land, shall be deemed ineligible to exercise rights and privileges under this Agreement.</p>	<p>(3), (4) The board of directors, including administrative and executive position or a like in the legal entity must be of Thai national and have permanent domicile in Thailand. The person or the representative of the juridical person who applies for a license must be of Thai nationality.</p> <p>For 3.1 and 3.2 a natural person or a juridical person who receives other special privilege or incentives from Thai authority(ies) other than those provided under this Agreement may not claim benefits under this Agreement.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>II. SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services (CPC 86111+86119+86120+86130+86190)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(c) Taxation Services (CPC 863 / 8630)	(1) None  (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Tax filing must be authenticated by licensed tax auditor and/or licensed auditor in Thailand.  (2) None (3) None (4) Unbound	
(d) Architectural services (CPC 8671)	(1) None  (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: (a) Foreign equity participation must not exceed 49 per cent of the	(1) Service must be authenticated by licensed architect in Thailand.  (2) None (3) None	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	registered capital; Limited Liability Company (b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; Limited Partnership or Registered Ordinary Partnership c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Engineering services (CPC 8672)	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p>(a) Foreign equity participation must not exceed 49 per cent of the registered capital; Limited Liability Company</p> <p>(b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from Council of Engineers; Limited Partnership or Registered Ordinary Partnership</p> <p>c) The managing partner or manager must be the person of Thai nationality; and</p> <p>d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council.</p> <p>(4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(g) Urban planning services (CPC 86741)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: (a) Foreign equity participation must not exceed 49 per cent of the registered capital; Limited Liability Company (b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; Limited Partnership or Registered Ordinary Partnership c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(1) Unbound (2) None (3) None        (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Landscape architectural services (CPC 86742)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: (a) Foreign equity participation must not exceed 49 per cent of the registered capital; Limited Liability Company (b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; Limited Partnership or Registered Ordinary Partnership c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(1) Service must be authenticated by licensed architect in Thailand. (2) None (3) None        (4) Unbound	
(k) Other professional services  Weather forecasting and meteorological services (CPC Version 1.1: 83550)	(1) None (2) None (3) As indicated in the 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None    (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<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 the 3.1 of the horizontal section. (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications Technology (hereinafter "ICT" Ministry), otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Hardware consultancy services (CPC Version 1.1: part of 83141**)	(1) None (2) None (3) As indicated in the 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(b) Software implementation services (Excluding programming and systems maintenance services) (CPC 84210+84220+84230)	(1) Unbound (2) None (3) None, other than that indicated in 3.1 of the horizontal section. (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in 3.1 of the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
(c) Data processing services (excluding those provided over public telecommunications network) (CPC: 84310+84320+84330+84390)	(1) Unbound (2) None (3) None other than as indicated in the 3.1 of the horizontal section. (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Data processing services (excluding those provided over public telecommunications network) (CPC version 1.1: 85960)	(1) None (2) None (3) As indicated in the 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 844)	(1) None (2) None (3) As indicated in the 3.2 of the horizontal section. (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section 3.1.	(1) None (2) None (3) None  (4) As provided in the horizontal section.	
(e) Other computer services: Maintenance and repair services of office machinery and equipment including computers (part of CPC 84500)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) As provided in the horizontal section.	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>C. Research and development services</b>			
(a) Research and development on natural sciences: research and experimental development services on: - physical sciences (CPC 85101) - chemistry & biology (CPC 85102) - engineering & technology (CPC 85103)	(1) None (2) None (3) As indicated in the 3.1 of the horizontal section (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) As provided in the horizontal section.	
Research and experimental development services on physical sciences (CPC Version 1.1: 81110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) Research and experimental development services on: - economics (CPC 85202) - laws (CPC 85203) - linguistics and languages (CPC 85204)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) As provided in the horizontal section.	
Research and experimental development services in linguistics and languages (CPC Version 1.1: 81240)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) interdisciplinary research and experimental development services (CPC Version 1.1: 81300)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>D. Real Estate Services</b>			
(a) Involving own or leased property  Renting or leasing services involving own or leased residential property (CPC 82101)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) On a fee or contract basis  Residential property management services on a fee or contract basis (CPC 82201)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Residential condominium management services on a fee or contract basis (part of CPC Version 1.1 : 72211)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
<b>E. Rental/Leasing Services without Operator</b>			
(a) Relating to ships:  Leasing or rental services concerning vessels (CPC 83103)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) Vessels registered under Thai flag may be granted rights and privileges in accordance with relevant Thai laws (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>(a) Relating to ships:</p> <p>Leasing or rental services concerning non-Thai flag vessels without operator (CPC Version 1.1: 73115)</p> <p>This subclass does not include:</p> <ul style="list-style-type: none"> <li>- leasing, renting or hiring services concerning vessels for coastal and transoceanic water transport with operator, (CPC Version 1.1 : 65130)</li> <li>- leasing, renting or hiring services concerning cabotage and inland water vessels with operator (CPC Version 1.1 : 65230)</li> <li>- leasing, renting or hiring services concerning pleasure craft (CPC Version 1.1 : 73240)</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in 3.2 of the horizontal section.</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	
<p>(c) Relating to other transport equipment :</p> <p>Private car (CPC 83101)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in 3.1 of the horizontal section.</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(c) Relating to other transport equipment : Leasing or rental services concerning space transport without operator.	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(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 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
(e) Other Leasing or rental services concerning pleasure and leisure equipment (CPC 83204)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(e) Other Rental services concerning furniture (CPC Version 1.1: 73230**)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None  (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

(4) Presence of natural persons

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 87110+87120+87190)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(b) Market research and public opinion polling services (CPC 86401 to 86402)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(c) General management consulting services (CPC 86501)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for legal and auditing consultants.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(c) Management consulting services: Financial management consulting services (CPC 86502 except business tax and except as indicated in financial services sector)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) As provided in the horizontal section.	
Human resource management consulting services (CPC Version 1.1: 83113)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
(d) Services related to management consulting:  Project management services other than for construction (CPC 86601)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(d) Services related to management consulting:  Planning related to production management (CPC Version 1.1: 83115)  This subclass does not include consulting services for: - Human resources management consulting services - Marketing management consulting services - Financial management consulting services - General management consulting services - Other management consulting services	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
- Other technical testing and analysis services (CPC 86769)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section	(1) None (2) None (3) None  (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
(e) Technical testing and analysis services (CPC 86761+86769)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(f) Services incidental to agriculture: 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 of the horizontal section. (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Soil analysis laboratory	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Soil survey and land use Planning	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Cover crop seed multiplication	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(f) Services incidental to forestry: Forestry consultant services	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(g) Services incidental to fishing : International trading, exporting products services (broker)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As provided in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Quality analysis services	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Canning process analysis services	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Technical services - Consulting - Research on marketing - Quality control	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(h) Services incidental to mining at oil and gas fields	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(k) Placement and supply services of personnel  Executive search services only for local employment (part of (CPC 87201)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. The managing partner and/or manager must be the person of Thai Nationality. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(m) Related scientific and technical consulting services:  Scientific consulting services from mathematicians and statisticians (CPC Version 1.1: part of 83139)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
(o) Building and cleaning services: Disinfecting and exterminating services (CPC 87401)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(o) Building and cleaning services: Window cleaning services (CPC Version 1.1: 85320)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound* (2) None (3) None  (4) Unbound	
(p) Photographic services:  Specialty photography services except aerial photography (part of CPC 87504)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
(p) Photographic services:  Photography processing services (CPC Version 1.1: part of 83820)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
(q) Packaging services (CPC 87600)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound	
(q) Packaging services (CPC Version 1.1: 85400)  This subclass does not include: - packing and crating services incidental to transport, cf. 64-67 - package design services, cf. 83490 - solely printing information on packaging materials, cf. 89121 - packaging services including processing of client owned materials into a different product (e.g. mixing water and concentrate to produce soft drinks, cooking fish prior to canning, blending creams and colouring materials into cosmetics), cf. 88 and 89	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Book Binding Services (CPC Version 1.1 part of 89121)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(s) Convention services  Convention centre over 2,000 participants (The development of a building that consists of Exhibition Halls, Meeting Rooms, a conference hall with more than 2,000 seating capacity, a banquet and a business centre equipped with state of the art telecommunication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate carparks, shops and restaurants/cafes to the exhibitors, participants and visitors)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound* (2) None (3) None (4) As provided in the horizontal section.	
Annual international trade fair and exhibition organization services on a fee or contract basis (CPC Version 1.1: part of 85970)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(t) Other Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As provided in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>2. COMMUNICATIONS SERVICES</b>			
Telecommunications Services			
<u>Commitments undertaken in this offer are subject to the following general conditions:</u>			
<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(ies).</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(ies).</li> <li>- The designated national authority(ies) 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> </ul>			
Public local, domestic long distance and international services: (a) Voice telephone services (b) Telex services (c) Telegraph services (d) Facsimile services	(1), (2) None, other than traffic shall be routed through gateways in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.  (3) Conditional upon passage and coming into force of all necessary new communication acts commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.  (4) Unbound as indicated in the horizontal section	(1) None, (2) None  (3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year 2006, Thailand will introduce the national treatment element as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.  (4) Unbound, except as provided in the horizontal section	Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year 2006, Thailand will introduce into its Schedule of Specific Commitments on public communication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>(h) Electronic mail (CPC 7523**)</p> <p>(i) Voice mail (CPC 7523**)</p>	<p>(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>(2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>(3) As indicated in 3.1 of the horizontal section.</p> <p>(4) As indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As provided in the horizontal section.</p>	
<p>(j) Database access services (part of CPC 7523)</p>	<p>(1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 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 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company.</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	c) Must use public telecommunication network under national telecommunication authorities. (4) As indicated in the Horizontal Section.	(4) Unbound, except as provided in the horizontal section.	
(l) Enhance/ Value added facsimile Services including store and forward, store and retrieve (CPC 7523*)  (m) Code and protocol conversion	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None  (2) None  (3) None  (4) Unbound	
(n) On-line information and/or data processing services (part of CPC 843)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability. (2) None (3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not	(1) None  (2) None (3) No limitations as long as foreign equity participation does not exceed 40 per cent	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>exceed 40 per cent of the total number of shareholders of the company.</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept.</p> <p>c) Must use public telecommunication network under national telecommunication authorities.</p> <p>4) As indicated in the horizontal section.</p>	<p>(4) Unbound, except as provided in the horizontal section.</p>	
(o) Other: Telecommunications terminal equipment leasing services (CPC 75410)	<p>(1) None, subject to commercial arrangement with licensed operator.</p> <p>(2) None</p> <p>(3) As indicated in 3.1 of 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) Unbound, as provided in the horizontal section.</p>	
Domestic VSAT	<p>(1) (a) Service providers must use public telecommunication network under national telecommunication authorities.</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 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company.</p> <p>(b) Such company shall be permitted</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitation as long as foreign equity participation does not exceed 40 per cent.</p>	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>under the built-transferred-operated concept by national telecommunication authorities<sup>2</sup>.</p> <p>c) Must use public telecommunication network under national telecommunication authorities.</p> <p>(4) As indicated in the horizontal section.</p>	(4) As indicated in the horizontal section.	
(o) Other: Telecommunications terminal equipment sales services (CPC 75420)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) As indicated in 3.1 of the horizontal section.</p> <p>(4) (a) As indicated in the horizontal section.</p> <p>(b) Unbound for civil engineer</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	
Telecommunications consulting services (CPC 75440)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that indicated in 3.1 the horizontal section.</p> <p>(4) (a) As indicated in the horizontal section.</p> <p>(b) Unbound for civil engineer.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	
Domestic VSAT	<p>(1) (a) Service providers must use public telecommunication network under national telecommunication authorities.</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</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitation as long as foreign equity participation does not exceed 40</p>	

