

25. Replace Annex 4 (Schedules of Movement of Natural Persons Commitments) with:

ANNEX 4

**SCHEDULE OF SPECIFIC COMMITMENTS ON
THE MOVEMENT OF NATURAL PERSONS**

AUSTRALIA

1. This Schedule sets out Australia’s commitments in accordance with Chapter 9 (Movement of Natural Persons). This Schedule and Chapter 9 (Movement of Natural Persons) comprise the entirety of Australia’s commitments in respect of the temporary entry and temporary stay of natural persons.

2. The Schedules of other Parties shall not be used to interpret Australia’s commitments or obligations under Chapter 9 (Movement of Natural Persons) or other chapters of this Agreement.

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitors	
<p>Business visitors being natural persons seeking to travel to Australia for business purposes, whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying the services themselves.</p> <p>Business visitors comprise:</p>	
(i) Service sellers, as business visitors being natural persons not based in Australia who are sales representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.	Temporary entry is for an initial stay of six months up to a maximum of 12 months.
(ii) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings.	Temporary entry is for periods of stay up to a maximum of three months.
(iii) Business visitors, being natural persons who are seeking to travel to Australia for business purposes, including investment purposes.	Temporary entry is for periods of stay up to a maximum of three months.
(iv) Business visitors, being natural persons who are seeking entry for the purposes of negotiating the sale of goods where such negotiations do	Temporary entry is for periods of stay up to a maximum of three months.

Description of Category	Conditions and Limitations (including length of stay)
not involve direct sale to the general public.	
B. Intra-Corporate Transferees	
<p>(i) Executives and Senior Managers being natural persons who are employees of an enterprise of another Party operating lawfully and actively in Australia, and who will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>Temporary entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters: http://www.homeaffairs.gov.au/</p> <p>Temporary entry is for an initial period of stay of up to four years, with the possibility of further stay up to a maximum stay of 14 years.</p>
<p>(ii) Specialists being natural persons with advanced trade, technical or professional skills and experience who are employees of an enterprise of another Party operating lawfully and actively in Australia, who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who have been employed by that employer for not less than two years immediately preceding the date of the application for temporary entry. A specialist may include members of a licensed profession.</p>	<p>Temporary entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters: http://www.homeaffairs.gov.au/</p> <p>Temporary entry is for periods of stay up to two years, with the possibility of further stay.</p>

C. Independent Executives	
<p>Independent executives being natural persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia, of a new branch or representative office of an enterprise which has its head of operations in the territory of another Party and which has no other branch or representative office in Australia. Independent executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>Temporary entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters:</p> <p>http://www.homeaffairs.gov.au/</p> <p>Temporary entry is for periods of stay up to a maximum of two years.</p>
D. Contractual Service Suppliers	
<p>Contractual service suppliers (including Independent Professionals or Specialists)</p> <p>Contractual service suppliers being natural persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(i) employees of an enterprise of another Party that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(ii) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p>	<p>Temporary entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters:</p> <p>http://www.homeaffairs.gov.au/</p> <p>Labour market testing may be required for some occupations, to the extent that this is not inconsistent with Australia's commitments under the WTO.</p> <p>Temporary entry is for periods of stay up to 12 months, with the possibility of further stay.</p>

E. Spouses	
Spouses of temporary entrants covered by (B), (C) and (D) are accorded full working rights where the stay of those temporary entrants is 12 months or more.	For such spouses, temporary entry and temporary stay is for the same period as for the temporary entrant.

ANNEX 4

**SCHEDULE OF SPECIFIC COMMITMENTS ON THE
MOVEMENT OF NATURAL PERSONS**

BRUNEI DARUSSALAM

1. This Schedule sets out Brunei Darussalam's commitments under Chapter 9 (Movement of Natural Persons) in relation to the temporary entry and temporary stay of natural persons of another Party which apply only in relation to the categories of natural persons set out in the table of commitments below.
2. For the categories of natural persons set out in this Schedule, Brunei Darussalam specifies below terms, conditions, limitations and qualifications in relation to the temporary entry and temporary stay of natural persons of a Party in the territory of Brunei Darussalam.
3. Brunei Darussalam reserves the right to adopt or maintain any measure, condition or commitment in respect of requirements of requisite visa for temporary entry and temporary stay as provided under Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons) for the categories of intra-corporate transferees as specified in the table of commitments below.

Description of Category	Conditions and Limitations (including length of stay)
A. Intra-Corporate Transferees	
<p><u>Definition:</u> Executives, managers or specialists: (i) who are employees of a firm that provides services within Brunei Darussalam through a branch, subsidiary or affiliate established in Brunei Darussalam; and (ii) who have been in the prior employment 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>Executives: <u>Definition:</u> Natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors or stockholders of the business. Executives would not directly perform tasks related to the actual provision of</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 period not exceeding five years.</p> <p>Entry shall be granted subject to terms, conditions or limitations as prescribed under Brunei Darussalam's immigration laws and regulations.</p> <p>Entry shall only be granted for intra-corporate transferees supplying a service listed in Appendix A.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>the service or services of the organisation.</p> <p>Managers: <u>Definition:</u> Natural persons within an organisation who primarily direct the organisation, or a department or subdivision of the organisation, supervising and controlling the work of other supervisory, professional or managerial employees, who 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. This 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 these services.</p> <p>Specialists <u>Definition:</u> Natural persons within an organisation who possess knowledge at an advanced level of expertise and who possess priority knowledge of the organisation's service, research equipment, techniques or management skills (Specialists may include members of licensed professions).</p>	

Appendix A

**SECTORAL SPECIFIC COMMITMENTS FOR
INTRA-CORPORATE TRANSFEREES**

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> • Auditing Services; • Architectural Services; • Engineering Services; • Integrated Engineering Services, which is only applicable to the following sectors: <ul style="list-style-type: none"> - for Transportation Infrastructure Turnkey Projects; - for Water Supply and Sanitation Works Turnkey Projects; - for the Construction of Manufacturing Turnkey Projects; and - for Other Turnkey Projects; • Urban Planning and Landscape architectural services; • Medical and Dental Services; • Veterinary Services; • Computer and Related Services; • Research and Development Services; • Rental or Leasing Services Relating to Aircraft without operators; • Other Business Services; • Courier Services; • Telecommunication Services; • Construction Work for Buildings; • Construction Work for Civil Engineering; • Assembly and Erection of Prefabricated Constructions; • Installation Work; • Building Completion and Finishing Work; • Pre-erection work at Construction Site; • Special Trade Construction; • Renting Services related to Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator; • Educational Services; • Environmental Services; • Financial Services; • Health Related and Social Services, except for Social Services; and • Transportation Services. 	<p>In the case of architects:</p> <p>The licensed practicing architects should have recognised academic and professional qualifications and be registered as a “qualified person” with the Ministry of Development in Brunei Darussalam. For greater certainty, qualified persons or licensed architects are required to register if they have resided in Brunei Darussalam and practicing with a local licensed architect for a period of one year.</p>

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SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

CAMBODIA

1. This Schedule sets out the commitments of Cambodia and the general conditions and limitations governing those commitments in accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons) in relation to the temporary entry and temporary stay of a natural person of another Party, which apply only in relation to the categories of natural persons set out in this Schedule.
2. Cambodia remains unbound in respect of the entry of natural persons of a Party into, or their temporary stay in, the territory of Cambodia in accordance with Chapter 9 (Movement of Natural Persons), except as set out in the following commitments.
3. For greater certainty, Cambodia reserves the right to adopt or maintain any measure in respect of requirement of requisite visa and the conditions attached to temporary entry and temporary stay under such a visa for each of the categories specified below.
4. In accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons), for the categories of persons set out in this Schedule, Cambodia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of another Party through the presence of natural persons of that other Party in the territory of Cambodia.
5. The commitments set out below shall apply to services sectors or subsectors specified in Cambodia's Schedule in Annex 2 (Schedules of Specific Commitments for Services), except Restaurants (CPC 642, 643) and International Transport under Maritime Services (Freight and Passengers).
6. With respect to Tourist Guides Services (CPC 7472), notwithstanding the commitments set out below, Cambodian nationality is required for Tourist Guides.
7. For greater certainty, in accordance with Article 9.6 (Most-Favoured-Nation Treatment) and Article 11.5 (Schedules of Specific Commitments) of Chapter 8 (Trade in Services), Cambodia shall not be obliged to make commitments under Article 9.1 (Most-Favoured-Nation Treatment) and Article 11.3 and 11.4 (Schedules of Specific Commitments) of Chapter 8 (Trade in Services).

Categories of Natural Persons	General Conditions and Limitations, including the length of stay
A. Business Visitors	
<u>Definition:</u> Natural persons who: <ul style="list-style-type: none">• enter Cambodia for the purposes of participating in business meetings,	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.

Categories of Natural Persons	General Conditions and Limitations, including the length of stay
<p>establishing business contacts including negotiations for the sale of services and/or other similar activities;</p> <ul style="list-style-type: none"> • stay in Cambodia without receiving income from sources within Cambodia; and • do not engage in making direct sales to the general public or supplying services. 	
<p>B. Persons Responsible for Setting up of a Commercial Establishment</p>	
<p><u>Definition:</u> Natural Persons working in an executive or managerial position, receiving remuneration from a juridical person, as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Member State, that will support employment of persons described in categories (i), (ii), and (iii) of the Intra-Corporate Transferees definitions.</p>	<p>The natural persons responsible for setting up of a commercial establishment are not subject to a maximum duration of stay.</p>
<p>C. Intra-Corporate Transferees (ICT)</p>	
<p><u>Definition:</u> Natural persons who have been employed by a juridical person of another Member State for a period of not less than one year and who seek temporary entry to provide services through a branch, subsidiary or affiliate in Cambodia and who are:</p> <p>(i) Executives: without requiring compliance with labour market tests, natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organisation;</p>	<p>Temporary residency and work permit are required for the natural persons in the categories defined under the Intra-Corporate Transferees. Such permits are issued for two years and may be renewed annually up to maximum of five years in total.</p>

Categories of Natural Persons	General Conditions and Limitations, including the length of stay
<p>(ii) Managers: without requiring compliance with labour market tests, natural persons employed by a juridical person and who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical person product, service, research, equipment, techniques or management, and who primarily direct the organisation or a department of the organisation; 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; or</p> <p>(iii) Specialists: Natural persons, within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's services, research equipment, techniques or management.</p>	

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SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

INDONESIA

1. Indonesia's commitments on categories of natural persons and its respective conditions and limitations for the temporary entry and temporary stay, including length of stay, are made in accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons).
2. The Schedule below shall be interpreted in the light of Chapter 9 (Movement of Natural Persons). Natural persons of another Party that fall under the categories specified in the Horizontal Schedule are permitted to enter and stay in Indonesia subject to its applicable conditions and limitations.
3. Where natural persons of another Party in categories permitted to enter and stay with respect to sectors listed in Appendix B (Specific Commitments for The Presence of Natural Persons) of the Annex 3 (Schedule of Reservations and Non-Conforming Measures for Services of Indonesia), all conditions and limitations specified in each category of the Horizontal Schedule shall also apply, unless otherwise specified.
4. For greater certainty, Indonesia reserves the right to adopt or maintain any measures with respect to categories of natural persons other than those categories listed in this Schedule.

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitor	
<u>Definition:</u> A natural person staying in Indonesia for the purpose of participating in business meetings, business contacts including negotiations for the sales of services, or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, attend conferences or give lectures. Such persons must not acquire remuneration from within Indonesia, and must not engage in making direct sales or supplying services to the general public.	Entry and temporary stay are permitted for a period of 60 days, extendable to a maximum of 120 days.

