

## ANNEXES

<b>Brunei Darussalam .....</b>	<b>3</b>
<b>I. Horizontal Commitments .....</b>	<b>3</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>6</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>8</b>
<b>Indonesia.....</b>	<b>13</b>
<b>I. Horizontal Commitments .....</b>	<b>13</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>16</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>21</b>
<b>Lao PDR.....</b>	<b>23</b>
<b>I. Horizontal Commitments .....</b>	<b>23</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>28</b>
<b>Malaysia.....</b>	<b>29</b>
<b>I. Horizontal Commitments .....</b>	<b>29</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>35</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>38</b>
<b>Myanmar .....</b>	<b>40</b>
<b>I. Schedules of Specific Commitments .....</b>	<b>40</b>
<b>The Philippines .....</b>	<b>42</b>
<b>I. Horizontal Commitments .....</b>	<b>42</b>

<b>II. Schedules of Specific Commitments .....</b>	<b>44</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>48</b>
<b>Singapore .....</b>	<b>50</b>
<b>I. Horizontal Commitments .....</b>	<b>50</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>55</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>56</b>
<b>Thailand .....</b>	<b>64</b>
<b>I. Horizontal Commitments .....</b>	<b>64</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>67</b>
<b>III. Final List of MFN EXEMPTIONS .....</b>	<b>71</b>
<b>Viet Nam .....</b>	<b>76</b>
<b>I. Horizontal Commitments .....</b>	<b>76</b>
<b>II. Schedules of Specific Commitments .....</b>	<b>79</b>

## BRUNEI DARUSSALAM

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	3) Unbound except with respect to existing commercial presence - half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam  - 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.	
	4) Unbound except for measures concerning the entry and temporary presence of intra-corporate transferees at the	4) Unbound except for measures concerning the categories of natural persons referred to in the market access	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>level of 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 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</p>	column	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>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 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</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions).</p> <p>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>		

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>1. MARITIME TRANSPORT</b></p> <p>a) International Freight Transport (CPC 7212)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) None, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) None, except as indicated in the horizontal section</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
b) International Passenger Transport (CPC 7211)	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	
<b>2. AIR TRANSPORT</b>			
a) Aircraft Repair & Maintenance Services (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	
<b>3. TOURISM</b>			
a) Tourism Accommodation Facilities	1) Unbound due to lack of technical feasibility 2) Unbound	1) Unbound 2) Unbound 3) Unbound	
i) Budget Hotel	3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes no less than 30% of the total	4) Unbound except as indicated in the horizontal section	
II) Resort Hotel/Chalets (CPC 64110)	4) Unbound except as indicated in the horizontal section		

### III. FINAL LIST OF 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	Future liberalisation of measures affecting limitations on foreign equity or interest in companies established in Brunei Darussalam shall be carried out in a differentiate manner, and at the discretion of the relevant authorities	All Countries	Indefinite	This measure would be applied in a differentiated manner to those investment that match Brunei Darussalam's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximise economic benefits of foreign participation in the Brunei Darussalam economy.
All sectors	Preferences for entry and temporary stay of workers from traditional sources of supply	Traditional sources	Indefinite. Brunei Darussalam will periodically review this in the light of domestic and national policy considerations	Due to the small population base the government needs to regulate the flow of foreign workers, both skilled an unskilled, to



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
				ensure social cohesion in Brunei Darussalam
Legal Services	All measures pertaining to the provision of legal services in Brunei Darussalam	All countries	Indefinite. Brunei Darussalam will keep the possibility of removing this exemption under review	The exemption is necessary as the establishment of foreign law firms in Brunei Darussalam is based on case-by-case approval
Radio and Television Radio and television is defined to include: <ul style="list-style-type: none"> <li>- Free-to-air broadcasting</li> <li>- Cable and Pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Teletext</li> <li>- All broadcasting services listed in</li> </ul>	The Radio Television Brunei (RTB) accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements	All countries. Currently, only Singapore, Malaysia and Indonesia are given preferential broadcast and transmission rights	Brunei Darussalam will keep the possibility of removing the exemption under review	To promote social economic and cultural relations

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Services Sectoral Classification List, MTN. GNS/W/120				
Financial Services	Treatment with respect to the granting of approval to establish offshore banks and merchant banks, to expand existing operations and conduct new activities in the financial services sector may be accorded to service suppliers of another member in a differentiated manner or on the basis of reciprocity and at the discretion of the relevant authority	All countries	Indefinite	To accord differentiated treatment to another member which accords favourable treatment to Brunei Darussalam financial institutions
Reinsurance and retrocession	Exception granted to ASEAN Reinsurance Corporation (ASEAN Re), a private-sector venture with equal shareholdings from six ASEAN countries, to be	ASEAN	Indefinite	To promote greater cooperation among ASEAN in the reinsurance sector

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
	established with paid-up capital of B\$6 million instead of B\$10 million stipulated in the Insurance Act. Other than this, ASEAN Re is subject to the same rules and regulations applied to all reinsurers in Brunei Darussalam			
Banking and other financial services	<p>Under a currency interchangeability agreement Brunei Darussalam and Singapore, the currency issuing authorities of Brunei Darussalam and Singapore would:</p> <ul style="list-style-type: none"> <li>- Accept from bank, notes and coins by the other issuing authority, at par and without charge and to exchange such</li> </ul>	Singapore	Indefinite, until either country terminates the agreement	The currency interchangeability agreement was entered into in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
	<p>notes and coins into the currency of the country concerned; and</p> <ul style="list-style-type: none"> <li>- Arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency</li> </ul>			