<sup>2</sup> This condition will be applied for at least 10 years.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company.</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities<sup>3</sup>.</p> <p>c) Must use public telecommunication network under national telecommunication authorities.</p> <p>(4) As indicated in the horizontal section.</p>	<p>percent.</p> <p>(4) As indicated in the horizontal section.</p>	
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 participation not exceeding 25 per cent of the registered</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Telecommunication acts are now in force. However, regulatory rule and regulations are gradually introduced</p>	Telecommunication acts are not in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operation functions, and the allocation and use of scarce resources.

<sup>3</sup> This condition will be applied for at least 10 years.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>capital.</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.</p> <p>c) Must use networks operated by suppliers duly licensed. Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the national treatment elements as contained in relevant legislation into its schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>commencing from the year of 2006. Thailand will introduce the national treatment elements as contained in relevant legislation into its schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section.</p>	
Videotext (part of CPC 75299)	<p>(1) 1.1 Service providers must use Public Telecommunication network under national Telecommunication authorities; 1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>(b) Such company shall be permitted under built-transferred-operated concept by national telecommunication authority(-ies)<sup>4</sup></p> <p>c) Must use public telecommunication network under national telecommunication authority(-ies).</p> <p>d) Selection of service providers shall be based on open tender.</p> <p>(4) As indicated in the horizontal section.</p>	<p>(4) Unbound, except as provided in the horizontal section.</p>	
Teleconference (part of CPC 75292)	<p>(1) 1.1 Service providers must use Public Telecommunication network under national Telecommunication authorities;</p> <p>1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company.</p> <p>(b) Such company shall be permitted under built-transferred-operated concept by national telecommunication authority(-ies)<sup>5</sup></p> <p>c) Must use public telecommunication network under national</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent.</p>	

<sup>4</sup> This condition will be applied for at least 10 years.

<sup>5</sup> This condition will be applied for at least 10 years.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	telecommunication authority(-ies). d) Selection of service providers shall be based on open tender. (4) As indicated in the horizontal section.	(4) Unbound, except as provided in the horizontal section.	
Domestic leased circuits (part of CPC 75299)	(1) 1.1 Service providers must use Public Telecommunication under national Telecommunication authorities; 1.2 Radio application service is subject to frequency availability. (2) None (3) (a) Shall be Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company. (b) Such company shall be permitted under built-transferred-operated concept by national telecommunication authority(-ies) <sup>6</sup> c) Must use public telecommunication network under national telecommunication authority(-ies). d) Selection of service providers shall be based on open tender. (4) As indicated in the horizontal section.	(1) None  (2) None (3) No limitations as long as foreign equity participation does not exceed 40 per cent.  (4) Unbound, except as provided in the horizontal section.	

<sup>6</sup> This condition will be applied for at least 10 years.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>D. Audiovisual Services</b>			
(a) Film/video production and distribution services, excluding promotion or advertising services (CPC 96112+96113)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Video tape production services for scientific education (CPC Version 1.1: 96121**)	(1)None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) As provided in the horizontal section	
Radio/television services only for production of radio/TV programmes (CPC 96131**+96132**)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Repair services of electrical household appliances (CPC Version 1.1: 87151)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
E. Other Communication equipment maintenance services on a fee or contract basis (CPC 75450)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Construction Work for Buildings (CPC 512)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Construction work for civil engineering (CPC 513)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Assembly and Erection of Prefabricated Constructions (CPC 514)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Special Trade Construction (CPC 515)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Installation Work (CPC 516)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section. (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Building Completion and Finishing Work (CPC 517)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Renting services related to equipment for construction or demolition of building or civil engineering works with operator. (CPC 518)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>4. DISTRIBUTION SERVICES</b>			
A. Commission Agents' services (CPC 62111 to 62118)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound (2) None (3) None  (4) Unbound	
<b>5. EDUCATION SERVICES</b>			
<p><u>Commitments undertaken in this offer are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> <li>- 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;</li> <li>- Services suppliers may be subject to notification or registration with the authority concerned.</li> </ul>			
A. Primary education services:  Preschool education services (CPC 92110)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. At least half of its director(s), and if applicable its managing director must be the person of Thai nationality.  (4) Unbound	(1) None (2) None (3) - The manager or the representative of the juristic person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals. - The school manager/executive manager must be a Thai national.  (4) Unbound	
B. Secondary Education Services  A+B International and national school education services excluding adult and other education (CPC 9219+9221, 9222)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) Foreign natural persons may enter Thailand to supply education services provided that: - The natural persons are invited or employed by education institutions duly established and registered in Thailand;	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>- The natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable.</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section.</p>		
B. Technical and vocational education services (CPC 9223, 9224)	<p>(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Foreign natural persons may enter Thailand to supply education services provided that: 1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; 2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of education, where applicable.</p> <p>The initial temporary stay shall be one year or the duration employment period, whichever is shorter, with possibility of</p>	<p>(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	extension. Others: As indicated in the horizontal section.		
D. Professional and/ or Short Courses Education Services (CPC 92400)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other education services (92900)  Chinese language tuition services (part of CPC 92900)	(1) Unbound (2) None (3) Unbound (4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that: 1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; 2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education where applicable he initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.  Others: As indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>6. ENVIRONMENTAL SERVICES</b>			
A. Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental Management Services (CPC 9401)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Environmental Protection and Environmental Abatement Services (CPC 9401)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Sewage services (including industrial waste water treatment system) (CPC 9401)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided 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 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
C. Sanitation and Similar Services (CPC 9403)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
D. Other: - Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services (CPC 9409)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>7. FINANCIAL SERVICES</b>			
<p>- 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 sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so.</p> <p>- All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.</p>			
<p>A. <u>Insurance including Reinsurance and retrocession</u></p> <p>(a) Life insurance services (CPC 81211)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to license approved by the Minister with the consent of the Cabinet</p> <p>(4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p>	<p>(1) None</p> <p>(2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.</p> <p>(3) None other than that indicated in the MA column.</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	
<p>(b) Non-life insurance services (CPC 8129)</p>	<p>(1) Unbound except for international marine, aviation and transit and all classes of reinsurance.</p> <p>(2) None</p> <p>(3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to license approved by the Minister with the consent of the Cabinet.</p> <p>(4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that indicated in the MA column.</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(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) None other than that indicated in the MA column. (4) Unbound, except as provided in the horizontal section.	
Insurance consultancy services excluding pension consulting services (CPC 81402)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Average and loss adjustment services (CPC 81403)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Actuarial Services (CPC 81404)  Services auxiliary to financial intermediation other than to insurance and pension funding services.	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	(1) None (2) None (3) (a) As indicated in B(3)(j) below. (b) Financial institutions must obtain prior approval from the Bank of Thailand. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Financial consultancy services (CPC 81332)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
B. Banking and Other Financial Services  Acceptance of deposits and other repayable funds from the public  Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions	(1) None for financial advisory and financial data processing. Unbound for all other services. (2) None for financial advisory and financial data processing. Unbound for all other services. (3) (a) Representative office of banks : None (b) Foreign bank branches : I. None for existing foreign bank branches	(1) None  (2) None  (3) (a) Representative office of banks : None (b) Foreign bank branches : None, except as provided in the MA	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p> <p>Guarantees and commitments</p> <p>Trading for own account, or for account of customers in the following: (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities.</p> <p>Participation in issues of all kinds of securities, including under writing and placement as agents (whether publicly or privately) and provision of services related to such issues.</p> <p>Asset management as follows: - cash or portfolio management - collective investment management - custodian and depository services</p> <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software.</p>	<p>under present shareholding structure. New establishment is subject to license approved by the Minister of Finance with the consent of the Cabinet.</p> <p>II. ATM operations permitted under the following conditions only: (i) joining ATM pools operated by Thai banks; or (ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p> <p>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.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p>(c) Locally incorporated banks</p> <p>I. Market access limited to the acquisition of shares of existing banks.</p> <p>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 register capital. (ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and</p>	<p>column.</p> <p>(c) Locally incorporated banks None, except as provided in the MA column.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> <li>- the relaxation is deemed necessary to improve the condition or business of the commercial bank;</li> <li>- such equity participation will be authorized for a period of 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</li> </ul> <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 conditions as stated in II(ii) above.</p> <p>(d) International Banking Facility<sup>7</sup>. New establishment is subject to license approved by Minister of Finance.</p> <p>(e) Finance companies and credit foncier companies.</p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shared of existing companies.</p> <p>III. (i) Maximum foreign equity anticipation limited to 25 per cent of paid-up</p>	<p>(d) International banking Facility. None, except as provided in the MA column.</p> <p>(e) Finance companies and credit foncier companies. None, except as provided in the MA column.</p>	