B. Intra-Corporate Transferees	
<p>Director <u>Definition:</u> A natural person or a group of natural persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the organisation, and legally responsible to act on behalf of the organisation inside or outside of the court.</p> <p>Manager <u>Definition:</u> A natural person within the organisation who primarily directs the organisation, department, or subdivision, and exercises supervisory and control functions over other supervisory, managerial, or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service.</p> <p>Technical Expert or Advisor <u>Definition:</u> A natural 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 propriety to the service, research equipment, techniques, or management.</p>	<p>Entry and temporary stay are permitted for up to two years and could be extended for a maximum two times subject to two years extension each time.</p> <p>Must be working in a sector listed in Appendix B (Specific Commitments for The Presence of Natural Persons) of the Annex 3 (Schedule of Reservations and Non-Conforming Measures for Services of Indonesia) that is not scheduled as “unbound”, and must comply with the additional conditions and limitations set out therein.</p> <p>Any foreign natural persons supplying services are subject to charges levied by the Government.</p> <p>Any foreign natural persons employed in the territory of Indonesia must hold a valid working permit issued by the Ministry of Manpower.</p> <p>Economic needs test applies to managers and technical experts for all sectors unless specified otherwise.</p> <p>Human resources or personnel function must be performed by Indonesian nationals.</p>

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

LAO PDR

1. Lao PDR's commitments under Chapter 9 (Movement of Natural Persons), in relation to the temporary entry and temporary stay of natural persons of a Party into the territory of another Party, apply only in relation to the categories set out below.
2. In accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons), for the categories of persons set out in this Schedule, Lao PDR specifies below any terms, conditions, limitations or qualifications in relation to the temporary entry and temporary stay of those natural persons into the territory of Lao PDR.
3. For all categories of natural persons listed in this Schedule, unless otherwise specified in the Sectoral Section, these horizontal commitments apply to all sectors/subsectors listed in this Schedule, in all cases:
 - (i) application for labour quota is required in accordance with Article 68 of Labour Law No.43/NA, Date 24 Dec 2013;
 - (ii) total number of skilled foreign natural persons (using physical labour) of any establishment shall not exceed 15 per cent of the total staff;
 - (iii) total number of skilled foreign natural persons (using intellectual labour) of any establishment shall not exceed 25 per cent of the total staff;
 - (iv) if there is a need to hire the number of skilled labour more than the regulation allows, as mentioned above, one should seek for specific consideration or approval from the government.
4. In accordance with applicable domestic laws and regulations and bilateral and multilateral agreements which Lao PDR is a signatory of, foreign skilled workers:
 - (i) shall obtain working permit from the Government of Lao PDR;
 - (ii) shall comply with Labour Law and Law on Immigration and Foreigner Management of the Lao PDR; and
 - (iii) shall comply with Law on Taxation, in terms of taxes and other financial obligations and other relevant regulations on other non-financial requirement.

Description of Category	Conditions and Limitations (Including length of stay)
A. Business Visitors	
<p>A natural person seeking to enter or stay in the territory of Lao PDR temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of Lao PDR,</p> <ul style="list-style-type: none"> (i) as a representative of a goods seller or service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller or service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public; (ii) as an employee of a juridical person as defined in Category B below only, for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of another Party; (iii) for the purpose of participating in business negotiations or meetings. 	<p>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.</p>
B. Intra-Corporate Transferees	
<p>Natural persons who have been employed by a juridical person of another Party outside the Lao PDR for a period of not less than one year immediately preceding the request for transfer to the Lao PDR, who seek temporary entry to provide services through commercial establishment of that juridical person in the Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories:</p> <ul style="list-style-type: none"> (i) Executive: natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organisation; and 	<p>For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for one year which may be renewed every six months for up to three years as long as conditions indicated for each category are satisfied.</p>

Description of Category	Conditions and Limitations (Including length of stay)
<p>(ii) Manager: natural persons 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 organisation or a department of the organisation; 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; or</p> <p>(iii) Specialist: natural persons within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's services, research equipment, techniques, or management and where there are shortages of Lao PDR nationals with requisite skills.</p>	

Appendix A

SECTORAL SPECIFIC COMMITMENTS

1. For the purposes of this Appendix, the term “CPC” means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). Letters indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification list (MTN.GNS/W/120 dated 10 July 1991).
2. Hotel and other lodging services (CPC 64110) and beverage serving services without entertainment (CPC 64310): No commitment, except that the following persons are permitted to enter and stay in Lao PDR for a period of up to six months, with provision for extension, subject to approval of the competent authority of the Government of Lao PDR: general manager, sales and marketing manager, operation manager, congress manager and tourism consultant.
3. Meal serving services with full restaurant services (CPC 64210) and travel agencies and tour operators services (part of CPC 7471): No commitment, except that the following persons are permitted to enter and stay in Lao PDR for a period of up to six months, with provision for extension, subject to approval of the competent authority of the Government of Lao PDR: general manager, sales and marketing manager, operation manager, congress manager and tourism consultant.
4. Lao PDR extends its commitments under Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons) for the temporary entry and temporary stay of natural persons only for business visitors and intra-corporate transferees engaging in the following subsectors:

1. BUSINESS SERVICES

A. Professional Services

- (a) Legal services, excluding:
 - Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR;
 - Legal documentation and certification services of the laws of Lao PDR (part of CPC 861)
- (b) Accounting, auditing and bookkeeping services (CPC 862)
- (c) Taxation consulting services (part of CPC 863)
- (d) Architectural services (CPC 8671)
- (e) Engineering services (CPC 8672)
- (f) Integrated engineering services (CPC 8673)
- (g) Urban planning and landscape architectural services (CPC 8674)

B. Computer and Related Services

Computer and related services (CPC 84)

C. Research and Development Services

- (a) R&D services on natural sciences and engineering (CPC 851)
- (b) Research and experimental development services (CPC 852)
- (c) Interdisciplinary R&D services (CPC 853)

E. Rental or Leasing Services without Operators

- (d) Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)

F. Other Business Services

- (a) Advertising services:
 - Planning, creating and placement services of advertising (CPC 87120)
- (b) Market research and public opinion polling services (CPC 864):
 - Market research services (CPC 86401)
- (c) Management consulting services (CPC 865)
- (d) Services related to management consulting (CPC 866)
- (e) Technical testing and analysis services (CPC 8676)
- (h) Services incidental to mining (CPC 883+ 5115):
 - Services incidental to mining (CPC 5115)
- (m) Related scientific and technical consulting services (CPC 86751 and 86752 only)
- (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866):
 - Repair of energy equipment (part of CPC 88620)
- (q) Packaging services (CPC 876)
- (t) Other (CPC 8790):
 - Specialty design services (CPC 87907)

2. COMMUNICATION SERVICES

B. Courier services

Courier services (CPC 7512) consisting of express delivery services, except for the following services:

- (a) The collection, transport, and delivery of domestic and cross-border addressed mail to Post Office (PO) boxes in the following categories:
 - (i) addressed letters weighing not more than 200 grams;
 - (ii) small items or packages weighing up to two kilograms;
- (b) The collection, transport, and delivery to PO boxes of domestic and international postal parcels weighing up to 20 kilograms;
- (c) The provision of PO boxes; and
- (d) Issuing of postage stamps.

C. Telecommunication services

The following services (a-o) can be supplied only on a facilities basis, and for public use services:

Basic telecommunication services

- (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**)
- (o) Other:
 - Terrestrial-based mobile phone services

Value-added telecommunication services

- (h) Electronic-mail (CPC 7523**)
- (i) Voice mail (CPC 7523**)
- (j) Online information and data base retrieval (CPC 7523**)
- (k) Electronic data interchange (EDI) (CPC 7523**)
- (l) Enhanced or value-added facsimile services, including store and forward, store, and retrieve (CPC 7523**)
- (m) Code and protocol conversion
- (n) On-line information or data processing (including transaction processing) (CPC 843**)
- (o) Other:
 - Public pay phone services (CPC 75211)
 - Electronic message and information services (CPC 75232)
 - Paging services (CPC 75291)
 - Data and message transmission services (CPC 7523)

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

- A. Construction work for buildings (CPC 512)
- B. Construction work for civil engineering (CPC 513)
- C. Assembly and erection of prefabricated construction (CPC 514) + Installation work (CPC 516)
- D. Building completion and finishing work (CPC 517)
- E. Rental services related to equipment for construction or demolition of buildings works with operator (CPC 518)
- F. Other:
 - Pre-erection work at construction site (CPC 511)
 - Special trade construction (CPC 515)

4. DISTRIBUTION SERVICES

- B. Wholesale trade services (part of CPC 61111, 6113, 6121)
- C. Retailing services (part of CPC 61112, 6113, 6121)
- D. Franchising (part of CPC 8929)

5. PRIVATE EDUCATIONAL SERVICES

- A. Primary education services (part of CPC 921)
- B. Secondary education services**
 - Technical and vocational training (Part of CPC 922)
- C. Higher education services (CPC 923)
- D. Adult education (CPC 924)
- E. Other education services (Including foreign language training) (CPC 929)

6. ENVIRONMENTAL SERVICES

- A. Sewage services (CPC 9401)
- B. Refuse disposal services (CPC 9402)
- C. Sanitation and similar services (CPC 9403)
- D. Other:
 - Nature and landscape protection services (CPC 9406)

(Urban area only)

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

7. FINANCIAL SERVICES

A. All insurance and insurance-related services

Direct insurance

- (a) Life, accident and health insurance services (CPC 8121) Life insurance
- (b) Non-life insurance (CPC 8129)
- (c) Reinsurance and retrocession (CPC 81299*)
- (d) Services auxiliary to insurance (including broking and agency services) (CPC 8140) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

B. Banking and other financial services (excluding insurance)

- (a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)
- (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113)
- (c) Financial leasing (CPC 8112)
- (d) All payment and money transmission services including credit, charge and debit cards, travellers cheques, and bankers drafts (CPC 81339**)
- (e) Guarantees and commitments (CPC 81199**)
- (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
 - money market instruments (including cheques, bills, certificates of deposits)

- foreign exchange;
- derivative products, including, but not limited to, futures and options;
- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
- transferable securities;
- other negotiable instruments and financial assets, including bullion.

8. PRIVATE HEALTH RELATED AND SOCIAL SERVICES

- Private hospital services (Modern hospital with more than 100 beds in big cities only) (part of CPC 93110)

9. TOURISM AND TRAVEL RELATED SERVICES

- A. Hotel and restaurants (incl. catering) (CPC 641-643)
 - Hotel and other lodging services (CPC 64110)
 - Beverage serving services without entertainment (CPC 64310)
 - Meal serving services with full restaurant services (CPC 64210)
- B. Travel agencies and tour operators services (Part of CPC 7471)
- D. Other:
 - Tourism consultancy services

11. TRANSPORT SERVICES

A. Maritime transport services

- (a) Passenger transportation (CPC 7211)
- (b) Freight transportation (CPC 7212)
- (c) Rental of vessels with crew (CPC 7213)
- (d) Pushing and towing services (CPC 7214)
- (e) Maintenance and repair of vessels (CPC 8868**)
- (f) Vessels salvage and re-floating services (not applicable in harbour) (CPC 7454)

B. Internal water way transport

- (d) Maintenance and repair of vessels (CPC 8868**)

C. Air transport services

- (d) Maintenance and repair of aircraft (CPC 8868**) (part of CPC 8868)
- (e) Supporting services for air transport (CPC 746)
 - Selling and marketing of air transport services
 - Computer reservation system (CRS) services

E. Rail transport services

- (a) Passenger transportation (CPC 7111)

- (b) Freight transportation (CPC 7112)
- (c) Pushing and towing services (CPC 7113)
- (d) Maintenance and repair of rail transport equipment (CPC 8868**)

F. Road transport services

- (b) Freight transportation (CPC 7123)

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

MALAYSIA

1. Malaysia's commitments under Chapter 9 (Movement of Natural Persons) with respect to the temporary entry and temporary stay of natural persons of a Party into the territory of Malaysia apply only in relation to the categories of persons set out below.
2. A natural person of a Party seeking temporary entry into the territory of Malaysia under Chapter 9 (Movement of Natural Persons) and this Schedule shall be required to obtain the necessary visa and documentation prior to entry, and provide the requisite information and documentation in support of such application. Entry shall be granted subject to the terms, conditions or limitations prescribed under Malaysia's immigration laws and regulations.
3. Malaysia remains unbound in respect of the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Malaysia, except as set out in this Schedule.
4. For greater certainty, Malaysia remains unbound in respect of the supply of financial services by a service supplier of a Party through the presence of natural persons of a Party in the territory of Malaysia except as stipulated otherwise in the Appendix to Annex 3 (Specific Commitments for Financial Services – Malaysia) read together with entry 43 in List B of Malaysia's Annex 3 (Schedules of Non-Conforming Measures for Services).
5. In accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons), for the categories of persons set out in this Schedule, Malaysia specifies below any terms, conditions, limitations or qualifications in relation to the temporary entry and temporary stay of those natural persons into the territory of Malaysia.
6. The Schedules of other Parties shall not be used to interpret Malaysia's commitments or obligations under Chapter 9 (Movement of Natural Persons) or other Chapters of this Agreement.

