PROTOCOL TO IMPLEMENT THE SECOND PACKAGE OF SPECIFIC COMMITMENTS UNDER THE AGREEMENT ON TRADE IN SERVICES OF THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA

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

RECALLING the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation Between the Association of Southeast Asian Nations and the People's Republic of China, (hereinafter referred to as the "Agreement"), signed on 14 January 2007 in Cebu, the Philippines;

RECALLING the aim of substantially improving on the first package of specific commitments of each Party;

REAFFIRMING the commitment to the progressive liberalisation of trade in services between the Parties; and

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RECOGNISING the agreement to conclude the second package of specific commitments within a year from the date of entry into force of the Agreement,

HAVE AGREED as follows:

Article 1
General Provisions

1. Pursuant to paragraph 2 of Article 23 of the Agreement, the second package of specific commitments of each Party is hereby annexed to this Protocol. This Protocol and its Annexes shall form an integral part of the Agreement.

2. This Protocol shall apply to the Parties that have signed this Protocol and submitted their respective specific commitments to the Secretary-General of ASEAN.[1]

Article 2
Entry into Force

1. This Protocol shall enter into force on 1 January 2012.

2. The Parties undertake to complete their internal procedures for the entry into force of this Protocol by 1 January 2012.

3. Where a Party is unable to complete its internal procedures for the entry into force of this Protocol by 1 January 2012, the rights and obligations of that Party under this Protocol shall commence on the date of completion of such internal procedures.

[1] Cambodia is exempted from the requirement of the submission of the Second Package of Specific Commitments (8th AEM-MOFCOM Consultations).

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4. A Party shall upon the completion of its internal procedures for the entry into force of this Protocol notify all the other Parties in writing.

Article 3
Depositary

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

IN WITNESS WHEREOF, the undersigned being duly authorised by their respective Governments, have signed the Protocol to implement the Second Package of Specific Commitments under the Agreement on Trade in Services of the Framework Agreement on the Comprehensive Economic Co-operation between the Association of the Southeast Asian Nations and the People's Republic of China.

Done at Bali, Indonesia, this 16th Day of November in the Year Two Thousand and Eleven, in duplicate copies in the English language.

For Brunei Darussalam:

LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the People's Republic of China:

CHEN DEMING
Minister of Commerce

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For the Kingdom of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:

GITA WIRJAWAN
Minister of Trade

For the Lao People's Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

For Malaysia:

MUSTAPA MOHAMED
Minister of International Trade and Industry

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For the Republic of the Union of Myanmar:

U TIN NAING THEIN
Union Minister, Ministry of National Planning and Economic Development

For the Republic of the Philippines:

GREGORY L. DOMINGO
Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Kingdom of Thailand:

KITTIRATT NA-RANONG
Deputy Prime Minister and Minister of Commerce

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DEPUTY SECRETARY GENERAL, THE ASEAN SECRETARIAT

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For the Socialist Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade

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ANNEX

SCHEDULE OF SPECIFIC COMMITMENTS

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ANNEX

SCHEDULE OF SPECIFIC COMMITMENTS

Headnote to the Annex

1. The Second Package of Services commitments constitute a consolidated package of commitments together with the First Package and WTO commitments as decided by the Twenty-Fourth Meeting of the ASEAN-China Trade Negotiating Committee – Working Group on Services (24th ACTNC-WGS) held on 29-30 July 2008, in Hangzhou, China.

2. This Annex to the "*Protocol to Implement the Second Package of Specific Commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China*" supersedes Annex 1 of the "*Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China*".

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BRUNEI DARUSSALAM

Schedule of Specific Commitments

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BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	(3) Unbound except with respect to existing commercial presence: half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	(4) Unbound except for measures concerning the entry and temporary presence of intra- corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provides services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year immediately preceding the date of their	(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	application for admission and who are one of the following: (a) Managers - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service. (b) Executives - 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		

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

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance	(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications. A. For accounts kept in English: 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in languages other than English. (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	

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

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

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Medical and dental services (9312)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	
B. Computer and Related Services (a) Consultancy services related to the installation of computer hardware (b) Software implementation (c) Data processing services (d) Database services (CPC 841, 842, 843, 844, 845 + 849)	(1) None (2) None (3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	

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

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunication Services 1. Local service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section (4) Unbound except as indicated in the horizontal section	See annex The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period. The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period. Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. International service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. International public switched voice telephone services are exclusively provided by JTB (government department) and DSTCom (private company). (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section. (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Mobile services (a) Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section. (4) Unbound except as indicated in the horizontal section.	
(c) Circuit-switched data transmission services (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522**)	(1) None (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act These services are being provided exclusively by TelBru Sdn Bhd. (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound except as indicated in the horizontal section.	**The period of exclusivity for these services will be extended for up to one year 2016. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of the period**
(f) Facsimile services (CPC 7521** + CPC 7529**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Electronic mail (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
(i) On-line information and database retrieval (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Electronic data interchange (EDI) (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
(l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services (a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(1) Unbound (2) None (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee. (CPC 8129)	(1) Unbound (2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	(1) Unbound (2) Insurance intermediation is not allowed to act for unregistered insurers. (3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF (ii) Broker, underwriting and insurance managers require approval. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services auxiliary to insurance, as follows:			
(a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES A. Hotel and restaurants (including catering) Hotel lodging services (CPC 64110)	(1) Unbound (2) Unbound (3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes not less than 39% of the total. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES A. Maritime Transport Services a) Passenger Transportation (CPC 7211)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	
b) Freight Transportation (CPC 7212)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	

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

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Maintenance and repair of aircraft (CPC 8868**)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	

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CAMBODIA

Schedule of Specific Commitments

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE			
Subsidies		(3), (4) Unbound for subsidies, including for research and development.	
Tax measures		(1), (2), (3) None with respect to taxes	
Land		(3) Non-Cambodian natural and juridical persons may lease but not own land.	
Acquired rights	The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than those in existence as of the date of Cambodia's accession to the WTO.		
Investment incentives	(3) Investors, seeking incentives under the provisions of the Law on Investment, shall have the obligation to provide adequate and consistent training to Cambodian staff, including for promotion to senior positions.	(3) None	
Presence of natural persons	(4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories: Business visitors	(4) Unbound, except for measures affecting the categories referred to under market access.	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	A natural person who: - enters Cambodia for the purposes of participating in business meetings, establishing business contacts including negotiations for the sale of services and/or other similar activities; - stays in Cambodia without receiving income from within Cambodian sources; - does not engage in making direct sales to the general public or supplying services. Entry visa for business visitors shall be valid for a period of 90 days for an initial stay of 30 days, which may be extended.		
	Persons responsible for setting up of a commercial establishment: Persons working in an executive or managerial position, receiving remuneration from an entity as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Member, that will support employment of persons described in a, b, and c below. The subject persons are not subject to a maximum duration of stay.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Intra-Corporate Transferees Natural persons who have been employed by a juridical person of another member for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are: a) Executives: without requiring compliance with labour market tests, persons within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization.		
	b) Managers: without requiring compliance with labour market tests, natural persons employed by a juridical entity and who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity product, service, research, equipment, techniques, or management, and who primarily direct the organization or a		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service. c) Specialists: Natural persons, within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management. Temporary residency and work permit is required for the natural persons in the categories defined under intra-corporate transferees. Such permits are issued for two years and may be renewed annually up to maximum of total five years.		

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

[1] If legal services provided in foreign law (including home country and third country law) and international law, the commercial association with Cambodian law firms is not required. Commercial association is understood to include any commercial arrangement and does not imply a specific juridical form.

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. Rental/Leasing Services without Operators			
(d) Renting and leasing of studio recording equipment (CPC 83109**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
6. Other Business Services			
(a) Advertising services (CPC 871)	(1), (2), (3) Unbound until 31 December 2008. (4) Unbound, except as indicated in the horizontal section	(1), (2), (3) Unbound until 31 December 2008. (4) Unbound, except as indicated in the horizontal section	Cambodia will undertake commitment no later than 1 January 2009.
(b) Market research services (CPC 86401) (c) Management consulting services (CPC 865) (d) Services related to man. Consulting (CPC 866) (e) Technical testing and analysis services (CPC 8676)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(h) Services incidental to mining (CPC 883**) (j) Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (q) Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
II. COMMUNICATION SERVICES			
2. Courier Services			
Courier services (CPC 7512)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
3. Telecommunication Services Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
(a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None, except subject to requirement for local share holding of up to 49%. (4) Unbound, except as indicated in	(1) Services provided only over the circuits leased from Telecom Cambodia. Starting no later than 1 January 2009: None (2) None (3) Provided exclusively by Telecom Cambodia. Starting no later than 1 January 2009: None (4) Unbound, except as indicated in	Cambodia undertakes obligations contained in the Reference Paper attached.

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 7522**+7523**)	the horizontal section	the horizontal section	
(h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(o) Other services: - Mobile services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.
III. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
1. General Construction Work for Buildings (CPC 512) 2. General Construction Work for Civil Engineering (CPC 513) 3. Installation and Assembly Work	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility.

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 514; CPC 516) 4. Building Completion and Finishing Work (CPC 517) 5. Other (CPC 511, 515, 518)			
IV. DISTRIBUTION SERVICES			
1. Commission agents' services (CPC 621)	(1), (2), (3) Unbound until 31 December 2008, thereafter, None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	Cambodia will undertake commitments no later than 1 January 2009.
2. Wholesale trade services Wholesale trade services of motor vehicles (CPC61111) Sales of parts of motor vehicles (CPC6113) Sales of motorcycles and related parts (CPC6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC62244)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
3. Retailing services - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113);	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Sales of motorcycles and related parts (CPC 6121). For supermarkets and large department stores only[2]: - Food and non-food retailing services (CPC631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC63211). - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234)			
5. Franchising services (CPC 8929)	(1), (2), (3) Unbound until 31 December 2008, thereafter, None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	Cambodia will undertake commitments no later than 1 January 2009.
6. Other - Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
V. EDUCATIONAL SERVICES			
3. Higher education services (CPC 923) 4. Adult education (CPC 924) 5. Other education services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global

[2] Large supermarkets and department stores are those of floor space no less than 2,000 m².

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 929)			practice.
VI. ENVIRONMENTAL SERVICES			
1. Sewage services (CPC 9401) 2. Refuse disposal services (CPC 9402) 3. Sanitation and similar services (CPC 9403) 4. Other services - Cleaning of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental services not included elsewhere (CPC 9409)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
VII. FINANCIAL SERVICES			
1. All insurance and insurance-related services			
(a) Life insurance services (CPC 81211)	(1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(b) Non-life insurance services (CPC 8129)	(1) None for marine, aviation, and transport insurance from 1 January 2009, or once a law has been passed, the	(1) None	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	appropriate regulations in place and a local firm authorized, whichever comes first. Until the conditions above are met, marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia. For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia. (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(c) Reinsurance and retrocession (CPC 81299)	(1) None, except companies must reinsure 20% of their risk in Cambodia Re until 31 December 2008. Insurance contracts of total sum insured of less than or equal to USD 500,000 must be reinsured locally until 31 December 2008. Thereafter, None (2) None	(1) None (2) None	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, None. (4) Unbound, except as indicated in the horizontal section.	(3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
2. Banking and other financial services			
The commitments for subsectors (a), (b) and (d) refer to commercial banking only. (a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119) (b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113); (d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339[3])	(1) None, except deposits from the public must be reinvested in Cambodia (2) None (3) None, except only permitted through authorized financial institutions as banks (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[3] According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
The commitments for subsectors (c) and (e) refer to commercial banking only. (c) Financial leasing (e) Guarantees and commitments	(1) Unbound (2) None (3) Unbound until related laws and regulations are established (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following (A) money market instruments (including cheques, bills, certificates of deposits); (B) foreign exchange (C) derivative products including, but not limited to, futures and options; (D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; (E) transferable securities; (F) other negotiable instruments and financial assets, including bullion (g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of	(1) Unbound (2) None (3) Unbound for subsectors (f) – (l), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services related to such issues; (h) Money broking; (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services; (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (k) Provision of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

[4] 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.
[5] The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 7472)	(2) None (3) None (4) Unbound, except as indicated in the horizontal section. Cambodian nationality requirement for tourist guides	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
X. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
- Other entertainment services n.e.c. (CPC 96199): -- Cinema theatre services, including cinema projection services	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
XI. TRANSPORT SERVICES			
1. Maritime Services			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification

www.djpp.kemenkumham.go.id

CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			services.
3. Air Transport Services			
- Aircraft repair and maintenance services (CPC 8868) - Selling and marketing of air transport services - Computer Reservation System Services (CRS)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
6. Road Transport Services			
(a) Passenger transportation (CPC 7121 + 7122) (b) Freight transportation (CPC 7123) (c) Rental of commercial vehicles with operator (CPC 7124)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Maintenance and repair of road transport equipment (CPC 6112+8867) (e) Supporting services for road transport services (CPC 744)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
7. Pipeline Transport Services			
(a) Transport of fuels (CPC 7131) (b) Transport of other goods (CPC 7139)	(1) Services must be provided through a contract of concession granted by the State on case-by- cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by-cases basis. (4) Unbound, except as indicated in	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the horizontal section.		