<sup>7</sup>BF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p> <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may 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:</p> <ul style="list-style-type: none"> <li>- the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier;</li> <li>- such equity participation will be authorized for a period of 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding.</li> </ul> <p>IV, 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 conditions as stated in III(ii) above.</p> <p>(f) Securities companies, securities brokerage, securities dealing, investment advisory service and</p>	<p>(f) Securities companies None, except as provided in the MA column.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>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 licenses.</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 securities firm must be Thai national.</p> <p>(g) Asset 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 license has been granted, maximum foreign equity participation is limited to 25 per cent of paid-up registered capital and at least three of fourths of the directors must be of Thai nationals</p> <p>IV. After five years, maximum foreign equity participation limited to 49 per cent of paid-up registered capital and at least one-half of the directors must be of Thai national.</p> <p>(h) Financial leasing services 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</p>	<p>(h) Financial leasing services None</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>capital , except in (e) III(iii).</p> <p>(i) Factoring services can only be provided by factoring companies which are subject fo 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 , except in (e) III(iii).</p> <p>(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject fo 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 (h), (i), (j) will be subject to licensing and regulations to be announced.</p> <p>(4) Limitations on the number of foreign personnel per foreign bank office:            (a) two persons for banks operating as representative office;            (b) six persons for each full licensed branch;            (c) four persons for each BIBF branch;            (d) two persons for each PIBF branch;            (e) eight persons for banks operating as full licensed and BIBF branch;</p>	<p>(i) Factoring services None</p> <p>(j) Credit, charge and debit cards None</p> <p>(4) Unbound, except as provided in the horizontal section.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	<p>For finance companies: (a) two persons for a representative office; (b) maximum of four directors permitted for Finance companies;</p> <p>For securities companies and asset and management companies: two persons for representative office.</p>		
<b>8. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel Lodging Services (CPC 64110)	<p>(1) None (2) None (3) As indicated in the 3.1 of the horizontal section. (4) As indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.</p>	
Restaurant services (CPC 64210)	<p>(1) None (2) None (3) As indicated in the 3.1 of the horizontal section. (4) As indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.</p>	
Camping and Caravan site Services (CPC 64195)	<p>(1) None (2) None (3) As indicated in the 3.1 of the horizontal section. (4) As indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.</p>	
Catering services (CPC 64230)	<p>(1) Unbound (2) None (3) As indicated in the 3.1 of the horizontal section. (4) As indicated in the horizontal section.</p>	<p>(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.</p>	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
B. Travel Agencies and Tour Operator Services (CPC 7471)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
D. Other: Hotel management services	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services: Theme parks and amusement parks (CPC 96194)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound* (2) None (3) None  (4) As provided in the horizontal section.	
Amusement park (CPC Version 1.1: part of 96910)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) Unbound* (2) None (3) None  (4) Unbound	
B. News agency services: Picture supply services (CPC 96212)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section (4) Unbound	(1) None (2) None (3) None  (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Picture supply services provided to National News agency (Part of CPC 96212)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	
D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411+96412+96413)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Recreation Park and Beach Services (CPC 96491)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
E. Other: Marina Facilities (A small sea, lake, or river harbour with docking facilities for motor and sailing boats, Marina provide berths for long and short term use and some also offer boat charter)	(1) Unbound* (2) None (3) As indicated in 3.1 of the horizontal section (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None  (4) As provided in the horizontal section	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
(a) Passenger transportation (CPC 7211 less cabotage transport : as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand. (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 3.2) except branch office: as indicated in the horizontal section. (4) (a) Ship’s crews: Unbound (b) Other personnel: As indicated in the horizontal section.	(1) None (2) None (3) (a) Unbound  (b) None  (4) (a) Unbound (b) Unbound, except as provided in the horizontal section.	
(b) Freight transportation (CPC 7212 less cabotage transport : as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand. (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office	(1) None (2) None (3) (a) Unbound  (b) None other than: (i) Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies. (ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) (a) Ship's crews: Unbound (b) Other personnel: As indicated in the horizontal section	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) Unbound (b) Unbound, except as provided in the horizontal section	
(d) Maintenance and repair of vessels exceeding 100,000 DWT (Part of CPC 8868)	(1) None (2) None (3) As indicated in 3.2 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Maritime agency services (as defined below - 3.6)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section <sup>8</sup> . (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Custom clearance services (as indicated below-3.5)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. A customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) A customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department. (4) As provided in the horizontal section.	

<sup>8</sup> For transparency purpose, domestic regulations may require registration of service suppliers, minimum paid-up capital, experienced personnel, etc., on a non-discriminatory basis.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) International towing (CPC 7214)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section. (4) (a) Ship's crews: Unbound (b) Other personnel: As indicated in the horizontal section.	(1) None (2) None (3) (a) Unbound  (b) None  (4) (a) Unbound (b) Unbound, except as provided in the horizontal section.	
(f) Supporting Services for maritime transport (CPC 745) Shore reception facilities (collection of waste/oily water from ships)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Port captain's services attached to specific foreign vessels.	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Marine surveys and classification Societies for purpose of providing accurate documentation and certification of vessels.	(1) None other than those under regulations stipulated by the Harbour Department. (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None  (2) None (3) None  (4) Unbound, except as provided in the MA column.	
Vessels salvage and refloating services - not applicable in harbour.	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) As indicated in the horizontal section.	
<p>- Vessels salvage and refloating services (CPC Version 1.1 : 67630) This sub=class does not include:</p> <ul style="list-style-type: none"> <li>• towing services supplied to distressed vessels: <ul style="list-style-type: none"> <li>- on coastal waters or on open sea, cf. 65140</li> <li>- on inland waters, cf. 65240</li> </ul> </li> <li>• lifeboat services, marine fireboat services and other marine search and rescue services: <ul style="list-style-type: none"> <li>- police services, cf. 91260</li> <li>- marine fireboat services, cf. 91260</li> <li>- other public order and safety affairs related services, cf. 91290</li> </ul> </li> </ul>	(1) None (2) None (3) As indicated in 3.2 of the horizontal section. (4) Unbound	(1) None (2) None (3) None  (4) Unbound	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Freight forwarding services	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
Maritime cargo handling services <sup>9</sup>	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Acts B.E. 2494 (1951). (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
<b>A. AIR TRANSPORT SERVICES</b>			
(d) Aircraft repair and maintenance services (CPC 8868)	(1) None (2) None (3) Services providers must perform their services outside the prescribed apron. (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	
(e) Supporting services for air transport (CPC 746)  Selling and marketing of air transport services.	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None  (4) Unbound	

<sup>9</sup> 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 organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the receptive/delivery and safekeeping of cargoes before shipment or after discharge.

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Computer reservation system services	(1) None other than: (a) Service providers must use public telecommunication network under national telecommunication authorities. (b) Radio application service is subject to frequency availability. (2) None (3) (a) Distribution through CRS is allowed for airlines offices and one General Sales Agent office. (b) Service providers must use Thai public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand's GATS offer on Telecommunication. (4) As indicated in the horizontal section.	(1) None  (2) None (3) Unbound  (4) Unbound	
<b>E. Rail Transport Services</b>			
(d) Maintenance and repair of rail transport equipment on a fee or contract basis (CPC 8868)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
(e) Supporting Services for rail transport services (CPC 743)  Passenger and freight car cleaning services.	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>SECTOR OR SUBSECTOR</b>	<b>LIMITATION ON MARKET ACCESS</b>	<b>LIMITATION ON NATIONAL TREATMENT</b>	<b>ADDITIONAL COMMITMENTS</b>
Security services at railway station	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Railway car cleaning services under the service contract of railway authority	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) Unbound	(1) None (2) None (3) None (4) Unbound	
<b>F. Road Transport Services</b>			
<b>Other non-scheduled passenger transportation</b>			
(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) 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) Unbound, except as provided in the horizontal section.	
(c) Rental services of passenger cars with operator (CPC 71222)	(1) Unbound (2) None (3) 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) Unbound, except as provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(c) Rental services of buses and coaches with operator (CPC 71223)	(1) Unbound (2) None (3) 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) Unbound, except as provided in the horizontal section.	
(e) Supporting services for road transport services Parking services (CPC 7443)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound	
<b>H. Services Auxiliary to All Modes of Transport</b>			
(a) Maritime cargo handling services (as defined below 3.6)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E. 2494 (1954) (4) As indicated in the horizontal section.	(1) None (2) None (3) None  (4) As provided in the horizontal section.	
(b) Storage and warehouse services (CPC 742)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None  (4) Unbound, except as provided in the horizontal section.	



**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(c) Maritime Agency Services (as defined below 3.7)	(1) Unbound (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
<b>OTHER SERVICES NOT INCLUDED</b>  Skill training services (not classified under education services, incl. educational institution) related to alternative energy production, on a fee or contract basis (CPC 97090)	(1) None (2) None (3) As indicated in 3.1 of the horizontal section. (4) As indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) As provided in the horizontal section.	

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

**Reference Paper**  
**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 members to undertake locally the following:
    - (a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
    - (b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
    - (c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
    - (d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.
  - 3.3 "multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
  - 3.4 "freight forwarding services" means the activity consisting of 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.
  - 3.5 "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

**THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

- 3.6 “Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:
- the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 3.7 “Maritime agency services” means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information;
  - acting on behalf of the shipping lines organising the call of a ship or taking over cargoes when required.