HORIZONTAL COMMITMENTS

Description of Category	Conditions and Limitations (including length of stay)
1. Intra-Corporate Transferee (ICT)	
(a) Senior managers being persons within an organization that provides services within Malaysia: <ul style="list-style-type: none">– having proprietary information of the organisation;– exercise wide latitude in decision making relating to the	Entry and stay of natural persons defined in categories 1 (a) and (b) shall not exceed a total of 10 years.

Description of Category	Conditions and Limitations (including length of stay)
<p>establishment, control and operation of the organization;</p> <ul style="list-style-type: none"> - primarily direct the management of the organisation; and - receive only general supervision or direction from the board of directors or partners of the organization. 	
<p>(b) Three specialists or experts per organization that provides services within Malaysia 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.</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 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 of their application for a work permit and he is to serve in at least a similar capacity.</p>	
2. Other	
<p>(a) Specialists or experts being persons who possess knowledge at an advanced level of continued expertise and 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>Entry and stay of natural persons defined in categories 2 (a) and (b) shall not exceed a total of 10 years.</p> <p>For category 2 (c), the period of stay shall not exceed a total of 90 days.</p> <p>For category 2(d), the period of stay shall not exceed a total of six months.</p>
<p>(b) Professionals being persons who possess necessary academic</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p>credentials, professional qualifications, experience and/or expertise which have been duly recognized by the professional bodies in Malaysia and registered with those respective professional bodies; and are carrying out respective professional activities;</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 for 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; and</p>	
<p>(d) Installers or maintainers being persons who are installers or maintainers of machinery and/or equipment who is employed or appointed by a supplying company, where such installation and/or maintaining by the supplying company is a condition of purchase of the said machinery and/or equipment; and are not performing activities which are not related to the installing or maintaining activities which is the subject of the contract.</p>	

Appendix

SECTORAL SPECIFIC COMMITMENTS EXCEPT FINANCIAL SERVICES

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
<p>A. Professional Services</p> <p>Legal Services (CPC 8619)</p> <p>Covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia.</p>	<p>Unbound.</p> <p>Foreign lawyers providing legal services in Malaysia on a “fly in and fly out” basis shall be subject to the provisions under Section 37(2B) (b) of the Legal Profession Act 1976 [Act 166].</p>
<p>Accounting, auditing and bookkeeping services (CPC 862)</p>	<p>5 specialists/experts for each institution, subject to registration with MIA and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.</p> <p>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.</p>
<p>Taxation Services (CPC 863 / 8630)</p>	<p>Two specialists/experts for each institution, subject to registration as a tax agent under Section 153 of the Income Tax Act 1967 and fulfilment of residency requirements.</p> <p>Entry shall be limited to maximum period of two years, subject to domestic regulations.</p>
<p>Architectural services (CPC 8671)</p>	<p>Two specialists/experts per country and registration is subject to qualification of registration and domestic regulations. Temporary registration on annual basis and renewal subject to domestic regulation.</p> <p>The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.</p>
<p>Engineering services (CPC 8672*)</p> <p>covering: (CPC 86721- 86729)</p>	<p>Unbound, except as indicated in the horizontal commitments and in respect of 2 b), subject to temporary registration for a period of one year per temporary</p>

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
	<p>registration.</p> <p>Engineering services must be authenticated by a registered professional engineer in Malaysia.</p> <p>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. Other requirements as per in ASEAN Chartered Professional Engineer (ACPE) Registry.</p>
<p>Integrated engineering services (CPC 8673*)</p> <p>covering: (CPC 86731, 86732, 86733, 86739)</p>	<p>Unbound, except as indicated in the horizontal commitments and in respect of 2 b), for a period of up to one year or the duration necessary to complete the services contract.</p> <p>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>
<p>Urban Planning Services covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning. (CPC 86741)</p>	<p>Unbound except for:</p> <ul style="list-style-type: none"> i) independent professionals¹ with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with therelevant regulatory authorities; ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company. <p>Any other requirements or provisions as spelt out under the relevant legislation.</p>

¹ Independent professionals is as defined in para 2(b) in the horizontal commitments.

* An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.
<p>B. Computer and Related Services</p> <ul style="list-style-type: none"> - Consultancy services related to the installation of computer hardware (CPC 841) - Software implementation service (CPC 842) - Data Processing Services (CPC 843) - Data base services (CPC 844 / 84400) <p>Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842*)</p>	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.
<p>C. Research and Development Services</p> <p>Research and experimental development services on social sciences and humanities</p> <p>(CPC 8520 except 85203 and 85204)</p>	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.
<p>E. Rental/Leasing Services without Operator</p> <p>Relating to ships exclude cabotage and offshore trades(CPC 83103)</p> <p>Relating to aircraft(CPC 83104)</p>	Unbound, except as indicated in the horizontal commitments,
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	Unbound, except as indicated in the horizontal commitments.
<p>F. Other Business Services</p> <p>Advertising services (CPC 8711, 8712, 8719)</p>	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.
<p>Management Consulting Services covering</p> <p>a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p>	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
<p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p> <p>c) covering advisory and guidance in the field of pharmacy as follows:</p> <ul style="list-style-type: none"> – 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; – Vaccine production. (CPC 8650*) <p>d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)</p>	
<p>Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc. (CPC 881*, 882*)</p>	<p>Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal commitments.</p>
<p>Services incidental to manufacturing (CPC 884, 885 except 88442)</p>	<p>Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal commitments.</p>
<p>Technical Testing and Analysis Services (CPC 8676 except 86764)</p>	<p>Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.</p>
<p>Convention Centre (CPC 87909) Convention and exhibition management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events</p>	<p>Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.</p>

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
Translation and interpretation services (CPC 87905)	No limitation subject to domestic regulation.
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	Unbound, except as indicated in the horizontal commitments.
Market research and public opinion polling services (CPC 864)	Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal commitments.
Operational Headquarters (OHQ) Services covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. 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 (CPC 87909)	Unbound, except as indicated in the horizontal commitments.
<p>Basic Telecommunications</p> <ol style="list-style-type: none"> 1. Voice service (wired or wireless) (CPC 7521) 2. Packet-switched data transmission services, including frame-relay services (CPC 7523) 3. Circuit switched data transmission services (CPC 7523) 4. Facsimile Service (CPC 7521**, PCPC 7529**) 5. Private leased circuit service (CPC 7522** & CPC 7523**) 6. Paging services (CPC 75291) 	Unbound

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
<p>Other telecommunication services</p> <p>7. Domestic/International satellite services and satellite links/capacities (inclusive of mobile satellite)</p> <p>8. Satellite earth station</p> <p>9. International switching and other international gateway</p> <p>10. Mobile services analogue/digital cellular</p> <p>11. Trunked radio services</p> <p>12. Video transport services</p>	Unbound
<p>Data and message transmission services</p> <p>Covering electronic mail, voicemail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)</p>	Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.
<p>Voice telephone services (CPC 7521)</p> <p>Mobile telephone service (CPC 75213)</p> <p>Telegraph services (CPC 7522)</p> <p>Telex services (CPC 7523**)</p>	Unbound
<p>Mobile data services (CPC 7523**)</p>	Unbound except for two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.
<p><i>Audiovisual Services</i></p> <p>Motion picture, video tape and audio recording distribution services (CPC 96113)</p>	Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal commitments.

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 5 13) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517)	Unbound, except as indicated in the horizontal commitments.
Primary education services (CPC 921)	Unbound, except as indicated in the horizontal commitments.
General secondary education services (CPC 9221)	
Other education services (CPC 929 / 9290 / 92900) Technical and vocational secondary education services(CPC 9223) Technical and vocational secondary school-type education services for handicapped students (CPC 9224)	Unbound, except as indicated in the horizontal commitments.
Other Higher Education Services provided by privately funded higher education institutions excluding private higher education institutions with Malaysian Government equity or that receive Malaysian government assistance (CPC 92390)	Entry and stay of natural persons defined in categories 1(a), 1(b), 2(a), 2(b) and 2(c) shall not exceed a total of 10 years. Unbound except for measures affecting the entry and temporary stay of natural persons defined below: 1. Intra-corporate Transferees a) senior managers being persons with an organization having propriety information of the organization and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of directors or partners of the organisation.

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
	<p>b) Lecturers and experts</p> <p>10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience</p> <p>2. Others</p> <p>(a) Professionals</p> <p>Two 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>(b) Business visitors</p> <p>Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who is an investor or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the purposes of evaluating business opportunities.</p> <p>(c) Contractual Service Suppliers</p> <p>(i) Independent Professionals</p> <ul style="list-style-type: none"> - the natural person has obtained a service contract in the territory of the Party where the service is to be provided; - possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies;

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
	<ul style="list-style-type: none"> - commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; - commitment applies only to the list of categories specified in the schedule. <p>(ii) Employees of Juridical Persons</p> <ul style="list-style-type: none"> a) Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Party where the service is to be provided; b) The juridical person has obtained a service contract to be provided in the territory of another Party; c) The employees receive remuneration from their employer while abroad; d) The employees may not engage in other employment in the territory of the Party where the service is to be provided; e) The employees have appropriate educational and professional qualifications relevant to the service to be provided; f) Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
	<p>title of the Party concerned;</p> <p>g) Commitment applies only to the List of Categories specified and the employee provides the service as a professional/specialist in the specified sector.</p>
<p>Medical speciality services covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine (CPC 93122)</p>	<p>Unbound, except indicated in 2 a) in the horizontal commitments.</p> <p>None other than:</p> <ul style="list-style-type: none"> - practice only in private hospitals of at least 50 beds; - practice to be only at a specified location and a change of location requires approval; and - the setting up of individual or joint group practices is not permitted <p>The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.</p>
<p>Veterinary services(CPC 932) Services delivered to equine animals in equestrians or turfclubs</p>	<p>Unbound, except indicated in 2 a) in the horizontal commitments.</p>
<p>Private hospital services(CPC 93110*)</p>	<p>Unbound, except as indicated in the horizontal commitments.</p>
<p>Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643)</p>	<p>Unbound except as indicated in 1(a) and (b) and 2 (a) and (c) in the horizontal commitments.</p>
<p>Travel Agencies and Tour Operators Services (CPC 7471)</p>	<p>Unbound except as indicated in 1(a) in the horizontal commitments.</p>
<p>Other entertainment services (CPC 96191, 96192)</p>	<p>Unbound except as indicated in 2 a) in the horizontal commitments.</p> <p>Participation of Malaysian entertainers/ artistes may be required based on the guidelines of the relevant Ministry.</p>
<p>Theme Park (part of CPC 96194) (A family based recreational area/ amusement centre, which may consist of</p>	<p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal commitments.</p>

Sector or Subsector	Conditions and Limitations (Including Length of Stay)
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 and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	
Sports events management services (CPC 96411, 96412)	Unbound, except as indicated in 2 a) in the horizontal commitments.
A. Maritime Transport Services International maritime transportation services, excludes cabotage (CPC 7211, 7212)	Unbound, except as indicated in the horizontal commitments. Ship crew is permitted to disembark only for duration of berth.
Maritime agency services covering marketing and sales of maritime transport and related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 7454*) Vessel salvage and refloating services except on inland waters (CPC 74540)	Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal commitments.
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC 97090)	Unbound, except as indicated in the horizontal commitments.

FINANCIAL SERVICES COMMITMENTS

1. The terms, conditions, limitations, or qualifications stipulated under the Horizontal Commitments shall not apply to financial services, including insurance, unless otherwise indicated in the commitments below.

2. In respect of offshore banks, offshore investment banks, commercial banks, investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, direct insurance companies, reinsurance companies and representative offices of commercial banks and investment banks, the terms, conditions, limitations or qualifications stipulated in the Financial Services Horizontal Commitments shall apply in addition to the specific terms, conditions, limitations, or qualifications, as specified for each financial services activity.

3. For greater certainty, Malaysia's commitments below shall not be interpreted as applying to the supply of Shariah-compliant financial services, unless specific entries are made in the banking, insurance or capital markets subsectors accordingly. This approach is consistent with Malaysia's commitments under the WTO and other existing Free Trade Agreements.

4. For greater certainty, temporary entry of natural persons in respect of supply of service shall be through the mode of commercial presence of offshore banks, offshore investment banks, commercial banks, investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, direct insurance companies, reinsurance companies and representative offices of commercial banks and investment banks, as provided in the Appendix to Annex 3 (Specific Commitments for Financial Services – Malaysia) read together with entry 43 in List B of Malaysia's Annex 3 (Schedules of Non-Conforming Measures for Services).