## INDONESIA

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>1), 2) As specified in each sector</p> <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</p>	<p>1), 2) As specified in each sector</p> <p>3) The Income Tax Law provides that non resident taxpayers will be subject to withholding tax of 20% if they derive the following income from Indonesian source:</p> <p>a) interest</p> <p>b) royalties</p> <p>c) dividend</p> <p>d) fee from service performed in Indonesia</p> <p><u>Land Acquisition</u></p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	Terbatas/PT), may be owned by foreign partner(s).	<p>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>	
	4) Subject to Indonesian Labour and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise, are allowed with a maximum stay of two years subject to one year extension. Manager and technical experts (intra corporate transfer) are allowed based on an economic needs test	<p>4) Expatriate Charges</p> <p>Any foreign natural persons supplying services are subject to charges levied by National, Provincial and Municipal Governments.</p> <p>Labour Laws and Regulations.</p> <p>Any expatriate employed by a joint-venture enterprise, representative office, and/or other types of juridical person and/or an individual services</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
		<p>provider must hold a valid working permit issued by the Ministry of Manpower.</p> <p>Immigration Laws and Regulations.</p> <p>Any expatriate must meet immigration requirements and procedures to enter the territory of the Republic of Indonesia</p>	
<p><b>Definitions:</b></p> <p>'Director': 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>'Manager': Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from 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>'Technical Expert/Advisor': 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>'Joint Operation': 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>'Joint venture Enterprise': 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>			

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>1. MARITIME TRANSPORT</b></p> <p>a) International Passenger Transport Excluding Cabotage (pillar 1) (CPC 7211)</p>	<p>1) None</p> <p>2) None</p> <p>3) a. commercial presence may be in the form of owner's representative**</p> <p>b. Maximum share of foreign equity in the joint venture shipping company could be 60%</p> <p>4) As indicated in the horizontal measures.</p>	<p>1) Foreign shipping company is obliged to appoint Indonesian Shipping Company or joint venture shipping company as its general agent*</p> <p>2) None</p> <p>3) As indicated in the horizontal measures.</p> <p>4) As indicated in the horizontal measures.</p>	<p>The following services of ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage,</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning and water supply,</li> <li>4. garbage collection and ballast waste disposal;</li> <li>5. port captain's services;</li> <li>6. Navigation aids;</li> <li>7. shore-based operational services essential to ship operation, including communication, water and electrical supply;</li> <li>8. emergency repair facilities;</li> </ol>



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
			and 9. anchorage and berthing services
b) International Freight Transport excluded Cabotage (CPC 7212)	1) None 2) None 3) a. commercial presence may be in the form of owner's representative** b. Maximum share of foreign equity in the joint venture shipping company could be 60% 4) As indicated in the horizontal measures	1) Foreign shipping company is obliged to appoint Indonesian Shipping Company or joint venture shipping company as its general agent* 2) None 3) As indicated in the horizontal measures 4) As indicated in the horizontal measures	The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning and water supply; 4. garbage collection and ballast waste disposal; 5. port captain's services; 6. Navigation aids; 7. shore-based operational services essential to ship operation, including communication, water and electrical supply; 8. emergency repair facilities;

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
			and 9. anchorage and berthing services.
c) Maritime cargo handling services (CPC 741)	1) Unbound* 2) None 3) a. commercial presence is only possible by establishing joint venture company b. Maximum share of foreign equity in the joint venture shipping company could be 60% 4) As indicated in the horizontal measures	1) Unbound* 2) None 3) As indicated in the horizontal measures 4) As indicated in the horizontal measures	

#### Notes (Maritime Transport)

\*: Maritime agency services are an integral part of the shipping company's activities

The tasks of General Agent in Indonesia inter alia are as follows:

- a) to make arrangement in order to get all necessary port services as required by the foreign vessel concerned during their stay in Indonesian ports;
- b) to appoint stevedoring company for cargo loading and unloading on behalf of its principal;
- c) to arrange cargo booking and canvassing;
- d) to collect freight on behalf of the principal

- e) to issue bill of lading on behalf of the principal;
- f) to settle the disbursement and claim (if any);
- g) to give information as required by its principal.

\*\* : Owner's Representative appointed by foreign shipping company has the following tasks:

- a) to monitor his vessels during operational activities in Indonesian ports;
- b) to supervise activities done by its General Agent in servicing of its vessels, calling in Indonesia

\*\*\* : A commitment on this mode of delivery is not feasible

\*\*\*\* : A Government cargo is cargo originated from other countries (import cargoes) purchased by government agencies based on loan/credit agreement with other countries.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>2. TOURISM</b></p> <p>a) International Hotel Operator (A foreign management company operating a hotel or a group of hotels under management contract for a certain agreed by the owner and the international hotel operator. The management company should be implemented by corporate body which is established in the form of limited liability company subject to</p>	<p>1) None</p> <p>2) None</p> <p>3) Must be registered to Indonesian Ministry of Justice as Indonesian company to do contract management</p> <p>4) Unbound except for</p> <p>(i) Top Management Level comprised of General Manager, Food and Beverage Manager, Resident Manager, Comptroller,</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) As specified in the horizontal measures</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
Indonesian law)	and Marketing Director;  (ii) Highly Skilled Professionals comprised of Executive Chef, Sous Chef; and Specialty Cook		
b) Tourism Consultancy Services  (A service rendered to a company or individuals in tourism project on basis of mutual consent agreed by both parties. The company should be implemented by corporate body which is established in the form of limited liability company subject to Indonesian law)	1) None 2) None 3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with national company, it is required to do: joint venture, joint operation, or contract management. Foreign equity participation is limited to 49 percent. 4) Unbound	1) None 2) None 3) Unbound 4) As specified in the horizontal measures	
<p><b>Definitions:</b></p> <p>‘Director’: 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>‘Manager’: Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from 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>			