**VIET NAM**

**Schedule of Specific Commitments**

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) None, except: Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract<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 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 Agreement.</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>	

<sup>1</sup> 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.

<sup>2</sup> 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.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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 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 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</p>		

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>limitations in the form of transitional periods, where applicable.</p> <p>(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) <u>Intra-corporate transferees</u></p> <p>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.</p> <p>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</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.</p> <p>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.</p>		



## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) <u>Other personnel</u></p> <p>Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the 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.</p> <p>(c) <u>Service sales persons</u></p> <p>Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period.</p>		

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(d) <u>Persons responsible for setting up a commercial presence</u></p> <p>Managers and executives (as defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a 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.</p> <p>(e) <u>Contractual service suppliers (CSS)</u></p> <p>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:</p> <ul style="list-style-type: none"> <li>- 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</li> </ul>		

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>of the contract.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.</li> <li>- These persons should 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" above.</li> </ul> <p>The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).</p>		

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
<p>(a) Legal services (CPC 861, excluding:</p> <ul style="list-style-type: none"> <li>- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;</li> <li>- legal documentation and certification services of the laws of Viet Nam)</li> </ul>	<p>(1) None. (2) None. (3) Foreign lawyers organizations<sup>3</sup> are permitted to establish commercial presence in Viet Nam in the following forms:</p> <ul style="list-style-type: none"> <li>- Branches of foreign lawyers organizations;</li> <li>- Subsidiaries of foreign lawyers organizations;</li> <li>- Foreign law firms<sup>4</sup>;</li> <li>- Partnerships between foreign lawyers organizations and Viet Nam's law partnerships.</li> </ul> <p>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.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>3</sup> 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.

<sup>4</sup> 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.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

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

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672)	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None, except:	
(f) Integrated engineering services (CPC 8673)	Foreign enterprises have to be juridical persons of another Party.	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.	(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.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None.  (2) None. (3) None, except:  Foreign enterprises have to be juridical persons of another Party.  (4) Unbound, except as indicated in the horizontal section.	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam. (2) None. (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. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service <sup>6</sup> . (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	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the	

<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.

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

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	horizontal section.	horizontal section.	
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>			
	(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.	
<b>C. Research and Development Services</b>			
(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.	
<b>E. Rental/Leasing Services without Operators</b>			
(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) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment <sup>8</sup> : None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except for industrial machinery and equipment: None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

<sup>8</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.



## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<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, except: Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
(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.	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(1) Unbound. (2) None. (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none.  Access to certain geographic areas may be restricted for national security reasons.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.           (4) Unbound, except as indicated in the horizontal section.	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>9</sup>	(1) None. (2) None. (3) None, except: 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. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except: Access to certain geographical areas may be restricted. <sup>10</sup> (4) Unbound, except as indicated in the horizontal section.	
(h) Services incidental to mining (CPC 883)			
<p>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.</p> <p>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.</p>			
	(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. (4) Unbound, except as indicated in the horizontal section.	(1) None, except as indicated in market access column. (2) None. (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	

<sup>9</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>10</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.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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.	
(m) Related scientific and technical consulting services <sup>11</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, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None, except as indicated in the market access column.  (2) None. (3) None, except as indicated in the market access column.  (4) Unbound, except as indicated in the horizontal section.	

<sup>11</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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 permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except as indicated in the market access column.  (4) Unbound, except as indicated in the horizontal section.	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services (CPC 7512**)</b>  * Express delivery services <sup>12</sup> , i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication <sup>13</sup> , on any kind of physical medium, including:	(1) None. <sup>15</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.

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>15</sup> The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Hybrid mail service;</li> <li>- Direct mail.</li> </ul> Except for the handling of items of written communication the price of which is less than: <ul style="list-style-type: none"> <li>- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;</li> <li>- US\$9 for international shipments;</li> </ul> provided that the gross weight of these items is less than 2,000 grams. <p>(b) Parcels<sup>14</sup> and other goods.                      * Handling of non-addressed items.</p>			

<sup>14</sup> Books, catalogues are included hereunder.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>C. Telecommunication Services</b>			
<p>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).</p>			
<u>Basic telecommunication services</u> (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**)	(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: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>(o*) Other services</p> <ul style="list-style-type: none"> <li>- Videoconference services (CPC 75292)</li> <li>- Video Transmission services, excluding broadcasting<sup>16</sup></li> <li>- Radio based services includes: <ul style="list-style-type: none"> <li>+ Mobile telephone (terrestrial and satellite)</li> <li>+ Mobile data (terrestrial and satellite)</li> <li>+ Paging</li> <li>+ PCS</li> <li>+ Trunking</li> </ul> </li> <li>- Internet Exchange Service (IXP)<sup>17</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Multinational companies<sup>18</sup>, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None.</p> <p>(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 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.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>16</sup> 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.

<sup>17</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>18</sup> 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.



**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)<sup>19</sup></p>	<p>(1) None, except:</p> <p><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.</p> <p><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:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> </ul>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>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.</p>

<sup>19</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).

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
 For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) None, except:  <i>Non facilities-based services:</i> Joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</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>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>Value-added services</u></p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (incl. transaction processing) (CPC 843**)</p>	<p>(1) None, except:</p> <p><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.</p> <p><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:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) None. (3) None, except:</p> <p><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.</p> <p><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.</p> <p>Fifty-one % 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.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>Value added services</u></p> <p>(o) Other</p> <p>- Internet Access Services IAS<sup>20</sup></p>	<p>(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.</p> <p><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:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>

<sup>20</sup> Services providing internet access to the end users.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) None.</p> <p>(3) <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 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.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>D. Audiovisual Services</b>			
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 provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
(b) Motion picture projection service (CPC 96121)	<p>(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.</p> <p>Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
(e) Sound recording	<p>(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.</p>	



## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	(1) Unbound. (2) None. (3) None, except:	(1) Unbound.* (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
B. General construction work for civil engineering (CPC 513)	Foreign enterprises have to be juridical persons of another Party.  Branching is allowed.		
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)			

\* Due to lack of technical feasibility.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
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>21</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;	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)	- Distribution of legitimate computer software for personal and commercial use.		
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>22</sup>	(2) None. (3) None, except: 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>23</sup> .	(2) None. (3) None.	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>21</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

<sup>22</sup> 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.

<sup>23</sup> 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.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising services (CPC 8929)	(1) (2) None. (3) None. Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) (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.	
<b>5 EDUCATIONAL SERVICES</b>			
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.			
With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None. (3) None	(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.	
D. Adult education (CPC 924)			
E. Other education services (CPC 929 including foreign language training)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b>			
Access to certain geographic areas may be restricted for national security reasons <sup>24</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 I:3(c) 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).
B. Refuse disposal services (CPC 9402) <sup>25</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 I:3(c) 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 indicated in the horizontal section.	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>24</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.

<sup>25</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 1:3(c) 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.	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<p><b>A. Insurance and Insurance-Related Services</b></p> <p>a. Direct insurance</p> <p>    (a) Life insurance, excl. health insurance services</p> <p>    (b) Non-life insurance services</p> <p>b. Reinsurance and retrocession</p> <p>c. Insurance intermediation (such as brokerage and agency)</p> <p>d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)</p>	<p>(1) None for:</p> <ul style="list-style-type: none"> <li>- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;</li> <li>- Reinsurance services;</li> <li>- Insurance services in international transportation, including insurance of risks relating to:</li> </ul> <ul style="list-style-type: none"> <li>+ 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</li> <li>+ goods in international transit;</li> </ul> <ul style="list-style-type: none"> <li>- Insurance broking and reinsurance broking services;</li> <li>- Consultancy, actuarial, risk assessment and claim settlement services.</li> </ul> <p>(2) None.</p> <p>(3) None.</p> <p>Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.</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, except as indicated in the horizontal section.</p>	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>B. Banking and Other Financial Services</b></p> <p>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.</p> <p>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.</p>			
<p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Money market instrument (including cheques, bills, certificates of deposits);</li> <li>- Foreign exchange;</li> </ul>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <p>(i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital 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.</p> <p>(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.</p>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:</p> <ul style="list-style-type: none"> <li>- The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</li> </ul>	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;</li> <li>- Bullion.</li> <li>(h) Money broking</li> <li>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</li> <li>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</li> <li>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</li> </ul>	<ul style="list-style-type: none"> <li>(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</li> <li>(b) Equity participation:               <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) For capital contribution in the form of 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.</li> </ul> </li> <li>(c) A branch of foreign commercial bank:               <ul style="list-style-type: none"> <li>- is not allowed to open other transaction points outside its branch office.</li> </ul> </li> <li>(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.</li> </ul>	<ul style="list-style-type: none"> <li>(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:               <ul style="list-style-type: none"> <li>- The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul> </li> <li>(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:               <ul style="list-style-type: none"> <li>- The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul> </li> </ul>	



## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>C. <u>Securities</u></b></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Derivative products incl. futures and options;</li> <li>- Transferable securities;</li> <li>- Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <p>(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</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and related software by suppliers of</p>	<p>(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 capital shall be permitted.  For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

### VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
securities services  (l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)			

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<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.	(1) None. (2) None. (3) None.	
B. Medical and dental services (CPC 9312)	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.  (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	(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.	
- Lodging services (CPC 64110)			
- Catering food (CPC 642) and drink services (CPC 643)			

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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 contribution.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services.  (4) Unbound, except as indicated in the horizontal 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 games 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 shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Tourists theme park (CPC 96499)	(1) None. (2) None. (3) Foreign service suppliers are allowed to provide service in the form of joint ventures with Vietnamese partners. Foreign capital contribution shall not exceed 49% legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) Unbound.  (4) Unbound, except as indicated in the horizontal section.	