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
A. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers	Unbound except as stipulated for specific activities set out in the Financial Services Activities below.

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
B. Commercial banks and investment banks	<p>Unbound except the following:</p> <p>(a) Five senior managers and 10 specialists or experts for each commercial bank or investment bank.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control, and operation of the services of the financial service supplier.</p> <p>Specialists or experts for each commercial bank or investment bank for areas relating to:</p> <ul style="list-style-type: none"> (i) Trade financing; (ii) corporate finance; (iii) treasury management; (iv) information technology; (v) risk management; (vi) capital market products; (vii) derivatives instruments; (viii) credit risk management; and (ix) internal control; <p>(b) For each representative office of a commercial bank or investment bank, two foreign nationals. Only one foreign national for the two top posts; and</p> <p>(c) Temporary entry shall be limited to a maximum period of five years.</p>

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
C. Direct insurance and reinsurance companies	<p>Unbound except the following:</p> <p>(a) Five senior managers and 10 specialists or experts for each locally incorporated insurance company.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control, and operation of the services of the financial service supplier.</p> <p>Specialists or experts for each insurance institution for areas relating to:</p> <ul style="list-style-type: none"> (i) Underwriting of specialised classes of general business; (ii) information technology; (iii) actuarial functions; (iv) risk management; (v) investment management; (vi) product development; (vii) customer service; and (viii) servicing of foreign and regional business; and <p>(b) Temporary entry shall be limited to a maximum period of five years.</p>
Acceptance of deposits, and other repayable funds from the public, wholesale and retail	Unbound except as indicated in the Financial Services Horizontal Commitments.

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions	<p>For banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks², unbound except one foreign national for a management post which is not the Chief Executive Officer post for each establishment.</p> <p>For each representative office of a non-bank, two foreign nationals subject to only one foreign national for the two top posts.</p> <p>Temporary entry shall be limited to a maximum period of five years.</p>
Financial leasing	<p>Unbound except two foreign nationals, one for a management post which is not the Chief Executive Officer post, and one technical post, for each establishment.</p> <p>For each representative office, two foreign nationals subject to one foreign national for the two top posts.</p> <p>Temporary entry shall be limited to a maximum period of five years.</p> <p>For offshore leasing companies, unbound except as set out in respect of supply of service through the mode of commercial presence for this activity as provided in the Appendix to Annex 3 (Specific Commitments for Financial Services – Malaysia) read together with entry 43 in List B of Malaysia's Annex 3 (Schedules of Non-Conforming Measures for Services).</p>

² For purposes of this Schedule, "non-banks" means any non-bank for scheduled businesses as referred to in Malaysia's Schedule of Specific Commitments under GATS.

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts	<p>For banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks, unbound except one foreign national for a management post which is not the Chief Executive Officer post for each establishment.</p> <p>Temporary entry shall be limited to a maximum period of five years.</p>
Charge cards	<p>Unbound except two senior managers for each establishment.</p> <p>Temporary entry shall be limited to a maximum period of five years.</p>
Guarantees and commitments	Unbound except as indicated in the Financial Services Horizontal Commitments and the Horizontal Commitments.
Money and foreign exchange broking services	<p>Unbound except offshore money and foreign exchange brokers.</p> <p>For offshore money and foreign exchange brokers, unbound except as set out in respect of supply of service through the mode of commercial presence for this activity as provided in the Appendix to Annex 3 (Specific Commitments for Financial Services – Malaysia) read together with entry 43 in List B of Malaysia’s Annex 3 (Schedules of Non-Conforming Measures for Services).</p>

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
<p>Trading for own account or account of customers in the following:</p> <p>(a) money market instruments;</p> <p>(b) foreign exchange;</p> <p>(c) transferable securities;</p> <p>(d) exchange rate and interest rate instruments;</p> <p>(e) derivative products, including futures and options; and</p> <p>(f) other negotiable instruments, including bullion.</p>	<p>For banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks, unbound except as indicated in the Horizontal Commitments.</p>
<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>For banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks, unbound except as indicated in the Horizontal Commitments.</p>
<p>Underwriting</p>	<p>For commercial banks, investment banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks, unbound except as indicated in the Horizontal Commitments.</p>
<p>Asset management as follows:</p> <p>(a) cash or portfolio management;</p> <p>(b) all forms of collective investment management; and</p> <p>(c) custodial and depository services</p>	<p>For banks, unbound except as indicated in the Financial Services Horizontal Commitments.</p> <p>For non-banks, unbound except as indicated in the Horizontal commitments.</p>
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions and corporate restructuring and strategy</p>	<p>For banks, one specialist or expert per organisation.</p> <p>For non-banks, unbound except as indicated in the Horizontal commitments.</p> <p>For each representative office, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Temporary entry shall be limited to a maximum period of five years.</p>

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
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, the provision of treasury and fund management services, and research and development)	Unbound except 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 must possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management; and (b) Temporary entry shall be limited to a period of five years which may be renewed.
Securities broking services	For a stockbroking company unbound except as indicated in the Horizontal Commitments. For each representative office, two foreign nationals subject to only one foreign national for the two top posts. Temporary entry shall be limited to a maximum period of five years.
Commodity futures broking services	Unbound except one foreign national for a management post per establishment, subject to market test.
Direct insurance (non-life)	Unbound except as indicated in the Financial Services Horizontal Commitments.
Direct insurance (life)	Unbound except as indicated in the Financial Services Horizontal Commitments.
Reinsurance and retrocession (non-life)	Unbound except as indicated in the Financial Services Horizontal Commitments.
Reinsurance and retrocession (life)	Unbound except as indicated in the Financial Services Horizontal Commitments.
Insurance intermediation – insurance broking (excluding agency)	Unbound except as indicated in the Financial Services Horizontal Commitments.

Sector or Sub-sector	Conditions and Limitations (Including Length of Stay)
Insurance intermediation – insurance underwriting and insurance management	Unbound except as indicated in the Financial Services Horizontal Commitments.
<p>Services auxiliary to insurance as follows:</p> <ul style="list-style-type: none"> (a) consultancy (excludes insurance agency services to insurance industry); (b) actuarial risk assessment; (c) risk management; and (d) maritime loss adjusting. 	Unbound except as set out in respect of supply of service through the mode of commercial presence for this activity as provided in the Appendix to Annex 3 (Specific Commitments for Financial Services – Malaysia) read together with entry 43 in List B of Malaysia’s Annex 3 (Schedules of Non-Conforming Measures for Services).

ANNEX 4

**SCHEDULE OF SPECIFIC COMMITMENTS ON
THE MOVEMENT OF NATURAL PERSONS**

MYANMAR

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments										
HORIZONTAL SECTION													
All sectors unbound: For a service supplier of another Party who is a natural person of that Party but is not a permanent resident of that Party in Mode 4.													
All Sectors	<p>(4) All foreign enterprises and foreign workers shall abide by</p> <p>Type of Visa</p> <p><u>Business Visa (Single Entry)</u></p> <ul style="list-style-type: none"> - Duration of Stay: 70 days <p><u>Business Visa (Multiple Entry)</u></p> <ul style="list-style-type: none"> - Duration of Stay: 3 months - Duration of Stay: 6 months - Duration of Stay: 12 months <p><u>e-Visa (Business) (Single Entry)</u></p> <ul style="list-style-type: none"> - Duration of Stay 70 days <p>Extension of Stay Permit</p> <ul style="list-style-type: none"> - Up to 3 months/6 months/1 year - Up to 3 months/6 months/1 	<p>(4) According to Notification No. 47/2018 Ministry of Planning and Finance, non-resident (foreigner) will be subject to a withholding tax is as follows:</p> <table border="1" data-bbox="1249 775 1680 1345"> <thead> <tr> <th data-bbox="1249 775 1507 847">Class of Income</th> <th data-bbox="1507 775 1680 847">Non-resident foreigners</th> </tr> </thead> <tbody> <tr> <td data-bbox="1249 847 1507 884">Interest</td> <td data-bbox="1507 847 1680 884">15%</td> </tr> <tr> <td data-bbox="1249 884 1507 971">Royalties for use of licenses, trade marks, patent rights etc.</td> <td data-bbox="1507 884 1680 971">15%</td> </tr> <tr> <td data-bbox="1249 971 1507 1305">Payments under contracts made by State organizations, ministries, Nay Pyi Taw Council, state-owned enterprises, Municipalities and local authorities, formed under any existing laws for procurements and services render</td> <td data-bbox="1507 971 1680 1305">2.5 %</td> </tr> <tr> <td data-bbox="1249 1305 1507 1345">Payments for services</td> <td data-bbox="1507 1305 1680 1345">2.5 %</td> </tr> </tbody> </table>	Class of Income	Non-resident foreigners	Interest	15%	Royalties for use of licenses, trade marks, patent rights etc.	15%	Payments under contracts made by State organizations, ministries, Nay Pyi Taw Council, state-owned enterprises, Municipalities and local authorities, formed under any existing laws for procurements and services render	2.5 %	Payments for services	2.5 %	
Class of Income	Non-resident foreigners												
Interest	15%												
Royalties for use of licenses, trade marks, patent rights etc.	15%												
Payments under contracts made by State organizations, ministries, Nay Pyi Taw Council, state-owned enterprises, Municipalities and local authorities, formed under any existing laws for procurements and services render	2.5 %												
Payments for services	2.5 %												