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

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

(b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

(a) control over essential facilities; or
(b) use of its position in the market.

1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2. Safeguards

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The anti-competitive practices referred to above shall include in particular:

(a) engaging in anti-competitive cross-subsidization;
(b) using information obtained from competitors with anti-competitive results; and
(c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

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

2.2. Interconnection to be ensured

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

(a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
(b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3. Public availability of the procedures for interconnection negotiations

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

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2.4. Transparency of interconnection arrangements

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

2.5. Interconnection: dispute settlement

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

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

3. Universal service

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

4. Public availability of licencing criteria

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

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

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

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5. Independent regulators

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

6. Allocation and use of scarce resources

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

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List of Article II (MFN) Exemptions of Cambodia

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

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CAMBODIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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INDONESIA

Schedule of Specific Commitments

AC-TIS/SC2/INO

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise. Joint venture should meet the following requirements: (i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT). (ii) not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s). (4) Subject to Indonesian Labour and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise, are allowed to stay for two years and could be extended for a maximum two times subject to two years extension each time. Manager and technical experts (intra corporate transfer) are allowed based on an economic needs test.	(3) Land Acquisition Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property. Any juridical and natural persons should meet professional qualification requirements. (4) Expatriate Charges Any foreign natural persons supplying services are subject to charges levied by Governments Labour Laws and Regulations. Any expatriate employed by a joint-venture enterprise, representatives office, and/or other types of juridical person and/or an individual services provider must hold a valid working permit issued by the Ministry of Manpower and Transmigration	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The entry and temporary stay of business visitor(s) is (are) permitted for a period of 60 days and could be extended maximum for 120 days.		

Definitions:

"Director": One or a group of persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprises inside and/or outside of the court.

"Manager": Senior employee of a service supplier who primarily directs the management of the organization, receiving general supervision or direction principally from the board of directors of the business, including directing the service supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.

"Technical Expert/Advisor": Person employed by a service supplier who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietal to the service, research equipment, techniques or management.

"Joint Operator": A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws

"Joint venture Enterprise": A joint venture enterprise is a legal entity organized under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian (national) capital.

"Contract Management": Contract management is a contract organized under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.

Business visitor(s) is (are) natural person staying in Indonesia for the purpose of participating in business meeting, business contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
CONSTRUCTION AND RELATED ENGINEERING SERVICES A. General construction work for building Construction work for building (CPC 512 except CPC 51210)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. General construction work for civil engineering Construction work for civil engineering (CPC 513)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Installation and assembly work Assembly and erection of prefabricated construction (CPC 514)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other - Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Steel binding and erection (incl. welding) (CPC 51550)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Foundation work including pile driving (CPC 51510)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Gas fitting construction work (CPC 51630)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Fire alarm construction work (CPC 51642)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Lift and escalator construction work (CPC 51691)	(1) Unbound* (2) None (3) (a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. (b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. Not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s). (4) As specified in the Horizontal Section	(1) Unbound* (2) Unbound (3) (a)1. License fee requirement 2. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel (CPC 64110)	(1) None (2) None (3) In Eastern Part of Indonesia, Bengkulu, Jambi, 100% of capital share can be owned by foreign investor (4) Unbound, except for: a. Top Management Level in Hotel business comprised of: - General Manager - Food and Beverage Manager - Resident Manager - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) a. Higher paid-up capital is required of foreign services suppliers than of domestic suppliers. This measure will be eliminated in the year 2020. b. Only 3,4, or 5 starred hotels are permitted (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Meal Serving Services with Full Restaurant Services (CPC 64210)	(1) None (2) None (3) Unbound, except in certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara), foreign equity participation is permitted up to 49% (4) Unbound, *except for:* - Top Management Level - Highly-Skilled Professionals	(1) None (2) None (3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with Article XIV (a) of the GATS (4) (1) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Hotel Operator (CPC 91135)	(1) None (2) None (3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required to do contract management (4) Unbound, except for: a. Top Management Level in Hotel business comprised of: - General Manager - Food and Beverage Manager - Resident Manager - Comptroller - Marketing Director b. Highly-skilled Professionals comprised of: - Executive Chef - Sous Chef - Specialty Cook	(1) None (2) None (3) Unbound (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENERGY SERVICES			
General condition on energy services - Indonesia's Schedule of Specific Commitments on energy services sector based on 2nd Revised Indonesian proposal of energy services classification			
Core analysis and other Lab Test, only for Isotop Analysis (1A.2.7.3)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound, except for directors and technical experts	(1) None (2) None (3) As specified in the Horizontal Section (4) As specified in the Horizontal Section	
Geological and geophysical services, only for seismic data acquisition (1A.1.4.1.1)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound, except for directors and technical experts	(1) None (2) None (3) As specified in the Horizontal Section (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Liquefaction and gasification only for coal - Coal liquefaction (2.4.4.4) - Coal Gasification (2.4.4.5)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound, except for directors and technical experts	(1) None (2) None (3) As specified in the Horizontal Section (4) As specified in the Horizontal Section	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FINANCIAL SERVICES **Non banking**			
General condition on Non Banking Financial Services Sub-sector : 1) All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by other members. 2) The share ownership of foreign services suppliers is bound at the prevailing laws and regulations. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture in non banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture concerned. 3) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year. 4) Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors. 5) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended. 6) All joint venture companies shall provide training for their employees.			
Factoring Services (CPC 8113)	(1) None (2) None (3) As specified in the Horizontal Section and General Conditions. (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) As specified in the General Conditions. (4) As specified in the Horizontal Section.	

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Maritime cargo handling Services	(1) Unbound due to lack of technical feasibility (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the horizontal section (4) As indicated in the horizontal section	
d. Rental of vessel without crew	(1) None (2) None (3) Unbound due to lack of technical feasibility (4) As indicated in the horizontal section	(1) None (2) None (3) As indicated in the horizontal section (4) As indicated in the horizontal section	

Notes (Maritime) :

*) : effective after issuance of implementing regulation of Shipping Law No 17 Year 2008 by May 2009 and foreign shipping company should be appointed national shipping agency company

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LAO PDR

Schedule of Specific Commitments

AC-TIS/SC2/LAO

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(1) Borrowing from abroad by banks and enterprises shall be approved by the Bank of the Lao PDR. (2) A resident of Lao PDR who intends to invest directly or indirectly in a foreign country shall be approved by the concerned authorized organizations. The transfer of fund to be invested abroad shall be approved by the Bank of the Lao PDR. Bringing out of the Lao PDR the foreign currency more than 2,000 US$ shall be approved by the Bank of the Lao PDR. (3) Commercial presence of foreign service suppliers can be in the following form: - A joint venture with one or more domestic Lao investors, - A wholly foreign-owned enterprise[1] - A branch or representative office	(1) As indicated in the market access column. (2) As indicated in the market access column. (3) Foreign service suppliers in the Lao PDR may lease land within the Lao PDR and transfer their leasehold interest; and they may own improvements on land and other moveable property and transfer those ownership interest.	

[1] 100% foreign invested Companies

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The commercial presence of foreign service supplier shall be subject to approval of the concerned competent authority and of licensing by the Foreign Investment Management committee of the Lao PDR. The joint venture is established and registered under the laws and regulations of the Lao PDR. It is jointly owned and operated by one or more legal foreign investors/service suppliers and by one or more legal domestic Lao investors. The activities and relationship of its parties shall be governed by the contract between its parties and the Joint Venture's Articles of Association, in accordance with the laws and regulations of the Lao PDR. Foreign investors/service suppliers in a joint venture must contribute a minimum portion 30% of the total equity investment in that venture. The wholly foreign-owned enterprise is a foreign	Foreign enterprises subject to the Law on Promotion and Management of Foreign Investment in the Lao PDR shall pay an annual profit tax, calculated in accordance with the provisions of the applicable laws and regulations of the Lao PDR. Other Lao taxes, duties and fees shall also be payable in accordance with the applicable laws and regulations of the Lao PDR.	

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	investment/service supplier registered under the laws and regulations of the Lao PDR. By one or more legal foreign investors without the participation of legal domestic Lao investors. The enterprise established in the Lao PDR may be either a new company or a branch or representative office of a foreign company. The incorporation and registration of a foreign investment shall be in conformity with the Enterprise/Business Law of the Lao PDR. The terms of operations of an enterprise with foreign owned capital and of a business cooperation contract shall be specified in the investment license of each project in accordance with the laws and regulations of the Lao PDR. The branch or representative office of a foreign company shall have articles of Association which shall be consistent with the laws and regulations and the Business Law of the Lao PDR and subject to the approval of the Foreign Investment Management Committee of the Lao PDR.		

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Foreigners who work in Lao PDR shall be subject to the law on Promotion and Management of Foreign Investment in the Lao PDR and the regulations on immigration. However, foreign enterprises have the right to employ skilled and expert foreign personnel when necessary and with the approval of the competent authority of the Government of the Lao PDR. Facilitation for the entry into, travel within, stay within, and exit from the Lao territory of foreign investors/service suppliers, their foreign personnel, and the immediate family members of those investors, service suppliers and those personnel will be granted by the Government of the Lao PDR. All such persons are subject to and must obey the above mentioned laws and related regulations while they are on the Lao territory. Foreign investors/service supplies have an obligation to upgrade the skills of their Lao employees, through such techniques as training in the Lao PDR or abroad	(4) Foreign service suppliers and their foreign personnel working within the Lao PDR shall pay to the Lao Government personal income tax, at a flat rate of ten percent (10%) of their income earned in the Lao PDR.	