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p>'Technical Expert/Advisor': 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>'Joint Operation': 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>'Joint venture Enterprise': 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>'Contract Management': Contract management is a contract organised under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.</p> <p>'International Hotel Operator': Is a foreign management company operating a hotel or a group of hotels under the management contract for a certain period agreed by the owner and the international hotel operator. The management company should be implemented by corporate body which is established in the form of limited liability company subject to the Indonesian law.</p> <p>'Tourism Consultancy': Is a service undressed to a company or individuals in tourism project on a basis of mutual consent agreed by both parties. The company should be implemented by corporate body which is established in the form of limited liability company subject to the Indonesian law.</p> <p>'Starred Hotel': Is a business which provides accommodation and food and beverage facilities and other services, except casino and other activities prohibited by law; against public moral, religions, security and public sector.</p>			

### III. FINAL LIST OF 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

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Banking Services	<p>Measures relating to a joint-venture bank of national and foreign origin under which entry of foreign bank in Indonesia is allowed on a reciprocity basis (Pursuant to Articles 14(3) the Ministry of Finance Decrees No. 220/KMK.017/1993 dated 6<sup>th</sup> February 1993)</p> <p>With respect to joint-venture banks, licenses can only be granted to foreign banks of countries which adopt reciprocal policies regarding Indonesian banks</p>	All countries which adopt reciprocal policies regarding Indonesia banks	Indefinite	To guarantee equal treatment to Indonesian nationals wishing to establish offices abroad
Movement of Personnel (semi-skilled workers)	<p>Low level occupations are reserved for Indonesian citizens. Based on Government Policy, limited</p>	Nationals of Malaysia, Singapore, Brunei Darussalam, Papua New Guinea and Australia have been granted	Indefinite	Development of the region is being undertaken for the confirmation of this programme, it is decided

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
	exemptions may be granted to citizens of certain countries.	limited access to low level occupations		to grant limited access to low level occupations to citizens at a limited number of countries
Construction Services (government funded projects)	Measures relating to preferential shortlisting in international competitive bidding	Nationals of Brunei Darussalam, Malaysia, The Philippines, Singapore and Thailand have been granted special treatment	These measures shall be maintained as long as the treaties of Asean remain in force	The implementation of a preferential shortlisting scheme for Asean contractors enhances the advancement of civil works, industrial construction and the economic development of the Asean region

## LAO PDR

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Commercial presence of foreign service suppliers may 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</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 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</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 at a uniform flat rate of twenty percent (20%), calculated in accordance with the provisions of the applicable laws and regulations of the Lao PDR.</p> <p>Other Laos taxes, duties and fees shall also be payable in accordance with the applicable laws and regulations of the Lao PDR.</p> <p>4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay the Lao Government personal</p>	



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>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 investor/service suppliers in a joint venture must contribute a minimum portion 30% of the total equity investment in that venture</p> <p>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 of a foreign company. The incorporation and registration of a foreign investment shall be in conformity with the Enterprise/Business Law of the</p>	<p>income tax, at a flat rate of ten percent (10%) of their income earned in the Lao PDR.</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>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</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>and expert foreign personnel when necessary and with the approval of the competent authority of the Government of the Lao PDR.</p> <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.</p> <p>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>		

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>1. TOURISM</b></p> <p>a) International hotel operation (CPC 641-643)</p>	<p>1) None</p> <p>2) None</p> <p>3) Can be in the following forms:                      - a) a joint venture with one or more domestic Lao investors;                      b) a joint venture must contribute a minimum portion of thirty percent (30%) of the total equity investment;                      c) a wholly foreign-owned enterprise;                      d) Foreign investment should be in conformity with the law and regulations of Lao PDR, on the foreign investment;                      e) standard required for a hotel to be developed is 2 or more stars standard</p> <p>4) Unbound, except for:</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	a) Top Management level; b) Marketing Director and subject to the approval of the competent authority of the Government of Lao PDR		

## MALAYSIA

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED	<p>3) <u>Acquisition, Mergers and Take-overs</u></p> <p>The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs 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 30 per cent or more or exceeding RM5million 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,</p>	<p>3) <u>Land, Property and Real Estate</u></p> <p>Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> <p><u>Incentives/Preferences</u></p> <p>Incentives are limited to eligible Malaysian-owned corporations engaged in service 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</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>technical assistance agreement or other arrangements</p> <p>Approval is normally granted. However, it may be denied in circumstances where the proposed investment conflicts with the interests of the State.</p>	<p>Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	
	<p>4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>a) senior managers being persons within an organization having proprietary information of the organization and who exercise wide latitude in decision making relating to the establishment, control and operation of the organization being directly responsible to the CEO and receive only general supervision or direction from the</p>	<p>4) Unbound except for the categories of natural persons referred to under market access</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>board of directors or partners of the organizations; and</p> <p>b) two specialists or experts per organization being persons within the organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's new service products and technology, research equipment and techniques or management. 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 subsector:</p> <p>Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date</p>		