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>year (Online Application for extension)</p> <p>Applying for Re-entry Visa</p> <ul style="list-style-type: none"> - Single Re-entry Visa (SRV): Up to 6 months - Multi Journey Special Re-entry Visa (MJSRV): Up to 1 year - Single Re-entry Visa (SRV) (Online): Up to 6 months - Multi Journey Special Re-entry Visa (MJSRV) (Online): Up to 1 year <p>Penalty for Overstay</p> <ul style="list-style-type: none"> - From the first day of expiry of Stay Permit up to 90 days: USD 3 per day - For overstay more than 90 days: USD 5 per day (Penalty fees are changeable according to the domestic regulations) 	<p>and procurements provided in Myanmar</p> <p><u>Tax</u></p> <p>According to the Section 3 (k) of the <i>Income Tax Law</i>, it prescribes the Resident foreigners as follows:</p> <ul style="list-style-type: none"> (i) in the case of individual, a foreigner who resides in Myanmar for not less than 183 days during the income year; (ii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners shareholders; (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. 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Applying for extension of Stay Permit for foreigners holding Business Visas, it is previously allowed to extend up to 3 months, 6 months and 1 year. But these restrictions are releasing now. At current time, the application of stay extension from concerning company is verified by respective Ministry and then submitted to Ministry of Immigration and Population (MoIP). MoIP also checks the requested period of stay extension and carries out Stay Permit and Re-entry Visa valid no more than 12 months in line with the existing laws, rules, regulations and procedures.</p>	<p>In this regard, workers and staff who work at least one year in Myanmar and enterprises formed in Myanmar may be assumed as the resident foreigners. According to the Section 19 (c) of the <i>Union Taxation Law, 2022</i>, standard rate personal income taxes is 0-25 per cent.</p> <p>According to the Section 23 (a) of the <i>Union Taxation Law 2022</i>, the corporate income tax shall be levied 22 per cent on the total of net profit.</p> <p>According to the Section 30 of the <i>Union Taxation Law 2022</i>, if the income is earned in the foreign currency for other income heading except the heading of capital gains from assets, the income tax shall, in accordance with the provisions in regulation 8 of the income tax regulations, be calculated, on such income and the income tax shall be charged in kyats on citizens and foreigners are residing in the country and shall be charged in the type of currency earned on a foreigners residing abroad.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(4) Myanmar reserves rights to adopt or maintain any measures to protect its essential security interests to another Party including measures in conformity with this Schedule and Myanmar's Schedule in Annex 3 (Schedules of Reservations and Non-Conforming Measures for Investment). <i>Foreign Labor Law</i> is currently being drafted. Myanmar reserves the full rights to maintain or adopt any measures on Economic Needs Test requirements (ENT) including terms and conditions, limitation, qualification, and other required testing or examination of temporary entry of natural person.</p>	<ul style="list-style-type: none"> - A judicial person may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law. (b) The commercial presence of foreign services provider shall be subject to the licensing by the government authorities concerned. (c) According to the <i>Transfer of Immoveable Property Restriction Law 1987</i>, 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. 	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(4) For the purposes of this Schedule, natural persons of another Party do not include permanent residents of that other Party. Myanmar reserves the full rights to maintain or adopt any measures with respect to permanent residents of another Party. Commercial presence of foreign service suppliers or providers and cross-border supply of services is permitted in accordance with the <i>Electronic Transaction Law 2004</i>, the <i>Law Amending the Electronic Transaction Law 2014</i>, the <i>Law Amending the Electronic Transaction Law 2021</i>, the <i>Telecommunication Law 2013</i>, the <i>Law Amending the Telecommunication Law 2017</i>, the <i>Law Amending the Evidence Act 2015</i>, the <i>Law Protecting the Privacy and Security of Citizens 2017</i>, the <i>Computer Science Development Law 1996</i>.</p>	<p>– Standard rate of income tax is 22 per cent of net profit, if the income is earned in the foreign currency for other income headings except the heading of capital gains from assets, the income tax shall, in accordance with the provisions in regulation 8 of the <i>Income Tax Regulations</i>, be calculated, on such income and the income tax shall be charged in kyats on citizens and foreigners residing in the country and shall be charged in the type of currency earned on a foreigners residing abroad.</p> <p>In case of the capital gains from selling, exchanging or transferring by any other means, one or more assets in kyats or foreign currency, before deducting reliefs under sections 6 and 6A of the <i>Income Tax Law</i>:</p> <p>(i) if the company operates in Myanmar oil and gas sector, the income tax shall be levied in the type of currency earned according to the tax rates shown against the capital gains specified as follows:</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>Capital gains</p> <p>Income tax rate to be paid</p> <p>(aa) equivalent 40 per cent: up to 100,000 million kyats</p> <p>(bb) equivalent 45 per cent: from 100,000 million kyats to 150,000 million kyats</p> <p>(cc) equivalent 50 per cent: to 150,000 million kyats and above</p> <p>(ii) the income tax shall be levied 10 per cent in kyats or foreign currency on the capital gains of an individual or an association of persons except the companies operating in Myanmar's oil and gas sector. In case of a non-resident foreigner, the tax shall be paid in the type of currency earned.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(4) The Department of Labour under the Ministry of Labour performs registration for overseas workers who have been given the permission together with the commercial presence registered at the Directorate of Investment and Company Administration of Myanmar according to the laws, rules and regulations of Myanmar. The validation of registration is six months.</p>	<p>(4) Any expatriate engaged 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 the <i>Myanmar Immigration (Emergency Provisions) Act 1947</i>, the <i>Foreigners Act 1846</i>, the <i>Registration of Foreigners Act 1940</i>, the <i>Registration of Foreigners Rules 1948</i> 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 under the Ministry of Labour of Myanmar.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>The Department of Labour under the Ministry of Labour performs registration for overseas workers who have been given the permission together with the commercial presence registered at the Directorate of Investment and Company Administration of Myanmar according to the laws, rules and regulations of Myanmar. The validation of registration is six months.</p> <p>Regarding the recognise 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>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
b. Accounting, auditing and bookkeeping services	(4) Commercial presence of service supplier for this sector may supply services related to this sector in Myanmar. ASEAN Chartered Professional Accountants (ACPA) can provide non-audit services such as Financial accounting, Bookkeeping, Cost and management accounting, Preparation, compilation or reporting of financial statements, Financial management consultancy, Investment consultancy, Tax consultancy, tax filling, tax calculation, Company registration and secretarial service, Liquidation, insolvency and receivership, Accounting system design, development and implementation, Accounting system review and analysis, Internal audit, Accounting Education establishment, Share valuation advisory,	(4) As indicated in Market Access	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Business valuation advisory and Other accounting related services which shall be determined by Professional Regularity Authority. They have to register at Myanmar Accountancy Council (MAC). Apart from ASEAN countries for commercial presence, the professional accountants from Non-ASEAN countries may perform non-audit services as mentioned above. However, they have to register with the MAC under the Myanmar Accountancy Council law.</p>		

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>d. Architectural services (CPC 8671)</p> <p>e. Engineering service (CPC 8672)</p> <p>f. Integrated engineering services (CPC 8673)</p> <p>g. Urban planning and landscape architectural services: Landscape architectural services (CPC 86742)</p>	<p>(4) (a) Subject to the Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, management, professional and technical experts unless mentioned otherwise are allowed to stay up to one year and extendable there on.</p> <p>(b) Preference for entry and temporary stay of skilled workers from traditional source of supply.</p> <p>(c) Unskilled labour is not allowed in Myanmar.</p> <p>(d) According to the <i>Myanmar Engineer Council Law 2013</i> and <i>Law Amending the Myanmar Engineer Council Law 2019</i>, Foreign Engineer and Foreign Professional Engineer, who is in compliance with specifications provided in this law, shall apply registration on Registered Limited Engineer (RLE) and Registered Limited Professional Engineer (RLPE) respectively to the Myanmar Engineer Council.</p>	<p>(4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority.</p> <p>(b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour.</p> <p>(e) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.</p>	
<p>B. <u>Computer and Related Services</u></p>			

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>a. Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>b. Software implementation services (CPC 842)</p> <ul style="list-style-type: none"> • System and software consulting services (CPC 8421) • System analysis services (CPC 8422) • System design services (CPC 8423) • Programming services (CPC 8424) • System maintenance services (CPC 8425) 	<p>(4) Subject to the Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws and existing laws and regulations, only core staff including management staffs, technical experts, and such will be allowed to enter to carry out the activities.</p>	<p>(4) Presence of natural persons</p> <p>(a) Natural persons require approval from the related departments and will be subject to the existing laws, rules, and regulations.</p> <p>(b) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority.</p> <p>(c) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>c. Data processing services (CPC 843)</p> <ul style="list-style-type: none"> • Input preparation services (CPC 8431) • Data-processing and tabulation services (CPC 8432) • Time-sharing services (CPC 8433) • Other data processing services (CPC 8439) <p>d. Data base services (CPC 844)</p> <p>e. Other (CPC 845 + 849)</p> <ul style="list-style-type: none"> • Maintenance and repair services of office machinery (CPC 845) • Data preparation services (CPC 8491) • Other computer services (CPC 8499) • System integration services • Software development services 		<p>(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country.</p> <p>(e) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour.</p> <p>(f) Subject to domestic rules and regulations for the categories of natural persons referred to under market access.</p> <p>(g) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Other Business Services</u>			
a. Advertising Services (CPC 871)	(4) Unbound	(4) Unbound	
c. Management Consulting and Regulated Services (CPC 865)	(4) Management consulting and regulated services for market access shall be permitted in accordance with the laws, regulated by the relevant ministries in general and by the Ministry of Education in particular. Commitment with Limitation	(4) Management consulting and regulated services for national treatment shall be permitted in accordance with the laws, regulated by the relevant ministries in general and by the Ministry of Education in particular. Unbound	Due to existing regulations of Education, all kinds of education services are to be regulated by Ministry of Education
r. Printing and Publishing (CPC 89)	(4) Unbound	(4) Unbound	
t. Other Translation and Interpretation Services (CPC 87905)	(4) Unbound	(4) Unbound	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
D. <u>Audio Visual Services</u>			
Motion Picture and Video Tape Production Services (CPC 96121)	(4) Subject to the <i>Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws</i> and existing laws and regulations only managers, executives, experts and skilled technicians of foreign nationality will be granted stay permit of one year (under domestic law). If the foreigner wishes to stay beyond the initial valid period, he may apply, in accordance with rules and regulations, for an extension of a period not exceeding one year.	(4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority. (b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar. (c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country. (d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour. (e) Subject to domestic rules and regulations for the categories of natural persons referred to under market access. (f) Standard rate of income taxes are 30 per cent of net profit for kyat-income and 2 per cent of net profit for foreign currency-income.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
D. <u>Audio Visual Services</u>			

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	(4) Unbound	(4) Unbound	
Rental and Leasing of Studio Recording equipment (CPC 38109)	(4) Unbound	(4) Unbound	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION SERVICES			
<p>Pre-erection work at construction site (CPC 511)</p> <p>Construction work for buildings (CPC 512)</p> <p>Construction work for civil engineering (CPC 513)</p> <p>Assembling and erection of prefabricated construction (CPC 514)</p> <p>Special trade Construction (CPC 515)</p> <p>Installation work (CPC 516)</p> <p>Building completion and finishing work (CPC 517)</p> <p>Renting services related to equipment for construction or demolition of building or civil engineering works with operator.</p>	<p>(4) Subject to the <i>Myanmar Investment Law, Myanmar Labour Laws, Immigration Laws</i> and existing laws and regulations, management, professional and technical experts are allowed to stay up to one year and may be extendable there on.</p>	<p>(4) (a) Any expatriate engaged in joint ventures, representative offices or other types of judicial person and/or individual services provider shall receive the approval of the respective authority.</p> <p>(b) Any expatriate entering into Myanmar shall abide by the immigration rules and procedures of Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour.</p> <p>(e) Subject to domestic rules and regulations for the categories of natural persons referred to under market access.</p> <p>(f) Standard rate of income taxes are 30 per cent of net profit for kyat- income and 2per cent of net profit for foreign currency-income.</p> <p>(g) Unskilled labour is not allowed</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>in Myanmar.</p> <p>(h) The Government needs to regulate the flow of foreign workers to ensure social cohesion in Myanmar.</p>	

1

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATION SERVICES			
Education Services (CPC 922, 923 and 929)	(4) Market Access shall be permitted in accordance with the laws pursued by the Ministry of Education.	(4) National Treatment shall be followed in accordance with the rules, regulations and laws of the relevant ministries in general and Ministry of Education in particular.	Due to existing regulations of Education, all kinds of education services are to be regulated by Ministry of Education
<p>Higher Education Services (CPC 923)</p> <p>Post-secondary education services (CPC 9231,92310)</p> <p>Other higher education services (CPC 9239, 92390)</p>	(4) Market Access shall be accounted in accordance with the domestic laws, rules and regulations of the related ministries including Ministry of Education.	(4) National Treatment shall be maintained in accordance with the domestic laws, rules and regulations of the related ministries including Ministry of Education.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
International Passenger Transport Services (Excluding Cabotage) (CPC 7211)	(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies. (b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar. (c) The immigration rules and procedures shall abide by any expatriate when entering in to Myanmar. (d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country. (e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar	(4) Unbound	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>International Freight Transport Services (Excluding Cabotage) (CPC 7212)</p>	<p>(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.</p> <p>(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.</p> <p>(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar</p>	<p>(4) Unbound</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Cargo Handling Services (CPC 741)	<p>(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.</p> <p>(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.</p> <p>(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar.</p>	<p>(4) (a) Any expatriate engaged in Joint Venture, representative offices or other type of juridical person and individual services providers shall receive the approval of the respective authority.</p> <p>(b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services provider who work with approval of respective authority shall register themselves with the Department of Labour.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Storage and Warehouse Services (CPC 742)	<p>(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.</p> <p>(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.</p> <p>(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar</p>	<p>(4) (a) Any expatriate engaged in Joint Venture, representative offices or other type of juridical person and individual services providers shall receive the approval of the respective authority.</p> <p>(b) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(c) Any expatriate in Myanmar shall abide by the laws, rules and regulations of the Union of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(d) Individual services provider who work with approval of respective authority shall register themselves with the Department of Labour.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Freight Forwarding Services (CPC 7480)	<p>(4) (a) Management level is allowed to stay up to one year and may extendable there on subject to the approval of concerned agencies.</p> <p>(b) Any expatriate engaged in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority according to the domestic laws, rules and regulations of Myanmar.</p> <p>(c) The immigration rules and procedures shall abide by any expatriate when entering into Myanmar.</p> <p>(d) Any expatriate in Myanmar shall abide by the laws, rules and regulations of Myanmar and that they shall not interfere in the internal affairs of the country.</p> <p>(e) Individual services provider who works with the approval of respective authorities shall register themselves with the Ministry of Labour of Myanmar.</p>	(4) Unbound	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. <u>Air Transport Services</u>			
Aircraft Repair and Maintenance Services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Selling and Marketing of Air Transport Services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Aircraft leasing with crew	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Supporting services for air transport – Computer reservation system services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Aircraft catering services	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	
Air Freight Forwarding Services	(4) Unbound	(4) Unbound	
Aircraft Leasing without Crew	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

NEW ZEALAND

1. This Schedule sets out New Zealand's specific commitments in accordance with Chapter 9 (Movement of Natural Persons) for the temporary entry of natural persons of another Party covered under Article 2 (Scope) of Chapter 9 (Movement of Natural Persons).
2. This Schedule and Chapter 9 (Movement of Natural Persons) comprise the entirety of New Zealand's commitments in respect of the temporary entry or temporary stay of a natural person of another Party.
3. For greater certainty, Most-Favoured-Nation Treatment in accordance with Article 9 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) does not apply to this Schedule.
4. Notwithstanding the commitments set out below, New Zealand remains unbound in cases of labour or management disputes, and also with respect to ships' crews.
5. With respect to audio-visual services, New Zealand immigration instructions stipulate a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, those applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers, and the relevant performing artists' unions.