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>  (a) Passenger transportation less cabotage (CPC 7211)  (b) Freight transportation less cabotage (CPC 7212)	(1) Unbound, except international freight transportation: None. (2) None. (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.	(1) Unbound, except international freight transportation: None. (2) None. (3) None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services. <sup>26</sup>

<sup>26</sup> 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.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>27</sup>: Foreign shipping companies can establish joint ventures with 51% foreign ownership. Foreign shipping companies can establish 100% foreign-invested enterprises.</p> <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 by Vietnamese flagged vessels for the supply of integrated transport services.</li> </ol>		

<sup>27</sup> "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.



## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.  (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>Maritime Auxiliary Services</b>	(1) Unbound.	(1) Unbound.	
- Container handling services (CPC 7411) <sup>28</sup>	(2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. (4) Unbound, except as indicated in the horizontal section.	(2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
- Customs Clearance Services <sup>29</sup>	(1) Unbound. (2) None. (3) None, except that joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
- Container Station and Depot Services <sup>30</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.	

<sup>28</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>29</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.

\* A commitment on this mode of delivery is not feasible.

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Internal Waterways Transport</b>  (a) Passenger transport (CPC 7221)  (b) Freight transport (CPC 7222)	(1) Unbound. (2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. (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>C. Air Transport Services</b>  (a) 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.	
(b) 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.	

<sup>30</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None. (3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. 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.	
<b>E. Rail Transport Services</b>			
(a) Passenger transportation (CPC 7111)	(1) Unbound. (2) None. (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound.	
(b) Freight transportation (CPC 7112)			

**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>F. Road Transport Services</b></p> <p>(a) Passenger transportation (CPC 7121+7122)</p> <p>(b) Freight transportation (CPC 7123)</p>	<p>(1) Unbound. (2) None. (3) None, except:</p> <p>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%.</p> <p>Subject to the needs of the market<sup>31</sup>, joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services.</p> <p>One hundred % of joint-venture's drivers shall be Vietnamese citizen.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p><b>H. Services Auxiliary to all Modes of Transport</b></p> <p>(a) Container handling services, except services provided at airports (part of CPC 7411)</p>	<p>(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%.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound. (2) None. (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>31</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.

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Storage and warehouse services (CPC 742)	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) None.	
(c) Freight transport agency services (CPC 748) <sup>32</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Other (part of CPC 749) <sup>33</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>32</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.

\* A commitment on this mode of delivery is not feasible.

<sup>33</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.

**REFERENCE PAPER**

**I. SCOPE**

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

2. Interconnection

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

2.2 Interconnection to be ensured

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

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its

## VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

- own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
  - (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

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

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

### 2.4 Transparency of interconnection arrangements

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

### 2.5 Interconnection: dispute settlement

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

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

## 3. Universal service

Any 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 licensing criteria

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

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

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

## 5. Independent regulators

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

## **VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

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.



**VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

**LIST OF EXEMPTIONS UNDER ACFTA**<sup>34</sup>

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Article II	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.

<sup>34</sup> Measures indicated in the list shall be exempted from all obligations and treatment of specific commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China.

### VIET NAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Article II	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
Sea-transport services: <ul style="list-style-type: none"><li>- Internal road freight transportation by lorry;</li><li>- cargo storage and warehousing; and</li><li>- container yard.</li></ul>	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

**THE PEOPLE'S REPUBLIC OF CHINA**

**Schedule of Specific Commitments**

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>I. HORIZONTAL COMMITMENTS<sup>1</sup></b>			
<b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b>	<p>(3) In China, foreign invested enterprises include foreign capital enterprises (also referred to as wholly foreign-owned enterprises) and joint venture enterprises and there are two types of joint venture enterprises: equity joint ventures and contractual joint ventures.<sup>2</sup></p> <p>The proportion of foreign investment in an equity joint venture shall be no less than 25 per cent of the registered capital of the joint venture.</p> <p>The establishment of branches by foreign enterprises is unbound, unless otherwise indicated in specific sub-sectors, as the laws and regulations on branches of foreign enterprises are under formulation.</p>	<p>(3) Unbound for all subsidies to domestic services suppliers except those committed by China in its WTO accession.</p>	

<sup>1</sup> In this commitment, the mention of "foreign" in both horizontal and specific commitments only refers to "ASEAN Member Countries".

<sup>2</sup> The terms of the contract, concluded in accordance with China's laws, regulations and other measures, establishing a "contractual joint venture" govern matters such as the manner of operation and management of the joint venture as well as the investment or other contributions of the joint venture parties. Equity participation by all parties to the contractual joint venture is not required, but is determined pursuant to the joint venture contract. "Foreign invested enterprise" in this schedule means a foreign invested enterprise duly constituted or otherwise organized under "Law on Chinese-Foreign Equity Joint Ventures", "Law on Chinese-Foreign Contractual Joint Ventures" and "Law on Foreign-Capital Enterprises".

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>Representative offices of foreign enterprises are permitted to be established in China, but they shall not engage in any profit-making activities except for the representative offices under CPC 861, 862, 863, 865 in the sectoral specific commitments</p> <p>The land in the People's Republic of China is State-owned. Use of land by enterprises and individuals is subject to the following maximum term limitations:</p> <ul style="list-style-type: none"> <li>(a) 70 years for residential purposes;</li> <li>(b) 50 years for industrial purposes;</li> <li>(c) 50 years for the purpose of education, science, culture, public health and physical education;</li> <li>(d) 40 years for commercial, tourist and recreational purposes;</li> <li>(e) 50 years for comprehensive utilization or other purposes.</li> </ul>		

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>(4) Unbound except for measures concerning the entry and temporary stay of natural persons who fall into one of the following categories:</p> <p>(a) Managers, executives and specialists defined as senior employees of a corporation of a Party that has established a representative office, branch or subsidiary in the territory of the People's Republic of China, temporarily moving as intra-corporate transferees, shall be permitted entry for an initial stay of three years;</p> <p>(b) Managers, executives and specialists defined as senior employees of a corporation of Parties, being engaged in the foreign invested enterprises in the territory of the People's Republic of China for conducting business, shall be granted a long-term stay permit as stipulated in the terms of contracts concerned or an initial stay of three years, whichever is shorter;</p> <p>(c) Service salespersons – persons not based in the territory of the People's Republic of China and receiving no remuneration from</p>	<p>(4) Unbound except for the measures concerning the entry and temporary stay of natural persons who fall into the categories referred to in the market access column.</p>	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>a source located within China, and who are engaged in activities related to representing a service supplier for the purpose of negotiation for the sale of services of that supplier where:</p> <p>(a) such sales are not directly made to the general public and</p> <p>(b) the salesperson is not engaged in supplying the service: entry for salespersons is limited to a 90-day period.</p> <p>(d) Contractual Service Suppliers(CSS): Foreign natural persons who enter the territory of China temporarily in order to perform a service pursuant to a contract(s) between their employers and a service consumer(s) of China. Their employers shall be a company/partner/firm of other Parties which has no commercial presence in the territory of China. CSS receive remuneration from their employer while abroad, and have appropriate educational and technical (professional) qualifications relevant to the service to be provided. Their duration of stay is subject to</p>		

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>the duration of contract and (if longer) shall not exceed 1 year. They can not perform services which are not related to the service activity which is the subject of the contract. The services provided by CSS are only limited to the specific sectors as follows:</p> <ul style="list-style-type: none"> <li>(1) Accounting Services</li> <li>(2) Medical and dental services</li> <li>(3) Architectural services</li> <li>(4) Engineering services</li> <li>(5) Urban planning services (except general urban planning)</li> <li>(6) Computer and related services</li> <li>(7) Construction and Related Engineering Services</li> <li>(8) Education Services: CSS shall acquire a bachelor's degree or above, receive appropriate professional titles or certificates, and have at least 2-year professional work experience. The Chinese party involved in the contract shall be a juridical person which has the function of providing education service</li> </ul>		



### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p style="text-align: center;">(9) Tourism Services</p> <p>(e) others                      Installers and servicers:                      Qualified specialists supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons</p> <p>Duration of stay of the installers and servicers is subject to the duration of contract, but shall not exceed 3 months. They cannot perform services which are not related to the service activity which is the subject of the contract, and should have appropriate technical (professional) qualifications relevant to the service to be provided.</p>		

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>I. SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
A. Professional Services  (a) Legal Services (CPC 861, excluding Chinese law practice)	(1) None  (2) None  (3) Foreign law firms can provide legal services only in the form of representative offices. Representative offices can engage in profit-making activities. Business scope of foreign representative offices is only as follows: (a) to provide clients with consultancy on the legislation of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work, and on international conventions and practices; (b) to handle, when entrusted by clients or Chinese law firms, legal affairs of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work; (c) to entrust, on behalf of foreign clients, Chinese law firms to deal with the Chinese legal affairs; (d) to enter into contracts to maintain long-term	(1) None  (2) None  (3) All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers.	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p style="text-align: center;">entrustment relations with Chinese law firms for legal affairs;</p> <p style="text-align: center;">(e) to provide information on the impact of the Chinese legal environment.</p> <p style="text-align: center;">Entrustment allows the foreign representative office to directly instruct lawyers in the entrusted Chinese law firm, as agreed between both parties. The representatives of a foreign law firm shall be practitioner lawyers who are members of the bar or law society in a ASEAN member country and have practiced for no less than two years outside of China. The Chief representative shall be a partner or equivalent (e.g., member of a law firm of a limited liability corporation) of a law firm of a ASEAN member country and have practiced for no less than three years outside of China.</p>		
	<p>(4) Unbound except as indicated in horizontal commitments</p>	<p>(4) Unbound except as indicated in horizontal commitments</p>	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Partnerships or incorporated accounting firms are limited to Certified Public Accountants (CPAs) licensed by the Chinese authorities (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	<ul style="list-style-type: none"> <li>- Foreign accounting firms are permitted to affiliate with Chinese firms and enter into contractual agreements with their affiliated firms in the other WTO Members.</li> <li>- Issuance of licenses to those foreigners who have passed the Chinese national CPA examination shall be accorded national treatment.</li> <li>- Applicants will be informed of results in writing no later than 30 days after submission of their applications.</li> <li>- Accounting firms providing services in CPC 862 can engage in taxation and management consulting services. They will not be subject to requirements on form of establishment in CPC 865 and 8630.</li> </ul>