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>of their 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 organization's 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 subsector</p> <p>b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognized by the professional bodies in Malaysia and registered with those respective</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>professional bodies; and</p> <p>c) business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia, who have been employed for at least one year by a foreign service supplier, whose entry and temporary stay is for the purposes of negotiating or the sale of services or entering into agreements to sell services for that service supplier and who will not engage in direct sales to the general public.</p> <p>3) Entry and stay of natural persons defined in categories 1 a) and b) and 2 a) and b) shall not exceed a total of five years. For category 2 c), the period of stay shall not exceed a total of 90 days.</p>		

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>1. AIR TRANSPORT</b></p> <p>a) Selling and marketing of air transport services</p> <p>(Opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. The activities do not include the pricing of air transport services nor the applicable conditions)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p>b) Computer reservation system services</p> <p>(Services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p><b>2. MARITIME TRANSPORT</b></p>	<p>1) None</p>	<p>1) None</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p>a) Maritime Freight Forwarding Services</p> <p>(The activity consisting 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</p>	<p>2) None</p> <p>3) Only through a representative office, regional office or joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both. Foreign equity allowable up to a maximum of 49 per cent</p> <p>4) Unbound except as indicated in the horizontal section</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><b>3. TOURISM</b></p> <p>a) Convention Centre (over 3000 participants)</p> <p>(The development of a building that consists of Exhibition Halls, Meeting Rooms, a conference hall with more than 3,000 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</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) Unbound</p> <p>3) On joint-venture basis with foreign investor allowed up to 30% equity</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
carparks, shops and restaurants/cafes to the exhibitors, participants and visitors)			
b) Theme Parks (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)	1) Unbound due to lack of technical feasibility 2) Unbound 3)i) Requirement of local incorporation ii) Foreign equity allowed up to 100% for the first 5 years (computed from the date of incorporation) iii) After 5 years, aggregate foreign equity is limited to 51% so that at least 49% are held by Malaysians 4) Unbound	1) Unbound due to lack of technical feasibility 2) Unbound 3) None 4) Unbound	

### III. FINAL LIST OF 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 Financial Services, including Insurance	Preferential treatment for the supply of financial services to Malaysians may be accorded to financial services and service suppliers of another Member in a differentiated manner and at the discretion of the relevant authorities	All countries	Indefinite	To enable differentiated treatment to be accorded to another Member which commensurates with the commitments of that Member to assist Malaysia to achieve specific economic and financial targets, enhance trade and investment and promote technological innovation and expansion of its financial sector which would result in net benefit to Malaysia
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	All countries	Indefinite	The measure is required to: 1) maintain the arrangements under existing bilateral agreements; and 2) ensure that the movement of foreign

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
	contiguous or regional, religious and/or cultural compatibility			semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
Advertising services	20 per cent foreign content limitation for advertising is waived for these countries	Brunei Darussalam Indonesia Philippines Singapore Thailand	5 years	The measure is required to promote intra-ASEAN tourism
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

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
				foreign participation in the Malaysian economy.

## MYANMAR

### I. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>1. TOURISM AND TRAVEL RELATED SERVICES</b>			
a) International Hotel Operation [CPC 641-643]	1) Unbound 2) Unbound 3) Hotel projects with 100% foreign investment are to be allowed in BOT system under Foreign Investment Law 4) Unbound	1) Unbound 2) Unbound 3) Entitled to enjoy the exemptions under the Foreign Investment Law Chapter X Article 21	
b) Hotel Management [CPC 641-643]	1) Unbound 2) Unbound 3) Hotel projects which are	1) Unbound 2) Unbound 3) If it is permitted by the	



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>100% foreign owned (or) joint venture with foreign partners (or) local private owned can employ the foreign expatriates from 0 to 12 persons if necessary, and the remaining staff shall be from local side</p> <p>4) Unbound</p>	<p>Myanmar Investment Commission Foreign Experts and technicians shall have the right to pay income tax payable to the state at the rate applicable to the citizens residing within the country, according to the Foreign Investment Law, Chapter X Article 21(f)</p> <p>4) Foreign expatriates can apply for stay visa</p>	
<p>c) Tourism Services [CPC 7471]</p>	<p>1. Unbound</p> <p>2. Unbound</p> <p>3. Allowed to make joint venture with local partner in equal share (50:50)</p> <p>4. Unbound</p>	<p>1. Unbound</p> <p>2. Unbound</p> <p>3. Unbound</p> <p>4. Unbound</p>	

## THE PHILIPPINES

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3. <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>The participation of foreign investors in the governing body</p>	<p>3. <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities</p> <p>All executive and managing officers must be citizens of the Philippines</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State</p> <p>Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease</p> <p>Foreign investors may lease only private-owned lands</p>	<p>firms covered are:</p> <p>a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries.</p>	
	<p>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u></p> <p>Non-resident aliens may be</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	admitted to the Philippines for the supply of a service after a determination of the non-availability of a person in the Philippines who is competent, able and willing, at the time of application, to perform the services for which the alien is desired. <sup>1</sup>		

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
1. BUSINESS SERVICES a) Auditing Services – covers financial auditing* and accounting review* (CPC 86211) (CPC 86212)	1) Unbound 2) Unbound 3) <u>For corporations:</u> - no corporate practice of accountancy is allowed <u>For partnerships:</u>	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