Entry in the following categories only	Conditions and Limitations (including length of stay)
A. Business Visitor	
<u>Definition:</u> Business Visitors comprise a business person: (a) who is seeking temporary entry to New Zealand for business purposes, such as: (i) for the purpose of negotiating and concluding the sale of goods or services, but is not engaged in making direct sales to the general public or in supplying goods or services themselves; or (ii) as an investor, or duly authorised representative of an investor, for	Entry for a period not exceeding in aggregate three months in any calendar year.

Entry in the following categories only	Conditions and Limitations (including length of stay)
<p>the purpose of establishing, expanding, monitoring or disposing of an investment, but not with the intention of establishing or operating any business on the business visitor's own account;</p> <p>(b) who is not seeking to enter the labour market of New Zealand; and</p> <p>(c) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside New Zealand.</p>	
B. Intra-Corporate Transferee	
<p>Definition: An executive, manager or specialist:</p> <p>(a) who is an employee of a goods supplier, service supplier, or investor of another Party with a commercial presence in New Zealand; and</p> <p>(b) whose salary and any related payments are paid entirely by the service supplier or enterprise that employs the intra-corporate transferee.</p>	<p>Executive: Definition: A natural person of another Party who primarily directs the management of an enterprise, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the enterprise. An executive would not directly perform tasks related to the actual provision of the service or the operation of the enterprise.</p> <p>Entry for a period of initial stay up to a maximum of three years for an executive who has been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>Manager: Definition: A natural person of another Party who will be responsible for or directs the entire or a substantial part of the operations of the enterprise in New Zealand, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies</p>

Entry in the following categories only	Conditions and Limitations (including length of stay)
	<p>of the entire or a substantial part of the operations of the enterprise.</p> <p>Entry for a period of initial stay up to a maximum of three years for a manager who has been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>Specialist <u>Definition:</u> A natural person of another Party with advanced trade, technical or professional skills within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation's service, research equipment, techniques or management.</p> <p>Such specialists are responsible for or employed in a particular aspect of an organisation's operations in New Zealand. Skills are assessed in terms of the applicant's employment experience, qualifications and suitability for the position.</p> <p>Entry for a period of initial stay up to a maximum of three years.</p>
C. Installer or Servicer	
<p><u>Definition:</u> A natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Entry for periods not exceeding three months in any 12-month period.</p>

D. Independent Service Supplier	
<p><u>Definition:</u> A self-employed services supplier working on a contractual basis, without a requirement for commercial presence.</p> <p>In the following category only:</p> <p>Independent Professional: <u>Definition:</u> A self-employed natural person of another Party with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.</p> <p>An independent professional must also have:</p> <p>(a) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma; and</p> <p>(b) six or more years of experience.</p> <p>Both (a) and (b) must be in the field in which the independent professional wishes to supply his or her professional services.¹</p>	<p>In respect of the services sectors set out in Appendix A of New Zealand's Schedule of Reservations and Non-Conforming Measures for Investment and Services, only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>

¹ These qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

THE PHILIPPINES

1. This Schedule applies to all sectors covered under the specific commitments of the Philippines in the Trade in Services Chapter of the AANZFTA. For greater certainty, this Schedule is not subject to obligations under Article 9 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services), and Article 11.3 and 11.4 (Schedules of Specific Commitments) of Chapter 8 (Trade in Services).
2. For the categories of persons set out in this Schedule, the Philippines specifies the following terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of another Party through the presence of natural persons of a Party in the territory of the Philippines:
 - a. The Philippines shall require a covered natural person of another Party seeking temporary entry and temporary stay under the terms and conditions set out in each category below to obtain an appropriate visa prior to entry pursuant to the Commonwealth Act No. 613 (*Philippine Immigration Act of 1940*), as amended.
 - b. Pursuant to Article 40 of the Presidential Decree No. 442 (*Labor Code of the Philippines*), as amended and its Implementing Rules and Regulations, non-resident aliens may be admitted to the Philippines for the supply of a service after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application, to perform the services for which the alien is desired.
 - c. Pursuant to Section 14, Article XII of the *1987 Philippine Constitution*, the practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law. If the activity or undertaking of the natural person constitutes the practice of a regulated profession under the Philippines' laws and regulations, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission pursuant to Section 7(j) of the Republic Act No. 8981 (*PRC Modernization Act of 2000*), and obtain an alien employment permit (AEP) from the Department of Labor and Employment (DOLE) pursuant to Article 40 of the *Labor Code of the Philippines*, as amended. The natural person shall likewise comply with the requirements relative to the practice of profession by a foreign national as provided for in the appropriate professional regulatory law.
 - d. In activities expressly reserved by law to citizens of the Philippines, (i.e. foreign equity participation is limited to a minority share) all executive and managing officers must be citizens of the Philippines. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital to that entity.

- e. For the telecommunications sector, individual service suppliers must be Filipino citizens. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital to that entity. All executives and managers must be citizens of the Philippines.
- f. For banking services, unbound except as indicated in the Philippines' Schedule in Annex 2 (Schedules of Specific Commitments for Services). A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino citizens as understudies.
- g. For all insurance and insurance related services, only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, and their temporary stay not to exceed five years upon entry. Each employed alien shall have at least two Filipino citizens as understudies.
- h. For transport services, only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their temporary stay not to exceed five years upon entry. Each employed alien shall have two Filipino citizens as understudies. For specialised vessels, aliens may be employed as supernumeraries only for a period of six months.
- i. All measures relating to permanent residents are unbound. The Philippines reserves the right to enact laws on the treatment of permanent residents of foreign countries. Until such time as the Philippines enacts the said laws, the obligations of the Philippines with respect to permanent residents of the other Parties shall be limited to the Philippines' obligations under GATS.
- j. In this Schedule, reference is made to the *1987 Philippine Constitution*, hence, commitments are to be construed in accordance with the *1987 Philippine Constitution*.

Description of Category	Conditions and Limitations (including length of stay)
<p>1. Business Visitors</p> <p>Natural persons who enter the Philippines for the purpose of participating in business contracts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in the Philippines, without acquiring remuneration from the Philippines and without engaging in the supply of services.</p>	<p>Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of 59 days, which may be extended every two months thereafter for a total period of stay of one year.</p>
<p>2. Intra-corporate Transferees</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p>A natural person of each Party who is a manager, executive or person with specialized technology or knowledge, who has been employed by a juridical person that supplies services and/or has established commercial presence in each Party's territory and who is being transferred to its branch, subsidiary, affiliate, representative office or joint venture partner in the Philippines.</p>	<p>Entry and temporary stay for one year, which may be extended.</p>
<p>3. Investors engage in the following:</p> <p>(a) activities to invest in business in the Philippines and manage such business;</p> <p>(b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or</p> <p>(c) conduct of business in the Philippines in which a person other than that of the Philippines has invested.</p>	<p>Entry and temporary stay for a period of one year, which may be extended, shall be granted to a natural person of each Party who engage in any of these activities.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>4. Natural Persons of each Party who Engage in Supplying Services, which Require Technology or Knowledge at an Advanced Level or which Require Specialized Skills belonging to Particular Fields of Industry, on the Basis of a Contract with Public or Private Organizations in the Philippines.</p> <p>Technical, Advisory or Supervisory position does not include skilled labor, and does not involve the practice of regulated profession as defined under the laws and regulations of the Philippines except for professionals covered in the schedule of commitments under the professional services in the Trade in Services Chapter, subject to the issuance of Special Permit by the Professional Regulation Commission and Alien Employment Permit by the Department of Labor and Employment pursuant to Section 7(j) of the PRC Modernization Act of 2000 and the applicable regulatory laws for each profession.</p>	<p>Entry and temporary stay for a period of one year, which may be extended, shall be granted to a natural person of a Party who occupy a technical, advisory or supervisory position on the basis of a personal contract with a public or private organization in the Philippines.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>5. Natural Persons of Each Party who Engage in Professional Service under a Twinning or Bridging Program Done Through an Accredited Higher Education Institution in the Philippines by a Foreign Higher Education Provider</p> <p>A natural person of each Party who is a Specialist with knowledge at an advanced level in the fields of agriculture, industrial, environment and natural resources management, engineering, architecture, science and technology, nursing and midwifery, curriculum development and enhancement, library and laboratory enrichment and cultural exchange in the fields of agriculture, industrial, environment and natural resources management, engineering, architecture, science and technology and health-related programs on the basis of a contract with public or private Higher Education Institution in the Philippines.</p>	<p>Entry and temporary stay for a period of one year, which may be extended.</p>

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

SINGAPORE

1. The following sets out Singapore's commitments in accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons). This Schedule and Chapter 9 (Movement of Natural Persons) comprise the entirety of Singapore's commitments in respect of the temporary entry of natural persons of a Party into the territory of Singapore, only in the categories of natural persons set out below.
2. For the categories of natural persons set out in this Schedule, Singapore specifies below any terms, conditions, limitations or qualifications in relation to the temporary entry of natural persons of a Party into the territory of Singapore.
3. Singapore remains unbound in respect of the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Singapore, except as set out in these commitments.
4. The Schedules of other Parties shall not be used to interpret Singapore's commitments or obligations under Chapter 9 (Movement of Natural Persons).
5. Notwithstanding the commitments set out below, Singapore remains unbound with respect to National Treatment and ships' crews.

Description of Category	Conditions and Limitations (including length of stay)
<p data-bbox="290 1290 828 1688">Intra-corporate transferees</p> <p data-bbox="290 1352 828 1688">Intra-corporate transferees refer 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 data-bbox="290 1715 828 1749">(a) Managers</p> <p data-bbox="290 1783 828 1980">Natural 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 recommend</p>	<p data-bbox="831 1290 1305 1442">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>

Description of Category	Conditions and Limitations (including length of stay)
<p>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) Executives:</p> <p>Natural 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) Specialists:</p> <p>Natural 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.</p> <p>This commitment applies to the following subsectors only:</p> <ul style="list-style-type: none"> • Accounting/Auditing Services (CPC 862**); • Taxation services except for other tax-related services (CPC 863**); • Architectural Services (CPC 8671); • Landscaping services (CPC 86742**); • Medical Services, specifically General Medical Services (CPC 93121) and Specialised Medical Services (CPC 93122); • Dental Services (CPC 93123); • Veterinary Services (CPC 932); 	

Description of Category	Conditions and Limitations (including length of stay)
<ul style="list-style-type: none"> • Engineering Services (CPC 8672**) <p>The sectors covered by Engineering services are:</p> <ul style="list-style-type: none"> a) Civil engineering services b) Production engineering services c) Mechanical engineering services d) Electrical engineering services e) Electronic engineering services f) Aeronautical engineering services g) Marine engineering services h) Naval architectural engineering services i) Industrial engineering services j) Chemical engineering services; • Biotechnology services (CPC 851**); • Economic and behavioural research (CPC 852**); • Interdisciplinary Research and Development (R&D) Services for projects undertaken by education institutions (CPC 853**); • Residential and Non-Residential Property Management Services on a Fee or Contract Basis (CPC 82201, CPC 82202); • Leasing or Rental Services without Operators relating to ships (CPC 83103); • Advertising services (CPC 8711, 8712, 8719); • Commercial market research (CPC 86401); • Management Consultancy Services, including Office Management and Administrative Services (CPC 865**); • Public Relations Consultancy Services (CPC 865**); • Advertising Consultancy Services (CPC 865**); • Information Technology Consultancy Services (CPC 865**); • Buildings and Facilities Management Services, including Cleaning of Building Services (CPC 865**); • Services related to Management Consulting (CPC 866); • Technical Testing and Analysis Services of motor vehicles (CPC 8676**); • Professional, Advisory and Consulting Services relating to Agriculture, 	