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (b) Architectural Services (CPC 8671)	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	
(c) Engineering services (CPC 8672) (d) Integrated engineering services - Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731) - Integration engineering and project management services (CPC 86732)	(1) None (2) None (3) a) As specified in the horizontal Section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Integrated engineering services for construction of manufacturing turnkey projects (CPC 86733)	(1) None (2) None (3) Joint venture with Lao services Suppliers is required and foreign equity Participation limited 2/3. (4) As indicated in the horizontal section	(1) None (2) None (3) As indicated in the horizontal section (4) As indicated in the horizontal section	
(e) Urban Planning and landscape Architectural services - Urban planning services (CPC 86741) - Landscape architectural Services (CPC 86742)	(1) None (2) None (3) a) As per specified in the horizontal section b) Not applied for public funded and foreign granted project (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Computer and related services - Consultancy services related to the installation of computer hardware (CPC 841) - Software implementation services (CPC 842) - Database services (CPC 844)	(1) None (2) None (3) As per specified in the horizontal commitments (4) this has to be inconsistence with the Labour Law and Law on the Promotion And Management of the Foreign Investment	(1) None (2) None (3) Same as mention in market access (4) Same as mention in market access and in Law on taxation	
- Data processing services, Excluded sensitive data and for non-commercial purpose (CPC 843) - Other: Maintenance and repair services of Computer (Part of CPC 84500)	(1) None (2) None (3) As per specified in the horizontal commitments (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Same as mention in market access (4) Unbound, except as indicated in the horizontal section	

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LAO PDR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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MALAYSIA

Schedule of Specific Commitments

AC-TIS/SC2/MAL

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Acquisition, Mergers and Take-overs The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following: (a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM5 million in value; (b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and (c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements. Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.	(3) Land, Property and Real Estate Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State. Incentives/Preferences Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government. Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet national development objectives shall be unbound. Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below or indicated in sectoral commitments: 1. Intra-corporate Transferees (a) senior managers being persons within an organization: - having proprietary information of the organization; - exercise wide latitude in decision making relating to the establishment, control and operation of the organization; - primarily direct the management of the organisation; and - receive only general supervision or direction from the board of directors or partners of the organization. (b) two specialists or experts per organization being persons within the organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's new service products and technology.	(4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	research equipment and techniques or management. Additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or subsector: 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. 2. Others (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; (b) professionals being persons who possess necessary		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	academic 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; and (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. 3. Entry and stay of natural persons defined in categories 1 (a) and (b) and 2 (a) and (b) shall not exceed a total of five years. For category 2 (c), the period of stay shall not exceed a total of 90 days.		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services a. Legal services covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia (CPC 8619)	(1) None (2) None (3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan. (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 49 per cent (4) Unbound except as indicated in the horizontal section. In respect of (1(b), additional two specialists/experts for each firm In respect of 2 (b), residency is required for registration	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Taxation services (CPC 863)	(1) None (2) None (3) Only through a locally registered partnership with authorised Malaysian tax agents or private limited companies and aggregate foreign interests in the partnership shall not exceed 30 per cent (4) Unbound except as indicated in the horizontal section. In respect of (1(b), additional two specialists/experts for each firm/company In respect of 2 (b), residency is required for registration	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Architectural services (CPC 8671)	(1) None	(1) Architectural services must be authenticated by a licensed professional architect in Malaysia	
	(2) None	(2) Architectural services must be authenticated by a licensed professional architect in Malaysia	
	(3) (a) Architectural services may be supplied only by a natural person (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)1, foreign equity up to a maximum of ten (10) per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(3) (a) None (b) Unbound	
	(4) Unbound except as indicated in the horizontal section and, in respect of 2b) only an architect who is a consultant to a project in collaboration with a Malaysian professional architect for wholly foreign funded projects.	(4) Unbound except for the categories of natural persons referred to under market access.	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

[1]-While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include engineers.

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Engineering services (CPC 8672)	(1) None	(1) Engineering services must be authenticated by a registered professional engineer in Malaysia	
	(2) None	(2) Engineering services must be authenticated by a registered professional engineer in Malaysia	
	(3) (a) Engineering services may be supplied only by a natural person (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)2, foreign equity up to a maximum of ten (10) per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(3) (a) None (b) Unbound	
	(4) Unbound except as indicated in the horizontal section and, in respect of 2(b), subject to temporary registration for a period of one year per temporary registration.	(4) Unbound except for the categories of natural persons referred to under market access.	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

[2]-While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include engineers.

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
f. Integrated engineering services (CPC 8673)	(1) None	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	
	(2) None	(2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	
	(3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia. The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.	(3) None	
	(4) Unbound except as indicated in the horizontal section and in respect of 2 (b), for a period of up to one year or the duration necessary to complete the services contract	(4) Unbound except for the categories of natural persons referred to under market access	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
g. Urban Planning Services 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)	(1) None (2) None (3) Unbound (4) Unbound except for: (i) independent professionals3 with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities; (ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company. (iii) Any other requirements or provisions as spelt out under the relevant legislation	(1) None (2) None (3) Unbound (4) Unbound	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the relevant regulatory authorities will be conducted in the English Language.

[3] Independent professionals is as defined in para 2(b) in the horizontal section

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscaping services covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
h. Specialised Medical Services covering forensic medicine, nuclear medicine, geriatrics, microvascular surgery, neurosurgery, cardiothorasic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine (CPC 93122)	(1) None (2) None (3) Specialised medical services may be supplied only by a natural person. (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) None (2) None (3) None (4) None other than: Practice only in private hospitals of al least 70 beds; Practice to be only at a specified location and a change in location requires approval; and the setting up of individual or joint group practices is not permitted.	4) The qualifying examination to determine the competence and ability to supply the service will be conducted in the English language.
B. Computer and Related Services a. Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Software implementation services(CPC 842)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
c. Data Processing Services (CPC 843)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Database services (CPC 844)	(1) None (2) None (3) None (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
C. Research and Development Services Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators Relating to ships exclude cabotage and offshore trades (CPC 83103)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
Relating to aircraft (CPC 83104)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
F. Other Business Services (a) Advertising services (CPC 8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent Advertisement through electronic media Advertisement must have at least 80 per cent local content and be	(1) Unbound (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	made in Malaysia (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	 (4) Unbound except for the categories of natural persons referred to under market access.	
b. Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporations at least exceed 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Management Consulting Services (CPC 86509) covering: Management consulting services covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
Management consulting services covering advisory, guidance and operational assistance on environmental management services including risk assessment services	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Services incidental to manufacturing (CPC 884, 885 except 88442)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(2) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
k. Student placement services covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Translation and interpretation services may be supplied only by a natural person (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access. Translation and/or interpretation from the English language to the Malay language or vice-versa is not permitted	
s. Convention and exhibition management services covering the provision of planning, organizational, management and marketing services for conventions and other similar events (CPC 87909)	(1) None (2) None (3) a) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent	(1) None (2) None (3) a) None b) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b) For Convention Centres with seating capacity of over 5,000, aggregate foreign shareholdings up to 49% shall be permitted (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access.	
Operational Headquarters (OHQ) Services covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia.	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) Only through a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ. OHQ must operate in Malaysia and fulfil the following criteria: (a) carry out at least 3 of the OHQ service activities;	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies; (c) have a well established foreign-owned company which is sizeable in terms of assets and employees; (d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel; (e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia; (f) be able to contribute to the Malaysian economy by: (i) using services such as legal, accounting etc. provided by Malaysians; (ii) creating job opportunities for Malaysians; (iii) enabling greater inflow of foreign funds. (4) Unbound except as indicated in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
C. Telecommunication Services Basic Telecommunications Based on domestic regulations, Malaysia has reclassified its communications service sector on the basis of provision of Network Facility services (NFP), provision of Network Service (NSP), provision of Application Service (ASP). Basic local, inter-exchange and international services; supplied over public telecommunications transport networks using any network technology; facilities regardless of whether the means of delivery of services are wired or wireless are mapped into the aforementioned three categories. Individual licence 1. NFP (I)[a]	(1) None (2) None (3) With respect to NFP and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I). With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisitions of shares of an existing licensed ASP(I) operator/corporations. For NFP(I) and NSP(I), foreign shareholding of up to 30 per cent in these service providers is allowed. For ASP(I), foreign shareholding of up to 49 per cent in these	(1) None (2) None (3) None	

Explanatory Note for Individual Licence Categories

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

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. NSP (I)[b] 3. ASP (I)[c]	service providers is allowed [The management control of such companies shall be in the hands of Malaysians and in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30% foreign in aggregate with not one single country holding more than 5% of the equity at any one time] (4) Unbound except as indicated in the horizontal commitments.	(4) Unbound except as indicated in the horizontal commitments.	
Value-Added Services Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed	(1) None (2) None (3) With respect to NFP and NSP components	(1) None (2) None (3) None	

Explanatory note for Class Licence Categories

[b] Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services

[c] Application Service Provider, individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
NFP(I) and NSP(I) operators and are also mapped into the three categories below Class licence 1. NFP (C)[d] 2. NSP (C)[e] 3. ASP (C)[f]	of the service, only through acquisition of shares of existing licensed NFP(C), NSP(C). With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisitions of shares of an existing licensed ASP(C) operator/corporations. For NFP(C) and NSP(C), foreign shareholding of up to 30 per cent in these service providers is allowed. With respect to ASP(C), foreign shareholding of up to 49 per cent in these service provider is allowed. (4) Unbound except as indicated in the horizontal commitments.	(4) Unbound except as indicated in the horizontal commitments.	

Explanatory note for Class Licence Categories

[d] Network facilities provider class licence enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

[e] Network service provider class licence enables the provision of niched customer access or niched connection services such as public mobile radio network service, one or two way radio paging network services, terrestrial wireless fixed/mobile data network services for the specific purposes of messaging, surveillance, ticketing or inventory management, offered for the sole purpose of connecting end users in a building or a single clustered building complex.

[f] Applications service provider class licence enables the provision of applications services such as audiotext hosting services provided on an opt-in basis, directory services, messaging services.

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments

Explanatory Note

1) This sector is governed by the Communications and Multimedia Act 1998 and it subsidiary rules and regulations.
2) Definitions as per Communications and Multimedia Act 1998

   a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
   Network facilities provider means a person who is an owner of any network facilities.

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

   c. Application service means a service provided by means of, but not solely by means of, one or more network services.
   Application service provider mans a person who provide an applications service.

3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001
   a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
   Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.

   b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
   Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.

   c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
   Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services	(1) Commercial presence is required	(1) Unbound	
Motion picture, video tape and audio recording distribution services (CPC 96113)	(2) None	(2) None	
	(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent	(3) None	
	(4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction work (CPC 511, 512, 513, 514, 515, 516, 517)	(1) Unbound due to lack of technical feasibility (2) None (3) (a) Only through a representative office, regional office, or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i. Construction projects wholly financed by foreign investment and/or grants ii. Construction projects financed by loans of international tendering according to the terms of loans	(1) Unbound due to lack of technical feasibility (2) None (3) (a) None (b)Unbound	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available; iv. 100% Malaysian funded construction projects where local expertise is not available Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound except as indicated in the horizontal section.	(4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
C. Higher Education Other Higher Education Services[7] provided by privately funded higher education institutions (excluding private higher education institutions with government equity or that receive government assistance) (CPC 92390)	(1) Unbound except for requirement of commercial presence	(1) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	
	(2) None	(2) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	
	(3) Only through a joint venture with foreign equity not exceeding 49% and subject to an economic needs test. the requirement of a needs test if necessary	(3) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	3) Up to 51% foreign equity will be considered subject to an additional economic needs test which includes among others: (a)courses deemed important to attain Malaysia's educational objectives (b) have export potential
	(4) Unbound except as indicated in the 1(a) and 2(c) of the horizontal section and as below: <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational	(4) Unbound except as listed in the market access column	

[7] As defined in Malaysian legislation

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	institution, possessing the necessary qualifications, knowledge, credentials and/or experience (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution		
E. Other Educational Services covering only: Language Courses Short Courses technical and vocational courses cognitive skills development	(1) Unbound except for requirement of commercial presence (2) None (3) Only through a joint venture with foreign equity not exceeding 49% and subject to an economic needs test. the requirement of a needs test if necessary	(1) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents (2) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents (3) Unbound including the grant of federal or state funding or subsidies such as land grants, tax benefits, scholarships and loans limited to institutions with government equity or citizens/permanent residents	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the 1(a) and 2(c) of the horizontal section and as below: Lecturers and experts (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing the necessary qualifications, knowledge, credentials and/or experience (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution	(4) Unbound except as listed in the market access column	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES, INCLUDING INSURANCE Horizontal Commitments Applicable to the Financial Services Sector 1. The commitments in the financial services sector are in accordance with the General Agreement on Trade in Services and the Annex on Financial Services. 2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks and merchant banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule.			
ALL FINANCIAL SERVICES	(3) Limitations on investments as contained in the all-sector horizontal section (4) Limitations in the all-sector horizontal section will apply when indicated in each activity.	(3) Limitations on land and other immovable property as contained in the all-sector horizontal section. Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP). (4) Limitations in the all-sector horizontal section will apply when indicated in each activity.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia. (4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(1) Unbound*, except as otherwise specified in this schedule. (2) Unbound*, except as otherwise specified in this schedule. (3) None (4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
2. Commercial banks and merchant banks.	(1) Unbound * except as otherwise specified in this schedule. (2) Unbound * except as otherwise specified in this schedule. (3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section	