<sup>1</sup> The Philippines shall undertake a review of this portion within two (2) years after the entry into force of the Agreement for the Philippines

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<ul style="list-style-type: none"> <li>- Must be registered with the Board of Accountancy/Professional Regulation Commission (PRC);</li> <li>- All partners must be Certified Public Accountants (CPAs) registered with the Board of Accountancy/PRC</li> <li>- If with staff composed of CPAs, must be registered with Board of Accountancy /PRC</li> </ul> <p>4) Unbound</p>		

Financial auditing services cover examination services of the accounting records and other supporting evidence of an organisation for the purpose of expressing an opinion as to whether financial statements of the organisation present fairly its position as at a given date and the results of its operation for the period ended on that date in accordance with generally accepted accounting principles

Accounting review services cover review services of annual and interim financial statements and other statements and other accounting information. The scope of a review is less than that of an audit and therefore the level of assurance provided is lower.

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>2. TOURISM</b></p> <p>a) Tourism Accomodation Facilities (CPC 64110)</p> <ul style="list-style-type: none"> <li>- Pension House</li> <li>- Tourist Inn</li> <li>- Apartel</li> </ul>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) Subject to foreign equity limitation of 49% for pension house, tourist inn and apartel;</p> <p>4) As a general rule, only citizens of the Philippines can be employed in tourism-oriented establishments. However, for hotels and resorts, aliens may be employed subject to the pertinent provisions of the Tripartite Agreement among the Department of Tourism, Department of Labor and Employment and the Bureau of Immigration, as follows:</p> <p>(i) Only hotels/resorts duly accredited by the Department of Toursim shall be allowed to engage the services of aliens;</p> <p>(ii) Aliens may occupy a maximum of four (4) managerial positions in a hotel or resort establishment;</p>	<p>1) unbound due to lack of technical feasibility</p> <p>2) none</p> <p>3) none</p> <p>4) none</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>(iii) For new hotels or resorts, aliens required during the pre-operation stage and up to six (6) months after opening of the hotel/resort to the public may be employed</p> <p>(iv) The services of aliens may be engaged during special occasions/events such as food festivals, provided the service contract shall be limited to a period of three (3) months renewable for a maximum period of another three (3) months</p>		

**Note:**

Tourist Inn – A lodging establishment catering to transients which does not meet the minimum requirements of an economy hotel/one-star hotel

Apartel – Any building or edifice containing several independent and furnished or semi-furnished apartments, regularly leased to tourists and travellers for dwelling on a more or less long term basis and offering basic services to its tenants, similar to hotels

Pension House – A private or family-operated tourist boarding house, tourist guest house or tourist lodging house employing non-professional domestic helpers regularly catering to tourists and travellers, containing several independent lettable rooms, providing common facilities such as toilets, bathrooms/showers, living and dining rooms and/or kitchen and where a combination of board and lodging may be provided

### III. FINAL LIST OF 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
<p>ALL SECTORS</p> <p>Entry and temporary stay of natural persons supplying services</p>	<p>A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors</p> <p>Under this special category, the labor market test is waived and simplified entry procedures are provided</p>	<p>All countries</p>	<p>Expiry date or termination of bilateral treaties on entry rights for traders and investors</p>	<p>To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities</p>
<p><u>Maritime Transport Services</u></p> <p>Liner cargo trade</p>	<p>Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code</p> <p>Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively</p>	<p>All countries which have acceded to the UNCTAD Liner Code</p>	<p>Indefinite</p>	<p>Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade</p>



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
	implementing the Code is assured of at least 40 per cent share of its bilateral export and import liner cargo trade with the Philippines			
Cabotage transport	Access to domestic shipping is reserved for Philippine owned or registered vessels  However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation	All countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	Allow limited access to cabotage transport on a reciprocal basis
<u>Banking and Other Financial Services</u> (including insurance)	With respect to the granting of authorization for the establishment of commercial presence or expansion of existing operations in Financial Services in the Philippines, favourable	All countries	Indefinite	To promote greater liberalization in financial services between the Philippines and other Members in a manner that would contribute to the attainment of Philippine development

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
	treatment would be accorded, on a discretionary basis, to financial service suppliers of another Member that accords favourable treatment to financial service suppliers of the Philippines			objectives in the financial sector

## SINGAPORE

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>I. Presence of natural persons unbound, except for intra-corporate transferee (see below)</p> <p>II. Temporary movement of skilled personnel unbound except for the temporary movement of 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) <b>Managers</b> – persons within an organization who primarily direct the organization, or a department or sub-division of</p>	<p>I. Unbound</p> <p>II. Unbound</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>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 a 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) <b>Executives</b> – 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</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>directly perform tasks related to the actual provision of the service or services of the organization.</p> <p>c) <b>Specialists</b> – 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> <p>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>		
		<p>III. Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions:</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
		<ul style="list-style-type: none"> <li>- A foreigner who wished 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 foreign who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.)</li> <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</li> </ul>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
		Singapore Permanent Resident or Singapore Employment Pass holder.)	
	IV. 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	IV. None	

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p><b>1. AIR TRANSPORT</b></p> <p>a) Selling and Marketing of Air Transport</p> <p>(Opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions)			
<b>2. TOURISM</b> a) Travel Agency and Tour Operators Services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) Unbound 4) Unbound	