Description of Category	Conditions and Limitations (including length of stay)
<p>Forestry, Fishery and Mining, including Oilfield Services (CPC 881**, CPC 882**, CPC 883**, CPC 5115**);</p> <ul style="list-style-type: none"> • Convention Services and Exhibition Management Services (CPC 87909**); • Translation/Interpretation Services (CPC 87905); • Alarm Monitoring Services (CPC 87303); • Maintenance and Repair of Equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **); • Building Cleaning Services (CPC 874); • Photographic Services (CPC 875); • Packaging Services (CPC 876); • Industrial Research; • Commercial Market Research; • Interior Design Services, excluding Architecture (CPC 87907**); • Courier Services in respect of documents and parcels, excluding letters and postcards; • Hotel Lodging Services (CPC 64110); • Restaurant and Catering Services (CPC 64210, CPC 64230); • Travel Agent and Tour Operator Services (CPC 7471); • Tourist Guide Services (CPC 7472) • Library Services (CPC 96311); • Construction Services <ul style="list-style-type: none"> a) General Construction for Buildings (CPC 512) b) General Construction work for civil engineering (CPC 513) c) Installation and assembly work (CPC 514, CPC 516) d) Building Completion and Finishing Work (CPC 517) e) Others (CPC 511, CPC 515, CPC 518); • Commission Agents' Services, except for pharmaceutical and medical goods and cosmetics (CPC 621, except CPC 62117); • Wholesale Trade Services, except for pharmaceutical goods and medical goods and surgical and orthopaedic instruments (CPC 622**); • Franchising (CPC 8929**); 	

Description of Category	Conditions and Limitations (including length of stay)
<ul style="list-style-type: none"> • Adult Education Services (CPC 924 n.e.c); • Short Term Training, including language courses (CPC 92900**); • Sanitation and Similar Services (CPC 9403); • Cleaning Services of Exhaust Gases (CPC 9404); • Noise Abatement Services (CPC 9405); • Entertainment Services, including theatre, live bands and circus services (CPC 9619); • Sports and Recreational Services, except for gambling and betting services (CPC 964**); • Washing, Cleaning and Dyeing services (CPC 9701); • Hairdressing and Other Beauty Services (CPC 9702); • Funeral, Cremation and Undertaking Services, except for maintenance services of cemeteries, care of graves and graveyards (CPC 97030**); • Basic Telecommunication Services (facilities-based): <ul style="list-style-type: none"> a) Public Switched Services (local and international), including voice, data and facsimile, telex and telegraph services b) Leased Circuit Services (local and international); • Mobile Services: <ul style="list-style-type: none"> 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) • Resale basis: <ul style="list-style-type: none"> a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network) b) Leased Circuit Services (local and international) (without connection to the public switched network) c) Public Cellular Mobile Telephone 	

Description of Category	Conditions and Limitations (including length of stay)
<p>Services</p> <p>d) Public Radio Paging Services;</p> <ul style="list-style-type: none"> • Value-Added Network (VAN) services. The services covered are: <ul style="list-style-type: none"> - electronic-mail - voice-mail - on-line information and data base retrieval - electronic data interchange - on-line information or data processing; • Audio-Visual (AV) Services <ul style="list-style-type: none"> a) the services covered are production, distribution and public display of: <ul style="list-style-type: none"> - motion pictures - video recordings - sound recordings, except where excluded under b) (CPC 9611, CPC 9612) b) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being: <ul style="list-style-type: none"> - Free-to-air broadcasting - Cable and pay television - Direct broadcasting by satellite - Teletext; • Radio and Television Services (CPC 9613); • Radio and television transmission services (CPC 7524); • Computer Services: The services covered are: <ul style="list-style-type: none"> - Software development - Systems integration services - Data processing - Data base services Telecommunication-related services are excluded; • Consultancy Services related to the Installation of Computer Hardware (CPC 84100); • Maintenance and Repair Services of Computers (CPC 8450**); • Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, Cap. 248, 1999 Revised 	

Description of Category	Conditions and Limitations (including length of stay)
<p>Edition, run on a commercial basis (CPC 93193);</p> <ul style="list-style-type: none"> • Guidance and Counselling Services not Elsewhere Classified Related to Children (CPC 93322); • Maritime Transport Services: Freight Transportation (CPC 7212), excluding cabotage, only; • Maritime Auxiliary Services: <ul style="list-style-type: none"> - Shipping Agency Services - Maritime Auxiliary Services - Shipping Brokerage Services; • Classification societies, except for statutory services for Singapore flag ships; • Parking Services (CPC 74430); • Maintenance and Repair Services of Motor Vehicles (CPC 88**); • Financial Services, including Insurance: <ul style="list-style-type: none"> A. Insurance and Insurance-related Services <ul style="list-style-type: none"> a) Life insurance services including annuity, disability income, accident and health insurance services b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee c) Insurance intermediation comprising broking and agency services d) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services B. Banking and Other Financial Services <ul style="list-style-type: none"> a) Acceptance of deposits and other repayable funds from the public b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction c) Financial leasing d) Payment and money 	

Description of Category	Conditions and Limitations (including length of stay)
<p>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"> - money market instruments (including cheques, bills, certificates of deposit) - foreign exchange - derivative products, including financial futures and options - exchange rate and interest rate instruments, including swaps and forward rate agreements - transferable securities - other negotiable instruments and financial assets, including bullion <p>g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service 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) 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> <p>l) Provision and transfer of financial information, and financial data processing and</p>	

Description of Category	Conditions and Limitations (including length of stay)
related software by providers of other financial services.	

ANNEX 4

**SCHEDULE OF SPECIFIC COMMITMENTS ON
THE MOVEMENT OF NATURAL PERSONS**

THAILAND

1. The following sets out Thailand's commitments in accordance with Chapter 9 (Movement of Natural Persons) with respect to its commitments for the temporary entry and temporary stay of natural persons of another Party covered under Article 9.2 (Scope) of Chapter 9 (Movement of Natural Persons).
2. Any measure in obtaining a licence or permission in any committed sector or subsector shall be set out in Thailand's Schedule in Annex 2 (Schedules of Specific Commitments for Services).
3. The obligations of Thailand under this Agreement with respect to permanent residents of other Parties are unbound. Thailand reaffirms its rights and obligations regarding permanent residents as set out in its schedule of specific commitments in GATS. Nevertheless, where Parties exercise such rights, they shall not exercise them through this Agreement.
4. Thailand remains unbound in respect of the temporary entry of natural persons of another Party into, or their temporary stay in, the territory of Thailand under Chapter 9 (Movement of Natural Persons), except for sectors and subsectors set out in Appendix A (Sectoral Specific Commitments) and the categories of persons set out below.

Description of Category	Conditions and Limitations (including length of stay)
A. Short-Term Business Visitor (BV)	
<u>Definition:</u> A natural person seeking to enter or stay in Thailand temporarily, whose remuneration and financial support for the duration of the visit is derived from outside Thailand: (i) as a representative of a goods seller or service supplier, for the purpose of negotiating the sale of goods or supply of services, or entering into agreements to sell goods or supply services for that goods seller or service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public;	Temporary entry and temporary stay for a period not exceeding 90 days and may be extended for a further period of not more than one year from the arrival date, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.

Description of Category	Conditions and Limitations (including length of stay)
<p>(ii) as an employee of a juridical person¹ only for the purpose of establishing an investment or setting up a commercial presence in Thailand for the juridical person;</p> <p>(iii) for the purpose of participating in business negotiations or meetings; or</p> <p>(iv) for the purpose of establishing an investment or setting up a commercial presence in Thailand.</p>	
<p>In relation to the financial services sectors and subsectors set out in Appendix A (Sectoral Specific Commitments), Business Visitor is defined as a natural person who stays in Thailand for the purpose of participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities and entering with a purpose to establish a commercial presence in Thailand.</p>	<p>Such temporary entry will be permitted for an initial period of not more than 90 days from the arrival date and may be extended for a further period of not more than one year, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.</p>
<p>B. Intra-Corporate Transferee (ICT)</p>	
<p><u>Definition:</u> A natural person who is an employee of a juridical person established in the territory of another Party, who is transferred temporarily for the supply of a service through commercial presence (either through a representative office, branch, subsidiary or affiliate) in Thailand, and who has been an employee of the juridical person for a period specified in the Conditions and Limitations column of this entry, and who is:</p> <p>(i) an Executive: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors or</p>	<p>Temporary entry and temporary stay for an initial period not exceeding one year from the arrival date shall be granted, when applied for, to an intra-corporate transferee who has been employed by the juridical person concerned outside Thailand for a period of not less than one year immediately preceding the date of the application for admission; and have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa; and have satisfied the criteria stipulated by the Department of Employment. Such criteria may include: size of fully paid-up capital, employment creation, extent of foreign investment, export promotion, transfer of technology and special needs of the management.</p>

¹ All references to "juridical person" in this Schedule shall be as defined in subparagraph (d) of Article 8.1 (Definitions).

Description of Category	Conditions and Limitations (including length of stay)
<p>stockholders of the business; an executive would not directly perform tasks related to the actual provision of the service or services of the organisation;</p> <p>(ii) a Manager: a natural person within the organisation who primarily directs the organisation, department or subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service of the organisation; or</p> <p>(iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment or provision of the service, or who possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include members of a licensed profession.</p>	<p>Such temporary stay may be extended for a further three terms of not more than one year each.</p>
<p>In relation to the financial services sector and subsectors set out in Appendix A (Sectoral Specific Commitments), Intra-corporate Transferee is defined as a corporate transferee of the managerial or executive level or a specialist, provided that such person has been employed by the juridical person concerned outside Thailand for a period of not less than one year immediately preceding the date of the application for admission and has satisfied the criteria stipulated by the Immigration Bureau and the criteria for management needs² stipulated by the Department of Employment.</p>	<p>The temporary stay is limited to a one-year period from the arrival date and may be extended for a further three terms of not more than one year each.</p>

² 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.

Appendix A

SECTORAL SPECIFIC COMMITMENTS^{3,4}

Thailand extends its commitments under Article 4 (Grant of Temporary Entry) of Chapter 9 (Movement of Natural Persons) for the temporary entry and temporary stay of natural persons only for Short Term Business Visitor (BV) and Intra-Corporate Transferee (ICT) engaging in the following subsectors only, and subject to conditions and limitations specified for each particular sector and subsector:

Sector or Subsector	Conditions and Limitations
1. BUSINESS SERVICES A. Professional Services <ul style="list-style-type: none"> • Engineering services (CPC 8672) 	Unbound for civil engineer
B. Computer and Related Services <ul style="list-style-type: none"> • Consultancy services related to the installation of computer hardware (CPC 841) • Software implementation services (CPC 842) • Data processing services (excluding those provided over public telecommunications network) (CPC 843) • Database services (excluding those provided over public telecommunications network) (CPC 844) • Other computer services: Software training services for staff of clients (part of CPC 849) C. Research and Development (R&D) Services <ul style="list-style-type: none"> • R&D services on natural sciences: Basic research services in engineering and technology (CPC Version 2.1: 8114) • R&D services on social sciences and humanities: Research and experimental development services in linguistics and languages (CPC Version 1.1: 81240) 	

³ The classification of service sectors in this Schedule is based on the 1991 provisional Central Product Classification (CPC) CPC Version 1.1 and Version 2.1 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.

⁴ 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.