* Due to lack of technical feasibility

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	existing shareholders. Unbound for new licences Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent. A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank. A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank. Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution. Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.	and in the respective activity listed below. Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria: (a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign bank has significant trade and investment interests in Malaysia; and (c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (b) Two senior managers and five specialists or experts for each bank. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts for each bank for areas relating to: (i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology. (c) For a representative office, two foreign nationals. Only one foreign national for the two top posts. (d) Entry shall be limited to a maximum period of five years.	(4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Direct insurance companies.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted. Foreign shareholding not exceeding 51percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent. New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign insurance company of an aggregate of more than 5 percent shareholding in a locally incorporated insurance company must meet at least one of the following criteria: (a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign insurance company has significant trade and investment interests in Malaysia; (c) The country of the foreign insurance company does not have a significant representation	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Unbound for new licences. An insurance company is not allowed to acquire more than 5percent share: (a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or (b) In an insurance broking company. Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in: (a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or (b) An insurance broking company.	in the Malaysian insurance industry; or (d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.	
	(4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in	(4) Unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	supply through the mode of respect of commercial presence. (b) Two senior managers and three specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies. 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. Five specialists or experts for each institution for areas relating to: (i) underwriting of specialized classes of general business; (ii) information technology; and (iii) actuarial functions. (c) Entry shall be limited to a maximum period of five years.		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE Acceptance of deposits, and other repayable funds from the public, wholesale and retail.	(1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed. (2) None (3) Only permitted through a commercial bank, a merchant bank or an offshore bank. Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits. (4) Unbound except as indicated in the all financial services horizontal section.	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. (4) Unbound except as indicated in the all financial services horizontal section.	
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.	(1) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia. (2) Financial services associated with lending to residents in any currency in excess of an equivalent of	(1) None (2) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia. (3) Entry as a non-bank for scheduled businesses is limited to: (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or (b) A representative office. Representative offices can only undertake research and liaison services. Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent. Merchant banks are not permitted to provide consumer credit and home mortgages. Only commercial banks are permitted to provide overdraft facilities.	(3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Offshore banks and offshore investment banks are permitted to lend in foreign currencies only. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. For representative offices of scheduled businesses, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial leasing	(1) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia. (2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia. (3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 49 percent. Entry as a non-bank is limited to: (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 percent; or (b) A representative office. Representative offices can only undertake research and liaison services. Entry is permitted through the establishment of a branch or	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies. Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only. (4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment. For representative offices, two foreign nationals subject to one foreign national for the two top posts. Entry shall be limited to a maximum period of five years. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(4) Unbound except for the categories of natural persons referred to under market access. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.	(1) Electronic fund transfer system requires approval. (2) None (3) Offshore banks are permitted to extend payment and money transmission services to non-residents only. Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services. Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. Entry shall be limited to a maximum period of five years	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market access.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

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

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Money and foreign exchange broking services	(1) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia.	(1) None	
	(2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia.	(2) None	
	(3) Entry is limited to: (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or (b) the establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan. Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.	(3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound. For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence	(4) Unbound For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
Trading for own account or account of customers in the following: - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion	(1) Dealing is limited to contracts traded on specified exchanges abroad (2) None (3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia. Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad. Trading for accounts of customers by offshore banks, offshore investment banks and offshore	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad. Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan. Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency. Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. Trades for own account and account of customers who are outside Malaysia may be routed to member companies of the stock exchange for execution by a foreign		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses)	(1) Participation in issues and services related to such issues requires authorization. (2) Participation in issues and services related to such issues requires authorization. (3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia. Only merchant banks are permitted to make submissions to the Securities Commission for new issues.	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. Unbound for appointment as principal dealers (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Underwriting	(1) Commercial presence is required (2) Authorization is required (3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. Commercial banks are permitted to underwrite private debt securities only.	(1) Unbound (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad. (4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section	(4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	(1) Commercial presence is required (2) None (3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings. Entry as a non-bank, other than a Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 percent. Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent. Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission. (4) For commercial banks and merchant banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy	(1) Provision of investment and portfolio advice requires commercial presence. Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(1) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia. (3) Entry as a non-bank is limited to: (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or (b) A representative office. Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only. Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia. Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.	(2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) For banks, one specialist or expert. For non-banks, one senior manager and one specialist or expert. For representative offices, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Entry shall be limited to a maximum period of five years.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).	(1) Unbound* (2) Unbound* (3) Only through a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.	(1) Unbound* (2) Unbound* (3) None	

* Due to lack of technical feasibility

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	An OHQ must operate in Malaysia and fulfill the following criteria: (a) Carry out at least three of the OHQ service activities; (b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies; (c) Have a well established foreign-owned company which is sizeable in terms of assets and employees; (d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel; (e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia; (f) Be able to contribute to the Malaysian economy by: (i) Using services such as legal, accounting etc. provided by Malaysians; (ii) Creating job opportunities for Malaysians; (iii) Enabling greater inflow of foreign funds.		

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) One specialist or expert per organisation subject to the following conditions: (a) Such persons must possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management. (b) Entry shall be limited to a maximum of five years and renewable.	(4) None	
Securities broking services comprising: - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research	(1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange. Promotion in Malaysia of Malaysian stocks requires approval. Provision of investment advisory services and credit reference services to residents requires commercial presence. (2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.	(1) None (2) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Entry is limited to recognized foreign stock broking companies through: (a) Equity participation in an existing stockbroking company; or (b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company. And aggregate foreign shareholding in such company shall not exceed 49 percent A foreign stockbroking company is permitted to have shareholding in one stockbroking company only. Entry by recognized foreign stockbroking companies is also permitted through a representative office. Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia. New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.	(3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section. For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.	(4) Unbound except for the categories of natural persons referred to under market access.	
Commodity futures broking services	(1) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange. (2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange. (3) Entry is limited to: (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) A representative office. Representative offices are permitted to undertake research, information and liaison services only. Total membership of the exchange will be based on economic needs. (4) Unbound except one foreign national for a management post per establishment, subject to market test.	(4) Unbound except for the categories of natural persons referred to under market access.	
B. INSURANCE SERVICES Direct insurance (non-life).	(1) Soliciting and advertising in Malaysia are not allowed. Direct placement abroad of insurance of: (a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and (b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia	(1) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Direct placement abroad of insurance of: (a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and (b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.	(2) None	
	(3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.	(3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches. Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.	
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	(1) Unbound (2) Unbound (3) Only permitted through direct insurance companies. Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval. Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents. (4) Unbound except as indicated in the all financial services horizontal section.	(1) Unbound (2) Unbound (3) None Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches. Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development. (4) Unbound except as indicated in the all financial services horizontal section.	
Reinsurance and retrocession (non-life).	(1) Outward reinsurance is permitted only if local capacity is not available.	(1) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Outward reinsurance is permitted only if local capacity is not available.	(2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	
	(3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent. Entry as an offshore reinsurance company is confined to Labuan.	(3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.	
	(4) Unbound except for: (a) Two senior managers and three specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier. (b) Entry shall be limited to a maximum period of five years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Reinsurance and retrocession (life).	(1) Outward reinsurance is permitted only if local capacity is not available. (2) Outward reinsurance is permitted only if local capacity is not available. (3) National retention capacity is required to be optimised before any outward reinsurance by: (a) direct life insurance and life reinsurance companies in Malaysia; and	(1) Unbound for fiscal incentives to promote reinsurance in Malaysia. (2) Unbound for fiscal incentives to promote reinsurance in Malaysia. (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent. Entry as an offshore reinsurance company is confined to Labuan.		
	(4) Unbound except for: (a) Two senior managers and three specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	management of the financial service supplier. (b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise. (c) Entry shall be limited to a maximum period of five years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Insurance intermediation - insurance broking (excluding agency).	(1) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted. (2) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted. (3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks. (4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	
Insurance intermediation - insurance underwriting and insurance management.	(1) Insurance underwriting and insurance management are not permitted. (2) Insurance underwriting and insurance management are not permitted. (3) Unbound for onshore insurance underwriting and insurance management. An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan. An offshore insurance manager is permitted to provide insurance management services to persons other than residents.	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	
Services auxiliary to insurance, as follows: (a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting.	(1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan. (2) None (3) Limited to the establishment of: (a) Locally incorporated companies; (b) Branches; or (c) Partnerships. Offshore companies are not permitted to provide services to Malaysian residents. (4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(1) None (2) None (3) None (4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent; and The joint-venture corporation shall operate a hospital with a minimum of 100 beds (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Establishment of feeder outpatient clinics is not permitted (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
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)	(1) None (2) None (3) a) Entry for service activities under CPC 641, 642, 643 is permitted only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; b) For CPC 64110 covering 4- and 5-star hotel establishments only, aggregate foreign shareholdings up to 49% in the joint venture corporation is permitted (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) a) None b) None (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel agency and tour operator services (CPC 7471)	(1) None (2) None (3) a) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; Establishment of another office requires additional licence b) For inbound travel only , aggregate foreign shareholdings in the joint venture corporation is permitted up to 49% (4) Unbound except as indicated in 1 (a) in the horizontal section	(1) None (2) None (3) a) None (4) Unbound except for the categories of natural persons referred to under market access	
Tourist Guide Services (CPC 7471)	(1) None (2) None (3) Tourist guide services only to be supplied by a natural person	(1) None (2) None (3) None	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in 2 (a) in the horizontal section	(4) Unbound except for the categories of natural persons referred to under market access	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192, 96194) (Theme Parks - A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	(1) Unbound due to lack of technical feasibility (2) None (3) a) Entertainment services may be supplied only by a natural person b) For Theme Parks (part of CPC 96194), joint ventures with Malaysian individuals or Malaysian-controlled corporations or both with aggregate foreign shareholdings in the joint venture corporation not exceeding 49% (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) a) None b) None (4) Unbound except for the categories of natural persons referred to under market access Participation of Malaysian entertainers/artistes may be required based on the guidelines of the relevant Ministry.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility (2) None (3) Only through a Malaysian-controlled corporations acting as the local sponsor (4) Unbound except as indicated in 2 (a) in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
11. TRANSPORT SERVICES			
A. Maritime Transport Services International Maritime Transport Services excludes cabotage, government cargo 7211: Passenger transportation 7212: Freight transportation	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint- venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent Malaysian registered vessels To register a vessel in Malaysia, the	(1) None (2) None (3) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1) Pilotage 2) Towing and tug assistance 3) Provisioning, fuelling and watering 4) Garbage collection and ballast waste disposal 5) Port Captain's services 6) Navigation aids

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	following conditions must be met: (1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; (2) Majority shareholding to be held by Malaysians; (3) Majority of the board of directors to be Malaysians; and (4) Principal place of business to be in Malaysia (4) Unbound except as indicated in the horizontal section.	 (4) Unbound except as indicated in the horizontal section	7) Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8) Emergency repair facilities 9) Anchorage, berth and berthing services
c. Rental/Leasing Services of Seagoing Vessels With Operator for International Shipping (CPC 72130) Excludes Cabotage and Offshore Trades	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103) Excludes Cabotage and Offshore Trades	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
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 748*)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Vessel salvage and refloating services(not applicable in harbour) (CPC 74540) (Vessels salvage services provided on ocean and seas. Such services consist of recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Maritime Freight Forwarding Services (CPC 7480) Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint- venture corporation with Malaysian individuals or Malaysian-controlled corporations or both. Foreign equity allowable up to 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC 97090)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and Establishment of local branches requires additional licenses (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

ANNEX I

Annex to Additional Commitments on Telecommunication Services

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measures to: - Maintain fair competition among network operators; - Safeguards the interest of consumers;
2. Universal Service	- Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences;
3. Public availability of licensing criteria	- To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators;
4. Independent regulator	To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;
5. Interconnection arrangements	To ensure that the following principles pertaining to interconnection arrangements are adhered to: - Interconnection and access between network operators shall be on an equitable and non-discriminatory basis; - Charges for interconnection facilities and services provided by network operators shall be fair and equitable; - The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks; - A domestic network operator in any of the market segments shall not abuse its market power to limit access to essential facilities only for interconnection; - The network operator that provides the access connection to the customer should be allowed to tell him (the customer); - No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share.