### III. FINAL LIST OF 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: Presence of <ul style="list-style-type: none"> <li>- Unskilled and semi-skilled natural persons</li> <li>- Skilled persons (include craftsmen skilled in a particular trade, but exclude</li> </ul>	Preference for workers from traditional sources of supply	Traditional sources	Indefinite Singapore will periodically review this in the light of domestic and national policy considerations	Due to land constraints and the fundamental need for social cohesion among the multi-racial population, the Government needs to regulate the flow of foreign workers, both skilled and unskilled, to ensure that Singapore is



<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
specialists/professional personnel at management level)				not overpopulated and foreigners who could potentially disrupt social order are not admitted
All Sectors: Investment Guarantee Agreements (IGAs)	Investment guarantee, i.e. obligations to protect foreign investments from unforeseen contingencies such as nationalization, war, etc. are accorded only to co-signatories of Investment Guarantee Agreements	All countries. Current signatories with whom Singapore has concluded IGAs are: ASEAN countries, France, the Netherlands, Switzerland, the UK, Belgo-Luxembourg Economic Union, Sri-Lanka, People's Republic of China, Vietnam, Taiwan, the United States of America	Indefinite  Singapore will periodically review this in the light of international developments	Currently, many countries' obligations to protect foreign investments from unforeseen contingencies are governed by the provisions established under bilateral investment guarantee agreements. The agreements also help to provide the economic and political guarantees for the promotion of bilateral relations.
All Sectors: Commonwealth Tax Credit Scheme	Section 48 of the Income Tax Act provides for the granting of relief against Singapore tax payable on income derived from a Commonwealth country	Commonwealth countries which grant reciprocal relief	Indefinite	This is just part of Singapore's cooperation among Commonwealth members

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
Legal Services	All measures pertaining to the provision of legal services in Singapore	All countries	Indefinite Singapore will keep the possibility of removing this exemption under review	The exemption is necessary as the establishment of foreign law firms in Singapore is based on case-by-case approval
Broadcasting Broadcasting is defined to include: <ul style="list-style-type: none"> <li>- Free-to-air broadcasting</li> <li>- Cable and pay television</li> <li>- Direct broadcast by satellite</li> <li>- Teletext</li> <li>- All broadcasting services listed in <i>Services Sectoral Classification List</i>, MTN.GNS/W/120</li> </ul>	The Singapore Broadcasting Corporation (SBC) accords preferential broadcast and transmission rights to selected countries which it has signed bilateral agreements	All countries. Currently, Brunei and Indonesia have Memoranda of Understanding with Singapore	Singapore will keep the possibility of removing this exemption under review	To promote social, economic and cultural relations
Computer reservation	Market access and national treatment are	All Countries. Current countries with whom	Indefinite	Currently, the conditions and level of market

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
systems	based on reciprocity in mutual concessions, but not necessarily in the same areas, as established under bilateral Air Services Agreement	Singapore has concluded bilateral air services agreements are: Australia, Austria, Bahrain, Bangladesh, Belgium, Brazil, Brunei, Bulgaria, Cambodia, Chile, China, Commonwealth of Independent States, Cyprus, Czech and Slovak Republics, Denmark, Egypt, Ethiopia, Fiji, Finland, France, Germany, Greece, Hong Kong, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, South Korea, Kuwait, Laos, Lebanon, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Nauru, Nepal,	Singapore will periodically review this in the light of international developments	access granted in air transport services are primarily governed by other multilateral agreements and/or bilateral air services agreements. In addition, the 'Annex on Air Transport Services' contained in the GATS currently has only limited application to measures affecting the air transport services sector

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
		the Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, the Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Seychelles, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Turkey, Ukraine, United Arab Emirates, the United Kingdom, the United States of America, Vietnam, Yemen Arab Republic, Yugoslavia, Zambia and Zimbabwe		
Maritime Transport Services: <ul style="list-style-type: none"> <li>- Storage and warehousing</li> <li>- Freight forwarding</li> </ul>	The undertaking of the commitments to bind the current level of market access and treatment to services and services supplier, in the 4 subsectors will be	All countries. Current countries with whom Singapore has concluded bilateral shipping agreements are: the Republic of Korea, the People's Republic of	Indefinite Singapore will periodically review this in the light of international developments	Some of Singapore's trading partners do not accord Singapore companies satisfactory access to maritime transport services in their

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
<ul style="list-style-type: none"> <li>- Inland trucking</li> <li>- Container station and depot services</li> </ul>	through the conclusion of bilateral shipping agreements	China and Vietnam		territories

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article II</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>

<b>FINANCIAL SERVICES<sup>1</sup></b>				
Reinsurance and retrocession	Exception granted to ASEAN Reinsurance Corporation (ASEAN Re), a private-sector venture with equal shareholdings from the 6 ASEAN countries, to be established with a paid-up capital of S\$6million instead of the minimum S\$10 million stipulated in the Insurance Act. Other than this, ASEAN Re is subject to the same rules and regulations applied to all reinsurers in Singapore	ASEAN	ASEAN Re has committed itself to increase its paid-up capital when its premium income increases.  Presently, ASEAN Re writes a relatively small amount of business	To promote greater cooperation among ASEAN in the reinsurance sector
Banking and other financial services	Under a currency interchangeability agreement between Singapore and Brunei, the currency-issuing authorities of Singapore and Brunei	Brunei	Indefinite, until either country terminates the agreement	The currency interchangeability agreement was entered into in 1967 arising from special historical and economic ties between Singapore