Sector or Subsector	Conditions and Limitations
<p data-bbox="347 340 788 400"><i>E. Rental or Leasing Services without Operators</i></p> <ul data-bbox="301 439 788 647" style="list-style-type: none"> <li data-bbox="301 439 788 647">• Relating to other machinery and equipment: Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106 - 83109) <p data-bbox="347 680 715 712"><i>F. Other Business Services</i></p> <ul data-bbox="301 745 788 1019" style="list-style-type: none"> <li data-bbox="301 745 788 804">• Advertising services (CPC 87110 + 87120 + 87190) <li data-bbox="301 808 788 927">• Advertising services: Sales of internet advertising space (except on commission) (CPC Version 1.1: 83633) <li data-bbox="301 931 788 1019">• Market research and public opinion polling services (CPC 86401 - 86402) 	
<ul data-bbox="301 1021 788 1111" style="list-style-type: none"> <li data-bbox="301 1021 788 1111">• Management consulting services: General Management consulting services (CPC 86501) 	Unbound for legal and auditing consultants

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> • Technical testing and analysis services (CPC 86761 + 86769) • Services incidental to agriculture, hunting and forestry: <ul style="list-style-type: none"> - Consultancy services on agricultural extension: <ul style="list-style-type: none"> ▪ soil preparation ▪ seed production ▪ plant protection ▪ harvesting ▪ grading ▪ packing ▪ storing - Soil analysis laboratory - Soil survey and land use planning - Cover crop seed multiplication - Forestry consultant services • Services incidental to fishing (CPC 882): <ul style="list-style-type: none"> - International trading, exporting products services (broker) - Quality analysis services - Canning process analysis services - Technical services <ul style="list-style-type: none"> ▪ Consulting ▪ Research on marketing ▪ Quality control 	
<ul style="list-style-type: none"> • Services incidental to mining at oil and gas fields 	Unbound for civil engineer
<ul style="list-style-type: none"> • Related scientific and technical consulting services: Scientific consulting services from mathematicians and statisticians 	
<ul style="list-style-type: none"> • Related scientific and technical consulting services: Oil And gas exploration 	Unbound for civil engineer

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> • Maintenance and repair services of office machinery and equipment including computers (CPC 84500) • Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment): Machinery and equipment, on a fee or contract basis (part of CPC 88620) • Other: Translation and interpretation services (CPC Version 1.1: 83910) <p>2. COMMUNICATION SERVICES</p> <p><i>C. Telecommunications Services</i></p> <ul style="list-style-type: none"> • Fixed-line voice telephone services • Private leased circuit services: Dedicated network services (CPC 75222) • Electronic mail (CPC 7523**) • Voice mail (CPC 7523**) • On-line information and database retrieval (CPC 7523**) • Data base access services (part of CPC 7523) • On-line information or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing) 	
<ul style="list-style-type: none"> • Other: Telecommunications terminal equipment leasing services (CPC 75410) • Telecommunications equipment sales services (part of CPC 75420) • Telecommunication consulting services (CPC 75440) • Domestic lease circuits (part of CPC 75299) 	Unbound for civil engineer

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> • Videotext • Teleconference <p>D. Audiovisual Services</p> <ul style="list-style-type: none"> • Motion picture and video tape production and distribution services: Film or video production and distribution services, excluding promotion or advertising services (CPC 96112** + 96113**) • Radio and television services (CPC 9613): Radio or television services only for production of radio or television programmes (CPC 96131** + 96132**) 	
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. Construction Work for Buildings (CPC 512)</p> <p>B. Construction Work for Civil Engineering (CPC 513)</p>	Unbound for civil engineer
<p>C. Installation and Assembly Work (CPC 514 + 516)</p> <p>E. Other</p> <ul style="list-style-type: none"> • Pre-erection work at construction sites (CPC 511) • Special trade construction work (CPC 515) • Renting services related to equipment for construction or demolition of building or civil engineering work, with operator (CPC 518) 	

Sector or Subsector	Conditions and Limitations
<p data-bbox="300 342 783 405">5. Education Services (Excluded Public Education Services)</p> <p data-bbox="347 434 783 497">A. Primary Education Services (CPC 921**)</p> <ul data-bbox="300 528 783 591" style="list-style-type: none"> <li data-bbox="300 528 783 591">• International and national school education services (CPC 9219) <p data-bbox="347 620 783 683">B. Secondary Education Services (CPC 922**)</p> <ul data-bbox="300 714 783 992" style="list-style-type: none"> <li data-bbox="300 714 783 777">• General secondary education services (CPC 9221) <li data-bbox="300 777 783 840">• Higher secondary education services (CPC 9222) <li data-bbox="300 840 783 902">• Technical and vocational education services (CPC 9223) <li data-bbox="300 902 783 992">• Technical and vocational education services for handicapped students (CPC 9224) <p data-bbox="347 1021 783 1084">C. Higher Education Services (CPC 923)</p> <ul data-bbox="300 1115 783 1424" style="list-style-type: none"> <li data-bbox="300 1115 783 1211">• Science technology and innovation faculty (conducted in English language) (part of CPC 9239) <li data-bbox="300 1211 783 1330">• Engineering and industrial faculty: Robotics and Biotechnology (conducted in English language) (part of CPC 9239) <li data-bbox="300 1330 783 1424">• Other higher education services (conducted in English language) (CPC 9239) <p data-bbox="347 1453 724 1485">D. Adult Education Services</p> <ul data-bbox="300 1516 783 1579" style="list-style-type: none"> <li data-bbox="300 1516 783 1579">• Professional or short courses education services (CPC 92400) <p data-bbox="347 1608 783 1671">E. Other Education Services (CPC 92900)</p> <ul data-bbox="300 1702 783 1765" style="list-style-type: none"> <li data-bbox="300 1702 783 1765">• Foreign language tuition services (CPC 92900**) 	

Sector or Subsector	Conditions and Limitations
<p>6. ENVIRONMENTAL SERVICES</p> <p>A. Sewage Services</p> <ul style="list-style-type: none"> • Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401**) • Environmental protection and environmental abatement services (CPC 9401**) • Sewage services (including industrial waste water treatment system) (CPC 9401**) <p>B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)</p> <p>C. Sanitation and Similar Services (CPC 9403)</p> <p>D. Other</p> <ul style="list-style-type: none"> • 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) 	
<p>7. FINANCIAL SERVICES</p> <p>A. Insurance and Insurance-related Services</p> <ul style="list-style-type: none"> • Life insurance services (CPC 81211) • Non-life insurance services (CPC 8129) 	<p>Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner</p>

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> • Services auxiliary to insurance (excluding pension funding services): Insurance broking and agency services (CPC 81401) 	<p>Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner</p> <p>Unbound for individual broker and agent</p> <p>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</p>
<ul style="list-style-type: none"> • Services auxiliary to insurance (excluding pension funding services): Insurance consultancy services (CPC 81402) • Average and loss adjustment services (CPC 81403) • Actuarial services (CPC 81404) 	<p>Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner</p>
<p><i>B. Banking and Other Financial Services</i></p> <ul style="list-style-type: none"> • Acceptance of deposits and other repayable funds from the public • Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction • Financial leasing • Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts • Guarantees and commitments • Trading for own account, or for account of customers in the following: <ul style="list-style-type: none"> - Money market instruments - Foreign exchange - Exchange rate and interest rate instruments - Transferable securities • Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of services related to such issues⁵ • Asset management as follows: <ul style="list-style-type: none"> - Cash or portfolio management - Collective investment management 	<p>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 foreign bank branch</p>

⁵ The commitments for securities companies under this subsector are separately listed below.

Sector or Subsector	Conditions and Limitations
<ul style="list-style-type: none"> - Custodian and depository services • Advisory, intermediation and other auxiliary financial service⁶ • Provision and transfer of financial information, and financial data processing and related software 	
<ul style="list-style-type: none"> • For securities companies⁷: <ul style="list-style-type: none"> - Securities brokerage and dealing - Trading for own account or for account of customers in transferable securities - Securities underwriting: Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues - Investment advisory 	The number of foreign personnel is limited to two persons for a representative office
<ul style="list-style-type: none"> • For asset management companies <ul style="list-style-type: none"> - Collective investment schemes 	Only for a representative office, the number of foreign personnel is limited to two persons
<ul style="list-style-type: none"> • Credit card services (CPC 81133) 	Mobilising funds from the public is prohibited, unless licensed under a financial law
<ul style="list-style-type: none"> • Financial consultancy services (CPC 81332) 	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and Restaurants</p> <ul style="list-style-type: none"> • Hotel lodging services (CPC 64110) • Camping and caravan site services (CPC 64195) • Restaurant services (CPC 64210) • Catering services (CPC 64230) <p>B. Travel Agency and Tour Operator Services</p> <ul style="list-style-type: none"> • Travel agency and tour operator services (CPC 74710) <p>D. Other</p> <ul style="list-style-type: none"> • Hotel management services (CPC Version 1.1: part of 63110) 	

⁶ The commitments on investment advisory for securities companies under this subsector are separately listed below.

⁷ "Securities companies" means securities companies which are not commercial banks and insurance companies.

Sector or Subsector	Conditions and Limitations
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment Services</p> <ul style="list-style-type: none"> • Amusement parks (CPC Version 1.1: 96910**) <p>C. Libraries, Archives, Museums and Other Cultural Services</p> <ul style="list-style-type: none"> • Private library services (CPC 96311**) <p>D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)</p> <p>E. Other Recreational Services (CPC 9649**)</p> <ul style="list-style-type: none"> • Recreation park and beach services <p>11. TRANSPORT SERVICES</p> <p>A. Maritime Transport Services</p>	
<ul style="list-style-type: none"> • Passenger transportation (CPC 7211 less cabotage transport) • Freight transportation (CPC 7212 less cabotage transport) • International towing (CPC 7214) 	Unbound for ships' crew
<ul style="list-style-type: none"> • Supporting Services for maritime transport (CPC 745**): <ul style="list-style-type: none"> – Shore reception facilities (collection of waste or oily water from ships) – Port captain's services attached to specific foreign vessels. 	
<p>C. Air Transport Services</p> <ul style="list-style-type: none"> • Aircraft repair and maintenance services (CPC 8868) <ul style="list-style-type: none"> - Aircraft (includes all machines that drive support in the atmosphere from the reaction of the except for objects which are exempted under the Ministerial Regulations) - Major aircraft appliance (an engine, a propeller and other appliances of an aircraft 	

Sector or Subsector	Conditions and Limitations
<p>designated by the Technical Commission)</p> <ul style="list-style-type: none"> - Technical Standard Order Article (TSO Article) (an instrument, a mechanism, a part, an equipment and a component used or intended to be used in operating or controlling an aircraft in flight, whether it is installed on or attached to the aircraft, inside or outside) - Aircraft Part (an airframe, part of an airframe or part of a major aircraft appliance) • Supporting services for air transport (CPC 746**) <ul style="list-style-type: none"> - Selling and marketing of air transport services 	
<p>E. Rail Transport Services</p> <ul style="list-style-type: none"> • Maintenance and repair of rail transport equipment on a fee or contract basis (CPC 8868) - 	Unbound for civil engineer
<ul style="list-style-type: none"> • Supporting Services for rail transport services (CPC 743**) <ul style="list-style-type: none"> - Passenger and freight car cleaning services - Security services at railway station 	
<p>F. Road Transport Services (Other non-scheduled passenger transportation)</p> <ul style="list-style-type: none"> • Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerised freight (CPC 71231 - 71233) <ul style="list-style-type: none"> - Rental of commercial vehicles with operator: Rental services of passenger cars with operator (CPC 71222) - Rental services of buses and coaches with operator (CPC 71223) <p>H. Services Auxiliary to All Modes of Transport</p> <ul style="list-style-type: none"> • Maritime cargo handling services in private-owned port • Storage and warehousing services (CPC 742) 	

Reference Paper
NOTE TO THE APPENDIX

For the purposes of this Appendix:

1. **cabotage** 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; and
2. **maritime cargo handling services** means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:
 - the loading or discharging of cargo to or from a ship;
 - the lashing or unlashng of cargo;
 - the reception or delivery and safekeeping of cargoes before shipment or after discharge.

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

VIET NAM

1. The following sets out Viet Nam's commitments under Chapter 9 (Movement of Natural Persons) in respect of the temporary movement of natural persons of a Party in the territory of Viet Nam.
2. Viet Nam may adopt or maintain any limitations including economic needs testing and labour market testing on temporary movement of natural persons specific commitments in this Schedule, subject to its laws and regulations.
3. References to "CPC" in this Annex refers to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

Description of Category	Conditions and Limitations (including length of stay)
A. Intra-Corporate Transferees	
<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.</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 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>Intra-Corporate Transferees 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 per cent of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of three non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p>

Description of Category	Conditions and Limitations (including length of stay)
<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>	
<p>B. Other Personnel</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.</p>	<p>Other personnel 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. Service Sales Persons</p>	
<p>Natural 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.</p>	<p>The stay of Service sales persons is limited to a 90-day period.</p>

D. Persons Responsible for Setting Up a Commercial Presence	
<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.</p>	<p>The stay of persons responsible for setting up a commercial presence is limited to a 90-day period.</p>
E. Contractual Service Suppliers (CSS)	
<p>Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam.</p>	<p>Contractual service suppliers (CSS) 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"> – The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract. – 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 five years of professional experience in the sector. – 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. – These persons have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than two years

	<p>and have met the requirements prescribed for "specialist" above.</p> <p>The entry of these persons is allowed for computer and related services (CP 841 845, 849) and engineering services (CPC 8672).</p>
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