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MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

MALAYSIA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors	Liberalization of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia may be carried out in a differentiated manner based on reasons including proximity, either contiguous or regional, religious and/or cultural compatibility	All countries	Indefinite	The measure is required to: (1) maintain the arrangements under existing bilateral agreements; and (2) ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
All sectors	Waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner	All countries	Indefinite	The measure would be applied in a differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximize economic benefits of foreign participation in the Malaysian economy.
Advertising services	20 per cent foreign content limitation for advertising is waived for these countries	Brunei Darussalam Indonesia Philippines Singapore Thailand	5 years	The measure is required to promote intra-ASEAN tourism

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MYANMAR

Schedule of Specific Commitments

AC-TIS/SC2/MYA

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
ALL SECTORS	(1) As specified in each sector (2) As specified in each sector (3) (a) Commercial presence of foreign service suppliers and/or providers are permitted in accordance with Myanmar Companies Act 1914 , Partnership Act 1932, Special Company Act (1950), Union of Myanmar Foreign Investment Law (1988), Union of Myanmar Citizens' Investment Law (1994). Under these laws: - (i) 100% Foreign investment , or (ii) Joint Venture with a Myanmar citizen or enterprise with a minimum of 35% equity is permitted. Form of incorporation can be partnership or limited company or branch/representative office under the Myanmar Companies Act (1914). The proposed investment may be rejected subject to such	(1) As specified in each sector (2) As specified in each sector (3) (a) According to the Notification No. 41/2010 dated 10-3-2010 issued by the Ministry of Finance and Revenue, the following kinds of payments to non-resident foreigners are subject to a withholding tax as follows; **Class of Income** — **Non-resident foreigners** - Interests — 15% - Royalties paid for the use of licenses, trademarks, patent rights etc. — 20% - Payments made by the State Organizations, Development Committees, Cooperative Societies, Partnership Firms, Companies, Organizations formed and registered under any existing law, for purchasing of goods and receiving executing works under a contract or an a agreement or any consent — 3.5 %	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	implications as financial arrangements security risk involved and compliance with existing conditions. (b) Incorporation of an enterprise, not involving the state enterprise is to be made under the Myanmar Companies Act 1914. Minimum share Capital requirements for companies and branches are as follows, - Service Company- equivalent of K300,000 in USD. - Industrial Company-equivalent of K 1000,000 in USD. Under this Law; If the investment involves a state enterprise, incorporation shall be made under the Myanmar Companies Act 1914, Partnership Act 1932, Myanmar Company Rules 1940, Special Company Act (1950), Special Company Act (Amendment) Act, 1955, 1959 . (c) According to the Land Nationalization Act 1953 and the Transfer of Immoveable Property Restriction Law (1987), foreign organizations and persons are not allowed to own land in Myanmar. State is	- Payments made by foreign entrepreneur or foreign company for receiving executing works and purchasing of goods locally under a contract or an agreement or any consent 3.5% According to the Notification No. 115/2006 issued by the Ministry of Finance and Revenue, income tax shall be imposed in foreign currency on non-resident foreigners' total income at the rate of 35% (thirty five percent) in such foreign currency. However, if the income is under the heads professional income, business income, property income, undisclosed source of income and other source of income, the income tax calculated at the relevant rates mentioned in the table-which ranging from 5% to 40% exceeds the sum calculated at 35% , then the greater sum of income tax shall be paid. <u>Tax</u> According to the Section 3 (k) of the Income Tax Law, it prescribes the Resident Foreigners as follows: (i) in the case of individual, a foreigner who resides in	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the sole owner of all land. Land may be acquired on long term lease, depending the type of business and the investment amount. (d) Subject to the Union of Myanmar Foreign Investment Law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies. (e) According to the section 3 of the State-Owned Economic Enterprises Law, twelve Economic activities are restricted. However, these activities may be permitted by the Cabinet, by notification according to the section 4 of the said law. (f) All foreign enterprises and foreign workers shall abide by	Myanmar for not less than one hundred and eighty- three days during the income year; (ii) in the case of a company, a company formed under the Myanmar Companies Act or any other existing law wholly or partly with foreigner share-holders; (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 Union of Myanmar. - In this regards, foreign workers and staffs who working at least one hundred and eighty three days in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners. The existing Notification No. 124/2006 by the Ministry of Finance and Revenue determined that the income tax for the resident foreigners earn income in foreign currency under the head "Salaries" shall be paid at the rate of 15% (fifteen percent) in such foreign currency.	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Business Visa* Period for Permission of Visa 70 days Period for Permission of stay Extension - Up to 3 months** 36US$ - Over 3 months-up to one year** 90 US$ [**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License] (Remark: In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating) Tax Under the Union of Myanmar Foreign Investment Law Section 21, for the purpose of promoting foreign investments within the State, the Commission shall grant the tax exemption and/ or relief	- However, the income of the resident foreigner who operating economic enterprises such as companies formed in Myanmar shall be calculated in accordance with Regulation 5-B of the Income Tax Regulation and paid in foreign currency. The corporate tax rate is 30% (thirty percent) - 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 Transfer of Immoveable Property Restriction Law (1987), foreign organizations and persons are not allowed to own land in Myanmar. However, land may be acquired on long term lease, depending on the type of business and the investment amount.	
	(4) The Department of Labour, under the Ministry of Labour performs registration for overseas workers	(4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	who have been given the permission to stay in work by the Myanmar Investment Commission. The duration of registration is six months and the registration fee is 5 FEC for one person.	/ or individual services provider shall receive the approval of the respective authority. - Any expatriate entering into Myanmar shall abide by The Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules , regulations and procedures of Myanmar - Individual services providers who work with the approval of respective authorities shall register themselves with the Department of labour, the Ministry of Labour. - The Department of Labour, under the Ministry of Labour performs registration for overseas workers who have been given the permission to stay in work by the Myanmar Investment Commission . - Regarding the recognize 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.	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

***Types of Visa and Regulations for stay extension**

Sr. No	Type of Visa	Period for Permission of Visa	Period for Permission of Stay Extension	Fees of stay extension	Documents to be Needed	Ministry/board for stay extension permitted	Remark
1.	Tourist Visa	28 days	14 days	36 US$	- Recommendation of Ministry concerned - Application Form - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
2.	Business Visa	70 days	- Up to 3 months - Over 3 months up to one year	36 US$ 90 US$	- Recommendation of Ministry concerned - Application Form - Passport (original & copy) - Stay Form - (2) Recent Photos - FRC - Company Registration Card - Export & Import License		
3	Transit Visa	24 hours	-	-	-	-	-
4.	Social Visa	28 days	- Up to 3 months - Over 3 months up to one year	36 US$ 90 US$	- National Registration Card (original & copy) - Household list (original & copy) - recommendation of Township Immigration Officer concerned - Passport (original & copy) - Stay Form - (2) recent Photos - FRC	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
5.	GOC/DGOC Visa	Duration of assignment	Duration of assignment	Gratis	- Recommendation of Foreign Ministry - Copy of Application Form from Embassy - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating
6.	SRV/MJSRV	6 months	6 months 1 Year	54 US$ 180 US$	- Recommendation for Foreign Affair Ministry or Ministry concerned - Copy of Application from organization concerned - Passport (original & copy) - Stay Form - (2) Recent Photos	Visa Confirming Board	In accordance with permission of Visa Confirming Board, Ministry of Immigration has been obligating

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
AIR TRANSPORT SERVICES			
1. Aircraft Repair and Maintenance Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	
2. Selling and Marketing of Air Transport Services	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Computer Reservation System Services	(1) None, except that service providers must use public telecommunication networks under national telecommunication authorities in accordance with prescribed rules and regulations.	(1) Unbound	
	(2) Subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) Unbound	(3) Unbound	
	(4) Unbound	(4) Unbound	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES			
1. Accounting auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) - Joint venture or partnership with Myanmar Locally registered public accountants is encouraged after fulfilling the requirements prescribed by Foreign Investment Law, provided that the foreign counterpart must be qualified and duly registered as a practicing Public Accountant in his/ her country. - As Indicated in the Horizontal Commitment (4) None for Accounting and bookkeeping services, auditing service	(1) None (2) None (3) As indicated in market access (4) As indicated in market access	Foreign practising accountant holds an Accountancy Certificate or degree conferred by any foreign country and recognized by the Myanmar Accountancy council He/she is registered in the list of practising accountants managed by his/her country. Subject to MAC's licensing requirements.

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Engineering Services (CPC 8672)	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
3. Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
4. Rental and leasing of Studio Recording Equipment (CPC 38109)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. Advertising Services (CPC 871)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
6. Printing and Publishing (CPC 89)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
CONSTRUCTION SERVICES			
1. Construction Work for Civil Engineering Services (CPC 513)	(1) Unbound * (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	

* Unbound due to lack of technical feasibility

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FINANCIAL SERVICES			
1. Actuarial Services	(1) None	(1) (a) According to the existing laws & regulations such as: Myanma insurance Law 1993 and Insurance Business Law 1996 etc. (b) As indicated in the Horizontal Commitments	
	(2) None	(2) (a) According to the existing laws & regulations such as : Myanma insurance Law 1993 and Insurance Business Law 1996 etc. (b) As indicated in the Horizontal Commitments	
	(3) Unbound	(3) Unbound	
	(4) Unbound	(4) Unbound	
2. Average and Loss adjustment services (CPC 8143)	(1) None	(1) None	
	(2) None	(2) None	
	(3) As indicated in the Horizontal Commitment	(3) As indicated in the Horizontal Commitment	
	(4) As indicated in the Horizontal Commitment	(4) As indicated in the Horizontal Commitment	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Foreign Bank's Representative Offices services	(1) Unbound * (2) Unbound (3) - Foreign Banks are allowed to open their representative offices in Myanmar** - As indicated in the Horizontal Commitment (4) Unbound	(1) Unbound (2) Unbound (3) Unbound (4) Unbound	
HEALTHCARE SERVICES			
1. Dental Services (CPC 93123)	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment	

* Unbound due to lack of technical feasibility

** Subject to the approval of the Central Bank of Myanmar according to the Central Bank of Myanmar Law and Financial Institutions of Myanmar Law

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound	(4) Unbound	
2. Deliveries and related services, Nursing Services, Physiotherapist and paramedical personnel (CPC 93191)	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment (4) Unbound	(1) None (2) None (3) - Commercial presences of foreign service suppliers are permitted in accordance with The Law relating to Private Health Care Services, 2007. Under the Union of Myanmar Foreign Investment Law 1988, joint venture with Myanmar citizen or enterprise with 51% foreign equity is permitted. - As indicated in the Horizontal Commitment (4) Unbound	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
MARITIME TRANSPORT SERVICES			
1. Storage and Warehousing Services	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	
2. International Passenger Transport (Excluding Cabotage)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	

www.djpp.kemenkumham.go.id

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. International Freight Transport (Excluding Cabotage)	(1) None (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitments	(1) None (2) None (3) Unbound (4) Unbound	
4. Maritime cargo handling services	(1) Unbound due to lack of technical feasibility (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	

www.djpp.kemenkumham.go.id

MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TELECOMMUNICATION SERVICES			
Telecommunication Services (CPC 7523) 1. Telex Services (CPC 7523**) 2. Telegraph Services (CPC 7522)	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) None* (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.
3. Electronic mail services (CPC 7523**) 4. Voice mail services (CPC 7523**) 5. Electronic Data Interchange (EDI) (CPC 7523**) 6. On-line information and data base retrieval (CPC 7523**) 7. Code and protocol conversion (CPC 7523**) 8. On-line information and / or data processing (CPC 843**)	(1) (a) Subject to comply with the provision of existing rules and regulations (b) Subject to Utilization of the National Gateway only (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None* (3) As indicated in the Horizontal Commitment (4) As indicated in the Horizontal Commitment	* Subject to comply with the provisions of existing rules and regulations.