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(c) Taxation services (CPC 8630)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
(d) Architectural services (CPC 8671)	(1) None for scheme design. Co-operation with Chinese professional organisations is required except scheme design. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound, except as indicated in horizontal commitments.	(1) None (2) None (3) Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country. (4) Unbound, except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673)	(1)	None for scheme design. Co-operation with Chinese professional organisations is required except scheme design.		(1)	None		The contract performance of the engineering design enterprises established in China by foreign service suppliers both in China and in its home countries shall be taken into account in assessing the qualification of the enterprise in China.
	(2)	None		(2)	None		
	(3)	Wholly foreign-owned enterprises are permitted.		(3)	Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country.		
	(4)	Unbound, except as indicated in horizontal commitments.		(4)	Unbound, except as indicated in horizontal commitments.		
(g) Urban planning services (except general urban planning) (CPC 8674)	(1)	None for scheme design. Co-operation with Chinese professional organisations is required except scheme design.		(1)	None		
	(2)	None		(2)	None		
	(3)	Wholly foreign-owned enterprises are permitted.		(3)	Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country.		
	(4)	Unbound, except as indicated in horizontal commitments.		(4)	Unbound, except as indicated in horizontal commitments.		

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(h) Medical and dental services (CPC 9312)	(1) None  (2) None  (3) Foreign service suppliers are permitted to establish joint venture hospitals or clinics with Chinese partners with quantitative limitations in line with China's needs, with foreign majority ownership permitted.  (4) Unbound, except as indicated in horizontal commitments and as follows: Foreign doctors with professional certificates issued by their home country shall be permitted to provide short-term medical services in China after they obtain licenses from the National Health and Family Planning Commission. The term of service is six months and may extend to one year.	(1) None  (2) None  (3) The majority of doctors and medical personnel of the joint venture hospital and clinics shall be of Chinese nationality  (4) Unbound, except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<p>Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons</p> <p><b>B. Computer and Related Services</b> (Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as means of supply)</p> <p>(a) Consultancy services related to the installation of computer hardware (CPC 841)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.</p>	
<p>(b) Software implementation services (CPC 842)</p> <p>(c) Data processing services (CPC 843)</p> <p>- Input preparation services (CPC 8431)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Wholly foreign-owned enterprises are permitted.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.</p>	



## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
Modes of supply: (1) Cross-border supply - Data processing and tabulation services (CPC 8432) - Time-sharing services (CPC 8433)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	(4) Presence of natural persons
D. Real Estate Services (a) Real estate services involving own or leased property (CPC 821)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	(4) Presence of natural persons
(b) Real estate services on a fee or contract basis (CPC 822)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(4) Presence of natural persons

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons			
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
F. Other Business Services  (a) Advertising Services (CPC 871)	(1) Only through advertising agents registered in China who have the right to provide foreign advertising services.  (2) Only through advertising agents registered in China who have the right to provide foreign advertising services.  (3) Wholly foreign-owned subsidiaries are permitted.  (4) Unbound except as indicated in horizontal commitments.	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments.	
(b) Market research services (CPC 86401, only limited to investigation services designed to secure information on the prospects and performance of an organization's products in the market)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required.  (4) Unbound except as indicated in horizontal commitments. Requirement for a commercial presence.	(1) Unbound (2) Unbound (3) Unbound  (4) Unbound except as indicated in horizontal commitments.	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(c) Management Consulting services (CPC 865)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (only limited to the following sub-sector)  - Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(e) Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	(1) None (2) None (3) Foreign services suppliers which have been engaged in inspection services in their home countries for more than three years are permitted to establish joint venture technical testing, analysis and freight inspection companies with no less than US\$ 350,000 in registered capital. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(f) Services incidental to agriculture, forestry, hunting and fishing (CPC 881, 882)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
(k) Placement and supply services of Personnel (CPC 872, excluding CPC 87209)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.				
m. Related scientific technical consulting services (CPC 8675) - Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751) - Sub-surface surveying services (CPC 86752)	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with Chinese partners (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.				

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
- Onshore oil-field services	<p>(1) None</p> <p>(2) None</p> <p>(3) Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) in the designated areas approved by the Chinese government. In order to carry out the petroleum contract, the foreign service supplier shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC. The foreign service supplier shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) The foreign service supplier shall furnish CNPC accurately and promptly with the reports on the petroleum operations, and shall submit to CNPC the data and samples as well as various technological, economic, accounting and administrative reports related to petroleum operations. CNPC shall have the ownership of all of the data records, samples, vouchers and other original information acquired during the implementation of the petroleum operations. The investment of foreign service suppliers shall be made in US dollars or other hard currencies.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(o) Building-cleaning services (CPC 874)	(1) Unbound* (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

\* Unbound due to lack of technical feasibility.

\* Unbound due to lack of technical feasibility.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(r) Printing of packaging materials, on a fee or contract basis (Only limited to the printing of packaging materials)	(1) Unbound (2) Unbound (3) Wholly foreign-owned enterprises are permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
(s) Convention services (CPC 87909)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	



## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
(t) Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).	
- Maintenance and repair services (CPC 63, 6112 and 6122) - Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Rental and leasing services (CPC 831, 832, excluding CPC 83202)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. Service suppliers will have global assets of US\$ 5 million. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
<b>2. COMMUNICATION SERVICES</b>							
B. Courier Services (CPC 75121, except for those specifically reserved to Chinese postal authorities by the related law at the time of China's accession to WTO on December 11th 2001)		(1)	None	(1)	None		
		(2)	None	(2)	None		
		(3)	Wholly foreign-owned subsidiaries are permitted.	(3)	None		
		(4)	Unbound except as indicated in horizontal commitments.	(4)	Unbound except as indicated in horizontal commitments.		
Basic Telecommunication Services - Paging Services		(1)	See mode 3	(1)	None	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.	
		(2)	None	(2)	None		
		(3)	Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent.	(3)	None		
		(4)	Unbound except as indicated in horizontal commitments.	(4)	Unbound except as indicated in horizontal commitments.		

**CHINA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
C. Telecommunication Services <sup>3</sup> Value-added Services Including the following: (h) Electronic mail (i) Voice mail (j) On-line information and database retrieval (k) Electronic data interchange (l) Enhanced/Value-added facsimile services (including store and forward, store and retrieve) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing)	(1) See mode 3  (2) None  (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent.  (4) Unbound except as indicated in horizontal commitments.	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

<sup>3</sup> China's commitments are scheduled in accordance with the following: Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV/1) and Market Access Limitations on Spectrum Availability (S/GBT/W/3) attached hereto.

All international telecommunications services shall go through gateways established with the approval of China's telecommunications authorities, which will act as an independent regulatory authority in accordance with the principles of paragraph 5 of the Reference Paper.

Further liberalization of this sector, including with respect to the level of equity participation permitted, will be discussed in the services negotiations during the new round of trade talks.

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	(1) See mode 3  (2) None  (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent.  (4) Unbound except as indicated in horizontal commitments.	(1) None  (2) None  (3) None  (4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<ul style="list-style-type: none"> <li>- Domestic Services</li> <li>(a) Voice services</li> <li>(b) Packet-switched data transmission services</li> <li>(c) Circuit-switched data transmission services</li> <li>(f) Facsimile services</li> <li>(g) Domestic private leased circuit services</li> </ul>	<ul style="list-style-type: none"> <li>(1) See mode 3</li> <li>(2) None</li> <li>(3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent.</li> <li>(4) Unbound except as indicated in horizontal commitments.</li> </ul>	<ul style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> <li>(4) Unbound except as indicated in horizontal commitments.</li> </ul>	
<ul style="list-style-type: none"> <li>- International Services</li> <li>(a) Voice services</li> <li>(b) Packet-switched data transmission services</li> <li>(c) Circuit-switched data transmission services</li> <li>(f) Facsimile services</li> <li>(g) International closed user group voice and data services (use of private leased circuit service is permitted)</li> </ul>			

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
D. Audiovisual Services	(1) None	(1) None	Without prejudice to compliance with China's regulations on the administration of films, China allows the importation of motion pictures for theatrical release on a revenue-sharing basis and the number of such imports shall be 20 on an annual basis.
- Videos, including entertainment software and (CPC 83202), distribution services	(2) None	(2) None	
- Sound recording distribution services	(3) Foreign services suppliers are permitted to establish contractual joint ventures with Chinese partners to engage in the distribution of audiovisual products, excluding motion pictures, without prejudice to China's right to examine the content of audio and video products (see footnote 1).	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
- Cinema Theatre Services	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign services suppliers are permitted to construct and/or renovate cinema theatres, with foreign investment no more than 49 per cent.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

**CHINA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>							
(CPC 511, 512, 513 <sup>4</sup> , 514, 515, 516, 517, 518 <sup>5</sup> )		(1)	Unbound*	(1)	Unbound*	The contract performance of the construction enterprises established in China by foreign service suppliers both in China and in its home countries shall be taken into account in assessing the qualification of the construction enterprise in China.	
		(2)	None	(2)	None		
		(3)	Wholly foreign-owned enterprises are permitted. Wholly foreign-owned enterprises can only undertake the following four types of construction projects. 1. Construction projects wholly financed by foreign investment and/or grants. 2. Construction projects financed by loans of international financial institutions and awarded through international tendering according to the terms of loans. 3. Chinese-foreign jointly constructed projects with foreign investment equal to or more than 50 per cent; and Chinese-foreign jointly constructed projects with foreign investment less than 50 per cent but technically difficult to be implemented by Chinese construction enterprises alone.	(3)	None		

<sup>4</sup> Including dredging services relating to infrastructure construction.