<sup>1</sup> Supplementary information provided for transparency

The Stock Exchange of Singapore (SES) and the Singapore International Monetary Exchange (SIMEX) have established trading linkages with the exchanges of some countries to facilitate the trading of securities and futures. The establishment of trading linkages is a commercial decision of the SES and SIMEX

	<p>would:</p> <ul style="list-style-type: none"> <li>- Accept from banks, notes and coins issued by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and</li> <li>- Arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.</li> </ul>			and Brunei
Financial services	Treatment with respect to the granting of approval to establish offshore	All countries	Indefinite	To accord differentiated treatment to another Member which accords

	banks and merchant banks, to expand existing operations and conduct new activities in the financial services sector may be accorded to service suppliers of another Member in a differentiated manner or on the basis of reciprocity and at the discretion of the Monetary Authority or the relevant authority			favourable treatment to Singapore financial institutions
--	--	--	--	--

## THAILAND

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Unless otherwise specified, commercial presence in sectors or subsectors in this schedule is permitted only through a limited liability company which 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; and</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>4) Unless otherwise specified, temporary movement of natural persons <u>is unbound except</u> in the following categories:</p>	3) Unless otherwise specified, national treatment for this mode of delivery is unbound	

Note: The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	a) A natural person who stays in Thailand for not more than 90 days for the purpose of		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities;</p> <p>b) A corporate transferee of the managerial or executive level or a specialist, provided that such 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. Temporary entry is limited to a one year period and may be extended for a further two terms of not more than one year each</p>		
		3), 4) Regarding acquisition and	

<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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
		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. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums	

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>1. MARITIME TRANSPORT</b> a) Freight Transportation (CPC 7212) (less cabotage transport: as defined below 3.1)	1) None 2) None 3) a) Unbound for establishment juristic person for the purpose of operating a fleet under the national flag of Thailand b) Other forms of commercial	1) None 2) None 3) a) Unbound b) None other than: i) Shareholders of Thai maritime transport companies with	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>presence for the supply of international maritime transport services (as defined below -3.2 except branch office: As indicated in the horizontal section)</p> <p>4) a) Ship's crews: Unbound</p> <p>b) Other personnel: As indicated in the horizontal section</p>	<p>ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies</p> <p>ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50% 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.</p> <p>4) a) Unbound</p> <p>b) None</p>	
<p>b) Customs Clearance Services (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 supplier or a usual complement of its main</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section. In addition a customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does exceed 49 per cent. In addition a customs broker must be natural person of Thai nationality and must obtain a license of</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
activities)	4) Unbound except as indicated in the horizontal section	Customs Department 4) Unbound except as indicated in the horizontal section	
<b>2. TOURISM</b> a) Motel lodging Services (CPC 64120)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent 4) None	
b) Other Lodging Services (i) Holiday center and holiday home services (CPC 64192) (ii) Camping and caravan site services (CPC 64195)  (iii) Theme Parks, Amusement Parks (CPC 96194)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section  1) Unbound 2) None 3) None other than that indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent 4) None  1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	4) As indicated in the horizontal section	4) None	
(iv) Marina Facilities (A small sea, lake or river harbour with docking facilities for motor and sailing boats, with maintenance and supply services Marina provide berths for long and short term use and some also offer boat charter)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent 4) None	
<p>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</p> <p>'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</p> <p><u>Definitions:</u></p> <p>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</p> <p>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:</p> <p>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;</p> <p>b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated services;</p>			

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<p>c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;</p> <p>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</p> <p>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 responsible for the carriage of goods pursuant to the contract of carriage</p> <p>4) 'Freight forwarding services' means activities consisting of organizational and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information</p>			

### III. FINAL LIST OF 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
Business services <ul style="list-style-type: none"> <li>- Auditing services</li> <li>- Publishing newspapers</li> </ul>	Bilateral agreement based on reciprocity treatment  Thailand will grant permission to a natural person of the countries which has treaties with Thailand	Countries which allow Thai nationals to practise auditing in their territories  Countries which have treaties with the Thai Government	Indefinite	Reciprocal basis

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
Computer reservation system services	Only airlines/CRS partners which are in Amadeus system can bring in and install their own system in Thailand	Countries whose CRS operators are in Amadeus system and intend to bring in and install the systems to any travel agencies in Thailand	Indefinite	To ensure that local operators are able to make complete access to the Amadeus system within a certain period of time
Transport Services Maritime Transport Services <ul style="list-style-type: none"> <li>- Selling and marketing of maritime transport services</li> <li>- Selling and marketing of air transport services</li> </ul>	The value added tax in use comprises three rates, namely 7 per cent, zero per cent and exempted. VAT collection is based on a reciprocal basis	Countries which have the same zero rate VAT system as Thailand  Countries which exempt Thai persons from VAT or other taxes of similar nature by virtue of the treaties concluded or to be concluded with Thailand  Countries which exempt juristic persons constituted in accordance with Thai law from VAT or other taxes of similar	Indefinite	Reciprocal basis





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
	Socialist Republic of Vietnam - Agreement of Maritime transport between the Government of Kingdom of Thailand and the Government of the People's Republic of China	The People's Republic of China	10 years	Bilateral Agreement
International road transport services - Passenger transportation - Freight transportation - Rental of non-commercial vehicles with/without driver	Reciprocity treatment	Countries that have the agreement or international road transport with Thailand	Indefinite	Reciprocal basis
Aircraft repair and maintenance services	Thailand will grant permission to airlines of those countries which treat Thai carriers on reciprocal basis	- Countries whose airline is accepted as designated airline by Thailand under bilateral air services	Indefinite	Reciprocal basis