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. Motion Picture and Video Tape Production Services (CPC 96121)	(1) Unbound (2) None (3) As indicated in the Horizontal Commitments (4) As indicated in the Horizontal Commitment	(1) Unbound (2) None (3) Unbound (4) As indicated in the Horizontal Commitment	
10. Cinema Theatre Services and Motion Picture Projection Services (CPC 9615)	(1) Unbound (2) None (3) Unbound (4) Unbound	(1) Unbound (2) None (3) Unbound (4) Unbound	
TOURISM AND TRAVEL RELATED SERVICES			
1. Hotels (CPC 641-643)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) Unbound (4) Unbound	

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MYANMAR - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Travel Agencies and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

Note : For a service supplier of another party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound

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PHILIPPINES

Schedule of Specific Commitments

AC-TIS/SC2/PHI

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e., foreign equity is limited to a minority share): The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities. All executive and managing officers must be citizens of the Philippines <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease Foreign investors may lease only private lands. <u>Entry and Temporary Stay of Natural Persons Supplying Services</u> Non-resident alien may be admitted	(3) Access to Domestic Credit A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are: - partnerships more than 40 per cent of whose capital is owned by non-Filipino citizens; and - corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries. Banks are prohibited from extending peso loans to non-residents	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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. (1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) All measures taken by local government units are unbound. (1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

www.djpp.kemenkumham.go.id

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
E. Rental/Leasing Services without Operators	(1) None	(1) None	
	(2) None	(2) None	
a. Relating to ships (83103)	(3) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA)	(3) None	
	(4) None	(4) None	
b. Relating to Aircraft (83104)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Lease contract subject to approval by the Civil Aeronautics Board	(3) None	
	(4) None	(4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services h. Services Incidental to Mining (883) Oil and Gas Exploration and Development	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed provided there is President's approval. The Constitution allows the President to enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (PRC) may approve registration of and authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	state/country and whose certificate of registration issued therein has not been suspended/revoked: provided, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded,		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geothermal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (PRC) may approve registration of and authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B. required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state: provided, further, C. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, D. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Coal Exploration and Development	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) Employment of foreign professionals: Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (PRC) may approve registration of and authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided, A. That the requirements for registration/ licensing in said foreign state/country are substantially the same as those	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state: provided, further, B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to: a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	mission for a limited period of time: provided, finally, C. That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules. Limitations listed in the horizontal section shall apply.		
j. Services Related to Energy Distribution (887) Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution lines	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
A./B. Postal/Courier Services (7511/75112) a. Domestic Mail Services 1) Ordinary Mail 2) Registered Mail[1] 3) Express Mail 4) Domestic Parcel 5) Business Reply[2] 6) Printed Matters b. International Mail Services 1) Ordinary Mail 2) Registered Mail [3] 3) Express Mail 4) Printed Matters 5) International Parcels c. Money Order Service (Domestic and International)[4]	(1) Commercial presence is required. (2) None (3) Entry is subject to the following requirements: Foreign equity is permitted up to 40 percent; and Philippine Government authority to operate private express and/or messengerial delivery services (4) Provision of postal/courier services is reserved only to Filipino citizens	(1) None (2) None (3) Entry is subject to the following requirements and conditions: A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity; and B. All executives and managers must be citizens of the Philippines (4) Provision of postal/courier services is reserved only to Filipino citizens	

[1] Postal services that are only offered by the Philippine Postal Corporation (PPC)

[2] Postal services that are only offered by the Philippine Postal Corporation (PPC)

[3] Postal services that are only offered by the Philippine Postal Corporation (PPC)

[4] Postal services that are only offered by the Philippine Postal Corporation (PPC)

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication services			
The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV). a. Voice telephone services (7521) • Local services • Toll services • Domestic • International b. Packet-switched data transmission services (7523**) c. Circuit-switched data transmission services (7523**) d. Telex Services (7523**) e. Telegraph Services (7522) f. Facsimile services (7521**+7529**) g. Private Leased Circuit Services (7522**+7523)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: A. Franchise from Congress of the Philippines B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission C. Foreign equity is permitted up to 40 percent. D. Resale of private leased lines is not allowed[5]. E. Private leased circuit services shall not be connected to a public network (PSTN). F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. G. Subject to the availability and efficient utilization of radio frequencies.	(1) None (2) None (3) Entry is subject to the following requirements and conditions: A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. B. All executives and managers must be citizens of the Philippines.	The Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.

[5] Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
• Cellular Mobile Telephone Service (75213) • Satellite services	H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. I. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered. J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements. (4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	
Data and message transmission services • Data network services (75231) • Electronic message and information services (75232)	(1) Unbound* (2) None (3) Entry is subject to the following requirements and conditions: a. Franchise from Congress of the Philippines b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c. Foreign equity is permitted up to	(1) None (2) None (3) Entry is subject to the following requirements and conditions: A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. B. All executives and managers	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	40 percent. d. Resale of private leased lines is not allowed6. e. Private leased circuit services shall not be connected to a public network (PSTN). f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized. g. Subject to the availability and efficient utilization of radio frequencies. h. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered. j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.	must be citizens of the Philippines.	
	(4) Service suppliers must be Filipino citizens.	(4) Service suppliers must be Filipino citizens.	

[6] Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Philippine Reference Paper on Regulatory Principles in Telecommunications Services

The commitments in telecommunication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.

1. Competitive safeguard

Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.

A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner. Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.

4. Public availability of licensing criteria

Where a license is required, the following shall be made publicly available:

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

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

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5. Independent regulators

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

The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.

A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.