<sup>5</sup> Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

\* Unbound due to lack of technical feasibility.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>4. Chinese invested construction projects which are difficult to be implemented by Chinese construction enterprises alone can be jointly undertaken by Chinese and foreign construction enterprises with the approval of provincial government</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>		
<b>4. DISTRIBUTION SERVICES</b> (as defined in Annex 2)			
A. Commission Agents' Services (excluding salt, tobacco)	(1) Unbound (2) None	(1) Unbound (2) None	Foreign-invested enterprises are permitted to distribute their products manufactured in China, including the products listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide the full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.
B. Wholesale Trade Services <sup>6</sup> (excluding salt, tobacco)	(3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(3) None (4) Unbound except as indicated in horizontal commitments.	

<sup>6</sup> The restrictions on mode 1 shall not undermine the rights of WTO Members to the right to trade as stipulated in Chapter 5 of China's Protocol of accession to the WTO.



## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
C. Retailing Services (excluding tobacco).	<p>(1) Unbound except for mail order.</p> <p>(2) None</p> <p>(3) Wholly foreign-owned enterprises are permitted, except for:                      - chain stores which sell products of different types and brands from multiple suppliers with more than 30 outlets. For such chains stores with more than 30 outlets, foreign majority ownership will not be permitted if those chain stores distribute any of the following products: books, newspapers, magazines, pharmaceutical products, pesticides, mulching films, processed oil, chemical fertilizers and products listed in Annex 2a of the Protocol of China's WTO Accession. The foreign chain store operators will have the freedom of choice of any partner, legally established in China according to China's laws and regulations.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) Unbound except for mail order.</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>Foreign-invested enterprises may distribute their products manufactured in China, including those excepted products as listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2.</p> <p>Foreign service suppliers are permitted to provide full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.</p>

**CHINA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
D. Franchising	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
E. Wholesale or retail trade services away from a fixed location.	(1) None (2) None (3) None <sup>7</sup> (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

<sup>7</sup> See paragraph 310 of the Working Party Report on the Accession of China to the WTO.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>5. EDUCATIONAL SERVICES</b>			
<p>A. Primary education services (CPC 921, excluding national compulsory education in CPC 92190)</p> <p>B. Secondary education services (CPC 922, excluding national compulsory education in CPC 92210)</p> <p>C. Higher education services (CPC 923)</p> <p>D. Adult education services (CPC 924, including non-academic training of beauty treatment, spa, and acupuncture)</p> <p>E. Other education services (CPC 929, including non-academic training in the following areas:                      a. English language                      b. cooking                      c. handicraft</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Joint schools will be established, with foreign majority ownership permitted.</p> <p>(4) Unbound except as indicated in horizontal commitments and the following:                      Foreign individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Qualifications are as follows:                      - possession of Bachelor's degree or above;                      - and an appropriate professional title or certificate, with two years' professional experiences.</p>	

**CHINA - SCHEDULE OF SPECIFIC COMMITMENTS**  
For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
<b>6. ENVIRONMENTAL SERVICES</b> (excluding environmental quality monitoring and pollution source inspection)							
A. Sewage Services (CPC 9401)	(1)	Unbound except for environmental consultation services.	(1)	None			
B. Solid Waste Disposal Services (CPC 9402)	(2)	None	(2)	None			
C. Cleaning Services of Exhaust Gases (CPC 9404)	(3)	Wholly foreign-owned enterprises are permitted.	(3)	None			
D. Noise Abatement Services (CPC 9405)	(4)	Unbound except as indicated in horizontal commitments.	(4)	Unbound except as indicated in horizontal commitments.			
G. Sanitation Services (CPC 9403)							
E. Nature and Landscape Protection Services (CPC 9406)							
F. Other Environmental Protection Services (CPC 9409)							

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>7. FINANCIAL SERVICES</b>			
<p>A. All Insurance and Insurance-Related Services<sup>8</sup></p> <p>(a) Life, health and pension/annuity insurance</p> <p>(b) Non-life insurance</p> <p>(c) Reinsurance</p> <p>(d) Services auxiliary to insurance</p>	<p>(1) Unbound except for :</p> <p style="margin-left: 20px;">(a) reinsurance;</p> <p style="margin-left: 20px;">(b) international marine, aviation, and transport insurance; and</p> <p style="margin-left: 20px;">(c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance.</p> <p>(2) Unbound for brokerage. Other, none.</p> <p>(3) A. Form of establishment</p> <p style="margin-left: 20px;">Foreign non-life insurers are permitted to establish as a branch or as a wholly-owned subsidiary, with no form of establishment restrictions.</p> <p style="margin-left: 20px;">Foreign life insurers are permitted 50 per cent foreign ownership in a joint venture with the partner of their choice.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except for:</p> <ul style="list-style-type: none"> <li>- Foreign insurance institutions shall not engage in the statutory insurance business.</li> </ul>	

<sup>8</sup> Any further authorization provided to foreign insurers after accession under more favorable conditions than those contained in this schedule (including the extension of grandfathered investments through branching, sub-branching or any other legal form), will be made available to other foreign service suppliers which so requested.

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>The joint venture partners can freely agree the terms of their engagement, provided they remain within the limits of the commitments contained in this schedule.</p> <p>For brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance: wholly foreign owned subsidiary is permitted. For other brokerage services: Unbound.</p> <p>Internal branching for an insurance firm is permitted.</p> <p><b>B. Business Scope</b> Foreign non-life insurers are permitted to provide "master policy" insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national treatment, foreign</p>		

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>insurance brokers are permitted to provide "Master policy" no later than Chinese brokers, under conditions no less favourable.</p> <p>Foreign non-life insurers are permitted to provide the full range of non-life insurance services to both foreign and domestic clients.</p> <p>Foreign insurers are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese.</p> <p>Foreign insurers are permitted to provide reinsurance services for life and non-life insurance as a branch, joint venture, or wholly foreign-owned subsidiary, without geographic or quantitative restrictions on the number of licenses issued.</p>		

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>C. Licenses Licenses are issued with no economic needs test or quantitative limits on licenses. Qualifications for establishing a foreign insurance institution are as follows:</p> <ul style="list-style-type: none"> <li>- the investor shall be a foreign insurance company with more than 30 years of establishment experience in a WTO member;</li> <li>- it shall have a representative office for two consecutive years in China;</li> <li>- it shall have total assets of more than US \$5 billion at the end of the year prior to application, except for insurance brokers. Insurance brokers shall have total assets of more than US\$ 200 million.</li> </ul>		
	<p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(4) Unbound except as indicated in horizontal commitments.</p>	



## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<p>B. Banking and Other Financial Services (excluding insurance and securities)</p> <p>Banking services as listed below:</p> <p>(a) Acceptance of deposits and other repayable funds from the public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts(including import and export settlement);</p> <p>(e) Guarantees and commitments;</p> <p>(f) Trading for own account or for account of customers: foreign exchange.</p>	<p>(1) Unbound except for the following:</p> <ul style="list-style-type: none"> <li>- Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</li> <li>- Advisory, intermediation and other auxiliary financial services on all 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.</li> </ul> <p>(2) None</p> <p>(3) A. Geographic coverage For foreign currency business, there will be no geographic restriction. For local currency business, foreign services suppliers may provide business in following cities: Shanghai, Shenzhen, Tianjin, Dalian, Guangzhou, Zhuhai, Qingdao, Nanjing, Wuhan, Jinan, Fuzhou, Chengdu, Chongqing Kunming, Beijing, Xiamen, Shantou, Ningbo, Shenyang and Xi'an. Within five years after accession, all geographic restrictions will be removed.</p> <p>B. Clients For foreign currency business, foreign financial institutions are permitted to provide services in China without restriction as to clients.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Except for geographic restrictions and client limitations on local currency business (listed in the market access column), foreign financial institution may do business, without restrictions or need for case-by-case approval, with foreign invested enterprises, non-Chinese natural persons, Chinese natural persons and Chinese enterprises. Otherwise, none.</p>	<p>For financial leasing services, foreign financial leasing corporations are permitted to provide financial leasing service at the same time as domestic corporations.</p>

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>For local currency business, foreign financial institutions are permitted to provide services to Chinese enterprises. Foreign financial institutions are permitted to provide services to all Chinese clients. Foreign financial institutions licensed for local currency business in one region of China may service clients in any other region that has been opened for such business.</p> <p>C. Licensing Criteria for authorization to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Existing non-prudential measures restricting ownership, operation, and juridical form of foreign financial institutions, including on internal branching and licenses are eliminated.</p> <p>Foreign financial institutions who meet the following condition are permitted to establish a subsidiary of a foreign bank or a foreign finance company in China:</p> <ul style="list-style-type: none"> <li>- total assets of more than US \$10 billion at the end of the year prior to filing the application.</li> </ul> <p>Foreign financial institutions who meet the following condition are</p>		