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
		agreements - Countries whose regulations do not prevent Thai carriers from performing similar activities in the country		
Services sectors stipulated in the relevant articles of the Treaty of Amity and Economic relations especially Articles 4 and 10	Only American citizens and entities are granted national treatment with respect to operating business and providing services in Thailand	The United States of America	10 years	Bilateral agreement
Banking and other financial services	The application of future measures affecting the supply of banking and other financial services would be accorded on a favourable basis to the services providers of countries which accord favourable treatment to Thai financial service providers	All countries	Indefinite	To address the problem of systemic instability and/or the issue of balanced exchange of offers

## VIET NAM

### I. HORIZONTAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Commercial presence of foreign service providers may be	3) Foreign service providers in Vietnam shall be subject to the Laws applied specifically to	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>in the following forms:</p> <ul style="list-style-type: none"> <li>- Representative office</li> <li>- Joint venture enterprise</li> <li>- Enterprise with 100% foreign owned capital, unless other wise provided</li> </ul> <p>Representative officers of foreign services are not allowed to perform business activities in Vietnam</p> <p>The commercial presence of foreign service providers shall be subject to licensing by the competent State authority</p> <p>The joint venture enterprise shall be established in the form of a limited liability company and shall be a legal entity in accordance with the law of Vietnam; the capital contribution of a foreign party or foreign parties to the legal capital of a joint venture enterprise shall not be less than thirty (30%) per cent of the legal capital, except in cases stipulated by the</p>	<p>them, including Laws on Taxes; shall be allowed to lease land; shall not be a mortgagee of land but they may be allowed to own immovable properties (other than land) during the term specified in the license</p> <p>4) Foreigners who work in Vietnam shall obtain a valid labour permit; shall be subject to the specific income tax scheme; and shall not own immovable properties</p> <p>A Foreign Investor who remits profits abroad shall pay taxes in accordance with the law</p>	

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>Government</p> <p>The duration of an enterprise with foreign owned capital and the duration of a business cooperation contract shall be stated in the Investment license for each project in accordance with regulations of the Government, but shall not exceed fifty (50) years. The Government may, on a project by project basis, grant a longer duration but the maximum duration shall not exceed seventy (70) years</p> <p>3) Foreigners who work in Vietnam must comply with the provisions of the law on labour, the law on immigration;</p> <p>A foreigner who works in Vietnam must have high professional qualifications which can not be provided by Vietnamese employees; shall obtain a permit from the Ministry of labour, War Invalids and Social Affairs; shall be at least 18 years of age and in suitable</p>		

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	<p>health and shall not have any criminal record and his/her term of employment shall not exceed 3 years</p> <p>Subject to the Law on Foreign Investments. The General Director or the First Deputy General Director of a joint venture enterprise shall be a Vietnamese citizen;</p> <p>Enterprises with foreign owned capital, parties to the business cooperation contract, based on the business demands, shall be entitled to recruit employees, with priority given to Vietnamese citizens; shall be allowed to employ foreigners only for job which requires technical and management qualifications which can not be provided by Vietnam with schemes for training Vietnamese employees for replacement</p>		

## II. SCHEDULES OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial Presence 4) Presence of Natural Persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
<b>1. TELECOMMUNICATION</b> a) Electronic mail services b) Voice mail services c) Electronic Data Interchange services d) Telex services e) Telegraph services (CPC 7523)	1) Unbound 2) None 3) Must be Vietnamese stated-owned operators; foreign companies can cooperate with Vietnamese companies under the form of business cooperation contract 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	3) Foreign companies can establish a representative office in Vietnam. The representative office is not allowed to carry out any business activities in Vietnam
<b>2. TOURISM</b> a) International hotel operation (CPC 641-643)	1) None 2) None 3) It is required to do: a) joint venture with a local party in the form of a local limited liability company subject to the Vietnamese laws and regulations b) foreign equity participation is not less than 30 percent c) maximum foreign equity participation is subject to the industry's needs d) standard required for a hotel to be developed is 3 or more	1) None 2) None 3) Unbound	



Sector or subsector	Limitations on market access	Limitations on national treatment	Additional comments
	star standard 4) Unbound except as indicated in the Horizontal section	4) Unbound	

### Business Cooperation Contract

A Business Cooperation Contract is one of Foreign Investment Form in Vietnam, that is regulated by Law on Foreign Investment in Vietnam and come in to effect on 12 Nov. 1996

According to the Law on Investment in Vietnam, 'Business Cooperation Contract means a written document signed by two or more parties for the purpose of carrying on investment activities without creating a legal entity'

Article 7 of Decree No. 12/CP dated 18/2/1997 detailing and implementing the Law on Investment in Vietnam says that:

1. A Business Cooperation Contract is a written document signed by two or more parties (hereinafter referred to as the business cooperation parties) which stipulates the responsibilities of, and the sharing of business results between, the parties for the purposes of commencing businesses in investment in Vietnam without creating a legal entity.

Commercial contract, contract for the delivery of raw material in return for finished products, equipment purchasing contracts with long-term payment plans, and other contract which do not provide for sharing of profits or business results are beyond the scope of the regulations of this Decree

2. A Business Cooperation Contract shall be signed by the duly authorised representatives of the business cooperation parties