6. Allocation and use of scarce resources

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

215

2013, No.70

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
B. General Construction Work for Civil Engineering For long distance pipelines, communication and power lines (cables) (51340)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued by the Philippine Contractors Accreditation Board (PCAB) is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. Build-Operate-Transfer (BOT) projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Construction for mining and manufacturing (5136**) Construction for large-scale mining development projects covered by Financial and Technical Assistance Agreements (FTAA)	(1) Unbound* (2) None (3) Up to 100 percent foreign equity participation is allowed, provided that the requirements of the FTAA under the Philippine Mining Act (RA 7942) are met. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) None (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations with at least 60 Filipino equity and duly organized and existing under and by virtue of Philippine laws. A Special Contractor's License may be given to foreign companies on a project-to-project basis. (4) Unbound	
C. Installation and assembly work Other special trade construction work (51590) Gas fitting construction work (51630)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works C. A Contractor's License issued	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply. (4) Unbound, except as indicated in the horizontal section.	and existing under and by virtue of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply. (4) Unbound	
E. Other Demolition work (51120)	(1) Unbound* (2) None (3) A. Up to 40% foreign equity for private domestic construction contracts B. Up to 25% foreign equity for construction and repair of locally funded public works	(1) None (2) None (3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60% Filipino equity participation and duly organized and existing under and by virtue	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. A Contractor's License issued by the PCAB is required to undertake construction activities. Limitations listed in the horizontal section shall apply.	of the laws of the Philippines B. A Special Contractor's License may be given to foreign companies on a project-to-project basis if such are: a. BOT projects b. Foreign-funded/assisted projects subject to international competitive bidding Limitations listed in the horizontal section shall apply.	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services except rice and corn industry (621)	(1) Business must be done through an entity registered under Philippine laws. (2) None (3) Fifty (50) percent foreign equity participation is allowed in the following cases: • paid-in equity capital is not less than USD200,000 for domestic market enterprises; or • otherwise, only up to forty (40) percent foreign equity participation is allowed. Limitations listed in the horizontal section shall apply. (4) A natural person is allowed provided that the total investment is not less than USD200,000 for domestic market enterprises Limitations listed in the horizontal section shall apply.	(1) 1) None (2) None (3) None, except as indicated in the horizontal section (4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
Sewerage Service (9401)	(1) Unbound* (2) None (3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed. For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made. For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following: a. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which	(1) Unbound* (2) None (3) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs. b. In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/ arrangements that may be entered into will be with local government unit/s concerned (4) Unbound	(4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
The commitments in financial services are in accordance with the General Agreement on Trade in Services and its Annex on Financial Services.			
	(3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in the Philippines. For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines. In banking, the Monetary Board shall ensure that at all times seventy per cent (70%) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos. (3,4) Limitations listed in the horizontal section shall also apply.		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Banking and other financial services (excluding Insurance) Commercial banking - acceptance of deposits and other repayable funds from the public (81115-81119) - lending of all types, including consumer credit, mortgage credit, and financing of commercial transaction (8113) - all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts ((81229**) - guarantees and commitments (81199**) - 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 (bank's own promissory notes, repurchase agreements, and certificates of assignment/ participation with recourse)	(1) Commercial presence is required. (2) None (3) I. Forms of commercial presence A foreign bank, widely-owned and publicly listed, may avail itself only of one form of commercial presence at a time. However, this shall not preclude secondary investment in the equity of a locally incorporated bank not exceeding thirty per cent (30%) of voting stock or forty per cent (40%) upon approval by the President of the Philippines. a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic bank. Existing foreign banks owning voting stock beyond the fifty-one percent (51%) level will be maintained at their current levels. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated banking subsidiary. Existing investments of foreign banks beyond the fifty-one	(1) None (2) None (3) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(81339**); • foreign exchange (81333); • derivative products including, but not limited to, futures and options (81339**); • exchange rate and interest rate instruments, including products such as swaps, forward rate agreements (81339**); and • other allowable negotiable instruments and financial assets (81339**). - participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (8132) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (81323*)	c. percent (51%) level will be maintained at their existing levels. The majority of the members of the Board of Directors of a locally incorporated bank shall be citizens of the Philippines. For foreign service suppliers other than banks, aggregate share in the voting stock of a locally incorporated bank shall be limited to thirty per cent (30%) or up to forty per cent (40%) upon approval by the President of the Philippines. Shareholding in a locally incorporated bank must not exceed twenty per cent (20%) for an individual and thirty per cent (30%) for a corporation. <u>II. Scope of operations</u> Prior authorization is required for the following: - acceptance of deposit substitutes and other repayable funds from the public; - guarantees and commitments; - performance of trust, investment management and other fiduciary functions;		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	- foreign currency deposit unit operations; - derivatives activities. Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial advisory services as follows: - credit reference and analysis - investment and portfolio research and advice	(1) None (2) None (3) Required to be organized as a commercial bank, or a non-bank financial intermediary. For commercial banks, all limitations mentioned under mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. (4) Unbound, except as provided in the horizontal section.	(1) None (2) None (3) None (4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Money broking and foreign exchange broking	(1) Commercial presence is required. (2) None (3) Required to be organized as a commercial bank or a non-bank financial intermediary. For commercial banks, all other limitations mentioned in mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. (4) Unbound, except as provided in the horizontal section.	(1) None (2) None (3) None (4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Credit card services	(1) Commercial presence is required. (2) None (3) Required to be organized as a commercial bank or a non-bank financial intermediary. For commercial banks, all other	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	limitations mentioned in mode 3 above for commercial banks shall apply. Foreign equity participation is bound at forty per cent (40%) for non-bank financial intermediary. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Promotion and provision of information by a representative office about the services or products offered by a foreign bank	(1) Commercial presence is required. (2) None (3) None (4) Unbound, except as those provided in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section.	
Investment houses: - Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations - Participate as soliciting dealer or	(1) Commercial presence is required. (2) None (3) Must be organized as a stock corporation. Subject to foreign equity limitation	(1) None (2) None (3) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
selling group member in tender offers, block sales, or exchange offering of securities - Deal in options, rights or warrants relating to securities - Act as financial consultant, investment adviser or broker - Act as portfolio manager/financial agent - Design pension, profit-sharing and other employee benefits plans	of fifty-one per cent (51%). The majority of the members of the Board of Directors shall be citizens of the Philippines. An investment house is not allowed to engage in banking operations. Prior authorization is required for the performance of quasi-banking functions (4) Unbound, except as provided in the horizontal section	(4) Unbound, except as provided in the horizontal section	
Factoring	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). Membership of non-Filipino citizens in the Board of Directors is limited to one-third of the Board's total membership in the case of a	(1) None (2) None (3) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	corporation; no foreign managing partners in the case of a general partnership. (4) Unbound, except as provided in the horizontal section.	(4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Financial leasing	(1) Commercial presence is required. (2) None (3) Must be performed by a financing company only, organized either as a corporation or general partnership. Subject to foreign equity limitation of forty per cent (40%). Membership of non-Filipino citizens in the Board of Directors is limited to one third of the Board's total membership in the case of a corporation; no foreign managing partners in the case of a general partnership. (4) Unbound, except as provided in the horizontal section.	(1) None (2) None (3) None (4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Securities dealership/brokerage - Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following: - Equities and its derivative products such as warrants and options - Transferable securities	(1) Commercial presence is required. (2) None (3) Required to be organized as an investment house or as a securities broker/dealer corporation or partnership. For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply. For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-efforts basis (4) Unbound, except as those provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as those provided in the horizontal section	
Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	(1) Commercial presence is required. (2) None (3) Required to be organized as an Investment House or as a securities broker/dealer corporation or partnership.	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For investment houses, all other limitations mentioned under mode 3 above for investment houses shall apply. For securities broker/dealer - must be a member of the stock exchange. Membership is limited to 200. Underwriting is allowed only on best-effort basis. (4) Unbound, except as those provided in the horizontal section	(4) Unbound, except as those provided in the horizontal section	
Performance of the functions of stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates	(1) Commercial presence is required. (2) None (3) Must be organized either as a corporation or partnership with at least one certified public accountant duly licensed in the Philippines. (4) Unbound, except as those provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as those provided in the horizontal section	
Transactions of an issuer primarily engaged in the business of investing, reinvesting or trading in securities	(1) Commercial presence is required. (2) None	(1) None (2) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Must be performed by an investment company. Foreign equity participation is bound at forty per cent (40%). All members of the Board of Directors must be citizens of the Philippines. (4) Unbound, except as those provided in the horizontal section	(3) None (4) Unbound, except as those provided in the horizontal section	
Sale of contracts for the payment of benefits or performance of future services such as life, education, pension and internment plans	(1) Commercial presence is required. (2) None (3) Foreign equity participation is bound at forty per cent (40%). (4) Unbound, except as those provided in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as those provided in the horizontal section	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
A. All Insurance and Insurance-Related Services			
All sub-sectors	(1) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (2) Limitations listed in the all-sector horizontal section and all financial services section shall apply. (3) The establishment of new insurance companies is subject to the approval of the Insurance Commission which determines whether public interest and economic conditions justify such establishment. Limitations in market access listed in the specific sub-sectors below shall not apply to existing wholly or majority foreign-owned authorized insurance/reinsurance companies as of the entry into force of this WTO Financial Services agreement. (4) Qualified non-Filipino citizens may be employed for technical positions only within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry.	(4) Each employed non-Filipino citizen shall have at least two (2) Filipino understudies.	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
a. Life, accident and health insurance services (8121) as follows: • Ordinary • Group • Industrial • Health and Accident • Annuities	(1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Non-life insurance services (8129) as follows: • Fire and allied risks/earthquakes/shock/ typhoons/floods/tidal wave • Marine ocean marine/inland marine/marine hull/aviation • Casualty motor car/health and accident/burglary/engineering miscellabeous • Surety ship fidelity/surety bonds	(1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (2) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines. (3) Market access is limited to: a. Acquisition of up to fifty-one percent (51%) of the voting stock of an existing domestic insurance company. b. Investing in up to fifty-one percent (51%) of the voting stock of a new locally incorporated insurance company. Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Reinsurance and retrocession	(1) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(1) None	
	(2) Priority cessions to authorized insurance/reinsurance companies. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission. Ten percent (10%) of total insurance cessions to foreign unauthorized reinsurers should be ceded to the National Reinsurance Corporation of the Philippines.	(2) None	
	(3) Market access is limited to: a. Acquisition of up to forty percent (40%) of the voting stock of an existing domestic insurance company.	(3) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	b. Investing in up to forty percent (40%) of the voting stock of a new locally incorporated insurance company. Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound	
d. Services auxiliary to insurance, as follows: • Actuarial consultancies • Average adjustors	(1) Commercial presence is required (2) None (3) Subject to foreign equity limitation of forty percent (40%) Participation of non-Filipino citizens in the Board of Directors of a locally incorporated insurance company is limited to one-third of the Board's total membership. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (64110)	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None, except as indicated in the horizontal commitments	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None	
Restaurants (CPC 6421-64310)	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million is complied; provided further that pre-qualification requirements are complied in accordance with appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in capital of US$ 830,000.00 per restaurant are complied. Limitations listed in the horizontal section also apply.	(1) Unbound* (2) None (3) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US$2.5 million are maintained. Prior notification for cessation of operation Foreign nationals may also establish additional branches provided that the minimum paid in capital of US$ 830,000 per restaurant are maintained. Prior notification for opening and closing of branches/stores.	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Provided further that 30% local inventory requirement, public offering requirement under certain conditions and prohibitions to engage in certain restaurant activities are complied. Every registered foreign restaurant are to submit to the Department of Trade and Industry the following reports: a. A general information sheet in the prescribed form showing, among others, the accredited stores of the enterprise and the status of operations of the entity; b. An audited financial statement and income tax return; c. Certification by responsible officer of the company showing the maintenance of the required minimum capital unless the foreign investor has notified the SEC and the DTI of its intention to repatriate its capital and cease operation s in the Philippines	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		Qualified foreign restaurant are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities. Limitations listed in the horizontal section shall apply.	
	(4) None, except as provided in the horizontal commitment	(4) None	
Travel Agencies (74710)	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None, except as indicated in the horizontal commitments	(1) None (2) None (3) None, except as indicated in the horizontal commitments (4) None	
Professional Congress Organizers	(1) None (2) None (3) 60% foreign equity is allowed (4) Subject to horizontal commitment	(1) None (2) None (3) None (4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
All subsectors	(3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens. (4) Only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five (5) years upon entry. Each employed alien should have at least two (2) Filipino understudies (3, 4) Limitations listed in the horizontal section shall apply.		

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Transport Services International Transport (passenger and freight), except (7211, 7212) - cabotage transport, and - government-owned cargoes[7]	(1) None (2) None (3) None (4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
Maintenance and repair of vessels (8868**)	(1) Unbound* (2) Any repairs, conversion or drydocking of Philippine-owned or registered vessels are required to be done at domestic ship repair yards registered with the Maritime Industry Authority (MARINA) (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Air Transport Services Maintenance and repair of aircraft (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

[7]Subject to the Cargo Reservation Law which requires that cargoes owned by government-owned or controlled corporations shall be shipped on board Philippine flag vessels.

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Selling and Marketing of Air Transport - General Sales Agent - Cargo Sales Agent	(1) None, except CAB permit and/or approval of rates is required (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Rail Transport Services Passenger and freight transport (7111, 7112)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Maintenance and repair of rail transport equipment (8868**)	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Road Transport Services Passenger and freight transport (7121+7122, 7123)	(1) Unbound* (2) None (3) Provisional authority/certificate of public convenience must be secured from the Land Transportation Franchising and Regulatory Board (LTFRB) New entrants are subject to economic needs test, as follows: a. the need to provide protection to investments of operators in unserved areas/developmental routes; and b. the route measured capacity test for number of vehicles. (4) None	(1) Unbound* (2) None (3) None (4) None	
Maintenance and repair of road vehicles	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services Auxiliary to All Modes of Transport Cargo handling services (741) Storage and warehousing services (742) Container yard and depot services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Freight forwarding services	(1) None* (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHERS			
ENERGY SERVICES Services Related to Power Generation Construction and operation of power plants (as provided under the BOT scheme Construction of Power Plants	(1) Unbound* (2) None (3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. (4) Unbound	(1) Unbound* (2) None (3) A Contractor's License (Regular or Special) issued by the PCAB is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations with at least 60 Filipino equity and duly organized and existing under and by virtue of Philippine laws. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as BOT. (4) Unbound	
Operation of Power Plants	(1) Unbound* (2) None (3) None, except electric cooperative operation, is limited to Filipinos (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services Related to the Supply of Energy Oil Refinery	(1) Unbound* (2) None (3) Initial Public Offering (IPO) for 10 percent of common stock on commencement of refinery operation. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
Oil Terminals/Depots	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	

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PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

MOST-FAVOURED-NATION TREATMENT EXEMPTION LIST

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Intended Duration	Conditions creating the need for the exemption[8]
ALL SECTORS Entry and temporary stay of natural persons supplying services	A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors. Under this special category, the labor market test is waived and simplified entry procedures are provided.	Expiry date or termination of bilateral treaties on entry rights for traders and investors	To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities.
Financial Services			
Commercial banking	Authorization for foreign financial service suppliers to establish commercial presence or expand existing Operations in commercial banking in the Philippines shall be subject to a reciprocity test.	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Financing Companies	Authorization for foreign financial service suppliers to establish commercial presence in commercial banking shall be subject to a reciprocity test.	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Investment Houses	In approving foreign equity applications in Investment Houses, the appropriate regulatory authority shall approve such applications only if the same or similar rights are enjoyed by Philippine nationals in the applicant's country.	Indefinite	To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.
Maritime Transport Services			
Liner cargo trade	Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively implementing the Code is assured of at least 40 percent share of its bilateral export and import Liner cargo trade with the Philippines.	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade.

[8] Descriptions in this column shall be construed as information provided for reference purposes only and do not form part of the Philippines' commitments.