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>permitted to establish a branch of a foreign bank in China:</p> <ul style="list-style-type: none"> <li>- total assets of more than US \$20 billion at the end of the year prior to filing the application.</li> </ul> <p>Foreign financial institutions who meet the following condition are permitted to establish a Chinese-foreign joint bank or a Chinese-foreign joint finance company in China:</p> <ul style="list-style-type: none"> <li>- total assets of more than US \$10 billion at the end of the year prior to filing the application.</li> </ul> <p>Qualifications for foreign financial institutions to engage in local currency business are as follows:</p> <ul style="list-style-type: none"> <li>- three years business operation in China and being profitable for two consecutive years prior to the application, otherwise, none.</li> </ul> <p>(4) Unbound except as indicated in horizontal commitments.</p>		
- Motor vehicle financing by non-bank financial institutions	<p>(1) Unbound except for the following:</p> <ul style="list-style-type: none"> <li>- Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</li> <li>- Advisory, intermediation and other auxiliary financial services on all activities listed in</li> </ul>	(1) Unbound	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	
<p>- Other financial services as listed below:</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by supplier of other financial services;</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all 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.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None. Criteria for authorization to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Branches of foreign institutions are permitted.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
- Securities	<p>(1) Unbound except for the following:</p> <ul style="list-style-type: none"> <li>- (a) Foreign securities institutions may engage directly (without Chinese intermediary) in B share business</li> <li>(b) Foreign service suppliers which meet the requirement of China's relevant laws and regulations are permitted to provide the following services to Chinese Qualified Domestic Institutional Investors (QDII):                             <ul style="list-style-type: none"> <li>- Trading for account of QDII;</li> <li>- Providing securities trading advice or portfolio management;</li> <li>- Providing custody for overseas assets of QDII.</li> </ul> </li> </ul> <p>(2) None</p> <p>(3) (a) Unbound, except for the following:</p> <ul style="list-style-type: none"> <li>- Representative offices in China of foreign securities institutions may become Special Members of all Chinese stock exchanges.</li> <li>- Foreign service suppliers are permitted to establish joint ventures with foreign investment up to 49 per cent to conduct domestic securities investment fund management business.</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	<p>Foreign securities institutions are permitted to establish joint ventures, with foreign minority ownership not exceeding 1/3, to engage (without Chinese intermediary) in underwriting A shares and in underwriting and trading of B and H shares as well as government and corporate debts, launching of funds.</p> <p>(b) Criteria for authorization to deal in China's financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses).</p>		
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	(1) None (2) None (3) Foreign services suppliers may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: - Foreign managers, specialists including chefs and senior executives who have signed contracts with joint venture hotels and restaurants in China are permitted to provide services in China.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal commitments.	
B. Travel Agency and Tour Operator (CPC 7471)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None except that joint ventures or wholly Foreign-owned travel agencies and tour operators are not permitted to engage in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei. (4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</b>			
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, including training of badminton, <b>excluding golf</b> )	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	



## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	(1) (a) Liner shipping (including passenger transportation): None (b) Bulk, tramp and other international shipping (including passenger transportation): None  (2) None  (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of the People's Republic of China: - Foreign service suppliers are permitted to establish joint venture shipping companies. - Foreign investment shall not exceed 49 per cent of the total registered capital of the joint venture. - The chairman of board of directors and the general manager of the joint venture shall be appointed by the Chinese side. (b) Other forms of commercial presence for the supply of international maritime transport services: Unbound	(1) None  (2) None  (3) (a) None (b) Unbound	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 services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
	(4) (a) Ship's crew: Unbound except as indicated in horizontal commitments. (b) Key personnel employed by Commercial Presence as defined under mode (3) (b) above: Unbound except as indicated in horizontal commitments.	(4) (a) Unbound except as indicated in horizontal commitments. (b) Unbound except as indicated in horizontal commitments.	
H. Auxiliary Services (a) Maritime cargo-handling services (CPC 741) (c) Customs clearance services for maritime transport	(1) Unbound* (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Container station and depot services	(1) Unbound* (2) None (3) Only in forms of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

\* Unbound due to lack of technical feasibility.

\* Unbound due to lack of technical feasibility.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad		(3) Commercial presence		(4) Presence of natural persons	
Sector or Subsector		Sector or Subsector		Sector or Subsector		Sector or Subsector	
(e) Maritime agency services		(1) None		(1) None			
		(2) None		(2) None			
		(3) Only in forms of joint ventures, with foreign equity share no more than 49 per cent.		(3) None			
		(4) Unbound except as indicated in horizontal commitments.		(4) Unbound except as indicated in horizontal commitments.			
B. Internal Waterways Transport (b) Freight transport (CPC 7222)		(1) Only international shipping in ports open to foreign vessels shall be permitted.		(1) Limitations as indicated under market access column			
		(2) None		(2) None			
		(3) Unbound		(3) Unbound			
		(4) Unbound except as indicated in horizontal commitments.		(4) Unbound except as indicated in horizontal commitments.			
C. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)		(1) Unbound*		(1) Unbound*			
		(2) None		(2) None			
		(3) Foreign service suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures.		(3) The joint ventures have the obligation to undertake business in the international market.			
		(4) Unbound except as indicated in horizontal commitments.		(4) Unbound except as indicated in horizontal commitments.			

\* Unbound due to lack of technical feasibility.

**CHINA - SCHEDULE OF SPECIFIC COMMITMENTS**

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply		(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector		Sector or Subsector	Sector or Subsector	Sector or Subsector
- Computer Reservation System (CRS) services	(1)	(a) Foreign computer reservation systems may provide services to Chinese aviation enterprises and aviation agents by connecting through a Chinese computer reservation system.  (b) Foreign Computer Reservation System may provide services to representative offices and sales offices established in the destination cities in China by foreign aviation enterprises which have the right to engage in business according to the bilateral aviation agreements.  (c) Direct access to and use of foreign computer reservation systems by aviation agents are subject to approval of the General Administration of Civil Aviation of China (CAAC).	(1) (1) None	
	(2)	None	(2) None	
	(3)	Foreign service suppliers are permitted to establish joint venture enterprises with Chinese Computer Reservation System in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. Licenses for the establishment of joint ventures are subject to economic needs test.	(3) Unbound	
	(4)	Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
E. Rail Transport Services	(1) None	(1) None	
F. Road Transport Services	(2) None	(2) None	
- Freight transportation by rail (CPC 7112)	(3) Wholly foreign-owned subsidiaries are permitted.	(3) None	
- Freight transportation by road in trucks or cars (CPC 7123)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
Passenger Transportation	(1) Unbound	(1) Unbound	
- Urban and suburban regular transportation (CPC 71211)	(2) Unbound	(2) Unbound	
- Urban and suburban special transportation (CPC 71212)	(3) Only in the form of joint ventures, with foreign investment not to exceed 49 per cent. Economic needs tests are required.	(3) None	
- Interurban regular transportation (CPC 71213)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
- Interurban special transportation (CPC 71214)			
H. Services Auxiliary to all Modes of Transport	(1) Unbound	(1) Unbound	
- Storage and warehousing services (CPC 742)	(2) None	(2) None	
	(3) Wholly foreign-owned subsidiaries are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

### CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Sector or Subsector	Sector or Subsector	Sector or Subsector
- Freight forwarding agency services (CPC 748 and 749 excluding freight inspection)	(1) None (2) None (3) Foreign freight forwarding agencies which have at least three consecutive years experience are permitted to set up freight forwarding agency joint ventures in China, with wholly foreign-owned subsidiaries permitted. Operation term of the joint ventures shall not exceed 20 years. After one year operating in China, the joint venture can set up branches. A foreign freight forwarding agency may set up a second joint venture after its first joint venture has been in operation for two years. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

# CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

## For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

### Appendix 1

#### Reference Paper

#### Scope

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

#### Definitions

Users mean service consumers and service suppliers.

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

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

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

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

#### 1. Competitive safeguards

##### 1.1 Prevention of anti-competitive practices in telecommunications

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

##### 1.2 Safeguards

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

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

#### 2. Interconnection

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

##### 2.2 Interconnection to be ensured

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

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

### For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

- 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.



**WORLD TRADE  
ORGANIZATION**

**S/GBT/W/2/Rev.1**  
16 January 1997

(97-0173)

---

**Group on Basic Telecommunications**

Note by the Chairman

Revision

*It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.*

**NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS**

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:
  - (a) encompasses local, long distance and international services for public and non-public use;
  - (b) may be provided on a facilities-basis or by resale; and
  - (c) may be provided through any means of technology (e.g., cable<sup>9</sup>, wireless, satellites).
2. Subsector (g) --private leased circuit services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.
3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

---

<sup>9</sup> Including all types of cable.

**WORLD TRADE  
ORGANIZATION**

**S/GBT/W/2/Rev.1**

16 January 1997

---

(97-0173)

Original: English

**Group on Basic Telecommunications**

CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedules.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

### Appendix 2

#### Distribution Services

Distribution trade services are comprised of four main sub-sectors:

- commission agents services;
- wholesaling;
- retailing; and
- franchising.

The principal services rendered in each subsector can be characterized as reselling merchandise, accompanied by a variety of related subordinated services, including inventory management; assembly, sorting and grading of bulk lots; breaking bulk lots and redistributing into smaller lots; delivery services; refrigeration, storage, warehousing and garage services; sales promotion, marketing and advertising, installation and after sales services including maintenance and repair and training services. Distribution services are generally covered by CPC 61, 62, 63 and 8929.

Commission Agents' Services consist of sales on a fee or contract basis by an agent, broker or auctioneer or other wholesalers of goods/merchandise and related subordinated services.

Wholesaling consist of the sale of goods/merchandise to retailers to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Retailing services consist of the sale of goods/merchandise for personal or household consumption either from a fixed location (e.g., store, kiosk, etc.) or away from a fixed location and related subordinated services.

Franchising services consist of the sale of the use of a product, trade name or particular business format system in exchange for fees or royalties. Product and trade name franchising involves the use of a trade name in exchange for fees or royalties and may include an obligation for exclusive sale of trade name products. Business format franchising involves the use of an entire business concept in exchange for fees and royalties, and may include the use of a trade name, business plan, and training materials and related subordinated services.

## CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 3<sup>rd</sup> Package of Commitments under ASEAN - China FTA Trade in Services

---

### Appendix 3

#### Insurance: Definition of "Master Policy"

Master policy is the policy that provides blanket coverage for the same legal person's property and liabilities located in different places. Master policy may only be issued by the business department of an insurer's head office or that of its authorized province-level branch offices. Other branches are not allowed to issue master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on the state key construction projects (i.e., projects that are so listed and annually announced by the State Development and Planning Commission) meet either of the following requirements, they may purchase master policy from insurers that are located in the same place as the investors' legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 per cent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 per cent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of master policies.

Master policy covering different subjects-matter insured of the same legal person. For those subjects-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue master policy, no matter whether the insurance applicant's legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the CIRC can not be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a master policy.