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SINGAPORE

Schedule of Specific Commitments

AC-TIS/SC2/SIN

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(4) Presence of natural persons unbound, except for intra-corporate transferees (see below) (4) Temporary movement of skilled personnel unbound except for the temporary movement of intra-corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provide services within Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following: (a) Managers – persons within an organization who primarily direct the organization, or a department or sub- division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service. (b) Executives - persons within the organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organization. (c) Specialists – persons within an organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions).		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	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	(3) Commercial presence, right of establishment and movement of juridical persons are subject to compliance with the following provisions: A foreigner who wishes to register a business firm must have a local manager who should be a Singapore citizen or a Singapore Permanent Resident or a Singapore Employment Pass holder. (However, a foreigner who is a Singapore Permanent Resident or a Singapore Employment Pass holder can register a business without appointing a local manager.) - -At least one director of the company must be locally resident - -All branches of foreign companies registered in Singapore must have at least 2 locally resident agents. (To qualify as locally resident, a person should be either a Singapore citizen or Singapore Permanent Resident or Singapore Employment Pass holder.)	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access		Limitation on National Treatment	Additional Commitments
	(1, 2, 3, 4)	Specific commitments in market access in any sector or subsector, through any mode of delivery, shall not be construed to override the limitations established in the financial services sector		

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services b. Accounting/Auditing Services (CPC 862**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Taxation Services Taxation services except for other tax-related services (CPC 863**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Other tax-related services (CPC 86309**)	(1) None, other than public accountants must be effectively resident in Singapore or at least one of the partners of the firm must be effectively resident in Singapore. Only Public Accountants registered with the Public Accountants Board Singapore can practise as tax consultants for local tax laws.	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(2) None (3) None (4) Unbound	
d. Architectural Services (CPC 8671)	(1) None (2) None (3) Limited Corporations - Only registered architect or allied professionals (Professional Engineers or Land Surveyors) shall be director of the corporation - Not less than two-thirds or such lower proportion as the Minister for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by and registered in the names of registered architects or allied professionals who are directors, managers or employees of the corporation. - Architectural work in Singapore will be under the control and management of a director of the corporation who is a registered architect ordinarily resident in	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments

	Singapore and who has a valid certificate and is registered owner of at least one share of the corporation.
	Unlimited Corporation
	- Only registered architects or allied professionals (Professional Engineers or Land Surveyors) shall be a director of the corporation
	- The articles of association of the corporation provide that any person who is neither a registered architect nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee of the corporation, shall not be registered as a member of that corporation
	- The business of the corporation, so far as it relates to architectural services, will be under the control and management of a director of the corporation who:
	  - is a registered architect ordinarily resident in Singapore;
	  - has in force a practising certificate authorizing him to engage in the practice of architecture; and
	  - is a member, or a registered		

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	owner of at least one share, of the corporation Partnership - The partnership consists of only registered architects with valid practising certificates and allied professionals; and - The supply of architectural services in Singapore will be under the control and Management of a partner who is a Registered architect, ordinarily resident in Singapore and who has a valid practising certificate. (4) Unbound except as indicated in the horizontal Section	(4) Unbound	
e. Engineering Services (CPC 8672**) The sectors covered by Engineering services are: (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	(1) None (2) None (3) These measures are also limitations on national treatment. Limited Corporations - Not less than 80% of the directors of the corporation shall be registered Professional Engineers or allied professionals (registered Architects or Land Surveyors). - Not less than two-thirds or such lower proportion as the Minister	(1) None, other than engineers should be effectively resident in Singapore (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Naval architectural engineering services (i) Industrial engineering services (j) Chemical engineering services	for National Development may specify in relation to any corporation of each class of shares of the corporation shall be beneficially owned by and registered in the names of registered Professional Engineers or allied professionals - Professional engineering work in Singapore will be under the control and Management of a director of the Corporation who is a registered owner of at least one share of the corporation; who is a registered Professional Engineer ordinarily resident in Singapore and who has a valid Certificate Unlimited Corporation - Only registered Professional Engineers or allied professionals (registered Architects or Land Surveyors) shall be a director of the corporation - The articles of association of the corporation provide that any person who is neither a registered Professional Engineer nor an allied professional, or is a nominee of such a person, or is not a director, manager or employee		

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	of the corporation, shall not be registered as a member of that corporation - The business of the corporation, so far as it relates to professional engineering work, will be under the control and management of a director of the corporation who:- is a registered Professional Engineer ordinarily resident in Singapore; - has in force a practising certificate authorizing him to engage in such professional engineering work; and - is a member, or a registered owner of at least one share, of the corporation <u>Partnership</u> - The partnership consists of only registered Professional Engineers with valid practising certificates and allied professionals; and - Professional engineering work in each discipline of engineering in Singapore will be under the control and management of a partner who is a registered Professional Engineer in the relevant discipline, ordinarily resident in Singapore and who has a valid practising certificate		

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
g. Landscaping services (CPC 86742 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
h. Medical Services, specifically General Medical Services (CPC 93121) and Specialised Medical Services (CPC 93122)	(1) Unbound* (2) None (3) None, other than the number of new foreign doctors registered each year may be limited depending on the total supply of doctors (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Dental Services (CPC 93123)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i. Veterinary Services (CPC 932)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
B. Computer and Related Services Computer Services The services covered are: - Software development - Systems Integration Services - Data processing - Data base services Commitments in Telecommunication services are recorded in 2.C of the Schedule of Specific Commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Research and Development Services Biotechnology Services (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Industrial Research (CPC 851**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Economic and behavioural research (CPC 852**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Real Estate Services a. Residential and non-residential property management services on a fee or contract basis (CPC 82201, 82202)	(1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.	(1) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. (4) Unbound except as indicated in the horizontal Section	(2) None (3) None, except that only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore. (4) Unbound	
E. Rental/Leasing Services without Operators a. Relating to ships (CPC 83103)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Relating to aircraft (CPC 83104)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Relating to motor vehicles (CPC 831**)	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	(1) None except that the rental of such vehicles by Singapore residents with the intent to use the vehicles in Singapore is prohibited	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) None (3) None (4) Unbound except as indicated in the horizontal Section	(2) None (3) None (4) Unbound	
F. Other Business Services a. Advertising services (8711, 8712, 8719)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Commercial Market Research (CPC 86401)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Public Relations Consultancy Services, (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Management Consultancy Services, including Office Management and Administrative Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Advertising Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Information Technology Consultancy Services (CPC 865**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Buildings and Facilities Management Services (CPC 865**)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
d. Services related to management consulting (CPC 866)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
e. Technical testing and analysis services Technical testing and analysis services of motor vehicles (CPC 8676**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Technical testing andanalysis services, excludingtesting and analysisservices of motor vehiclesand classification societies (CPC 8676 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishery And	(1) None (2) None	(1) None (2) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mining, including Oilfield Services (CPC 881**, 882**, 883**, 5115**)	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
k. Placement and supply services of personnel (CPC 872)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
l. Investigation and security Security consultation services (CPC 87302)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Alarm monitoring services (CPC 87303)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Unarmed guard services (87305 **)	Horizontal limitation on market access and national treatment All commitments in this sector are subject to the Private Investigation and Security Agencies Act (Cap. 249). The Act stipulates that: - Foreigners are permitted to set up agencies to provide unarmed guards for hire but must register a company with local participation. At least one of the directors must be a Singapore citizen or Singapore permanent resident. - The foreign directors must produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a local commissioner of oaths. - Foreigners are not allowed to work as guards, but can be involved in the administration of the company.		
	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
o. Building cleaning services (CPC 874)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
p. Photographic services (CPC 875)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
q. Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
s. Exhibition Management Services (CPC 87909**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
t. Other Translation/Interpretation Services (CPC 87905)	(1) None (2) None	(1) None (2) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
Interior Design Services, Excluding Architecture (CPC 87907**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
2. COMMUNICATION SERVICES			
B. Courier Services Courier Services in respect of documents and parcels, excluding letters and postcards	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Telecommunication Services			
General Conditions statement Commitments undertaken in this schedule are subject to the following conditions: The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act.			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Basic Telecommunication Services (facilities-based): (a) Public Switched Services1 (local and international) (b) Leased Circuit Services (local and international)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	
2. Mobile Services[2]: (a) Public Mobile Data Service (PMDS) (b) Public Trunked Radio Service (PTRS) (c) Public Radio Paging Service (PRPS) (d) Public Cellular Mobile Telephone Service (PCMTS)	(1) Subject to commercial arrangements with licensed operator(s). (2) None (3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	
Resale basis: (a) Public Switched Services	(1) None (2) None	(1) None (2) None	

[1] This includes voice, data and facsimile services.

[2] Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(local and international) (not including the use of leased circuits connected to the public switched network) (b) Leased Circuit Services (local and international) (without connection to the public switched network) (c) Public Cellular Mobile Telephone Services (d) Public Radio Paging Services	(3) None (4) Unbound, except as indicated in horizontal Section	(3) None (4) Unbound, except as indicated in horizontal commitments	
4. Value-added Network (VAN) services The services covered are: - electronic-mail - voice-mail - on-line information and - data base retrieval - electronic data interchange - on-line information and/or - data processing - store-and-forward (S&F) - store-and-retrieve (S&R)	(1) Provision of VAN services is subject to licence from the Infocomm Development Authority of Singapore (IDA) (2) None (3) As in mode 1) (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Audiovisual Services (i) the services covered are production, distribution and public display of	(1) None (2) None (3) None	(1) None (2) None (3) None	

www.djpp.kemenkumham.go.id

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) (ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being - Free-to-air - Broadcasting Cable and pay television - Direct broadcasting by satellite - Teletext	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
4. DISTRIBUTION SERVICES			
Horizontal limitations on Market Access and National Treatment Unless otherwise specified, distribution services of any product subject to import prohibition or non-automatic import licensing shall be excluded from the scope of these commitments.			

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Singapore reserves the right and flexibility to modify and / or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import prohibition or non-automatic import licensing regime.			
A. Commission Agents' Services Commission agents' services except for: pharmaceutical and medical goods and cosmetics (CPC 621, except CPC 62117)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Sales on a fee or contract basis of pharmaceutical goods and medical goods intended for the Singapore market (CPC 62117**)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound	
B. Wholesale Trade Services Wholesale trade services except for pharmaceutical goods and medical goods and surgical and orthopaedic instruments (CPC 622 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Wholesale trade of pharmaceutical and medical goods and surgical and	(1) Unbound (2) None	(1) Unbound (2) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
orthopaedic instruments (CPC 62251 & 62252)	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
C. Retailing services Retail sales of pharmaceutical, medical and orthopaedic goods (CPC 63211)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound	
D. Franchising Franchising services (CPC 8929 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
5. EDUCATION SERVICES			
Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purposes of admission, registration and qualification for professional practice in Singapore.			
D. Adult education services (CPC 924 n.e.c.)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
E. Short term training including language courses (CPC 92900 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
6. ENVIRONMENTAL SERVICES			
C. Sanitation and similar services (CPC 9403)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Cleaning services of exhaust gases (CPC 9404)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
D. Noise abatement services (CPC 9405)	(1) Unbound* (2) None	(1) Unbound* (2) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
7. FINANCIAL SERVICES			
A. Insurance and Insurance-related Services All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.			
(a) Life insurance services including annuity, disability income, accident and health insurance services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder; insurance companies must establish as branches or subsidiaries; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory savings scheme.	(1) Unbound (2) None (3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section	
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee	(1) Unbound (2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore. (3) None except that foreign parties can only acquire equity stakes of up to 49% in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder; and insurance companies must establish as branches or subsidiaries. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal Section	
(c) Reinsurance and retrocession	(1) None (2) None (3) None except that reinsurance companies must be established as branches or subsidiaries. (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Insurance intermediation comprising broking and agency services	(1) Unbound (2) These measures are also limitations on national treatment. Agents are not allowed to act for unlicensed insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection & indemnity clubs. (3) These measures are also limitations on national treatment. Unbound except for admission of direct[3] insurance and reinsurance brokers as locally incorporated subsidiaries (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
(e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	

[3] Direct insurance broker means an insurance broker which is licensed under the Insurance Act in respect of insurance policies relating to general insurance and long term accident and health policies, other than insurance policies relating to reinsurance business.

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and other financial services All the commitments in this Schedule are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of MAS or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Only institutions licensed or approved as banks, merchant banks and finance companies can accept deposits. Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore law. Establishment and operation of	(1) Unbound (2) None (3) Commercial banks: Foreign banks can operate from only one office (excluding back-office operations). They cannot establish off-premise ATMs and ATM networking and new sub-branches. Unbound for provision of all electronic banking services. Location of banks and relocation of banks and sub-branches require prior approval from MAS. Wholesale banks can only accept foreign currency fixed deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S$250,000 or more per deposit. Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B(l) and the following limitations: Commercial banks No new full and Wholesale banks. New foreign banks may only establish as offshore bank branches or representative offices. Representative offices cannot conduct business or act as agents. Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents. A single/related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares. Merchant banks Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches. Finance companies No new finance companies. No foreign person shall acting alone or in concert with other persons, assume control of any finance	Singapore dollar deposits, they can only accept fixed deposits of S$250,000 or more per deposit from non-residents. A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.[4] Merchant banks Merchant banks can operate from only one office (excluding back-office operations). Location and relocation of merchant banks require MAS' prior approval. Merchant banks can, with MAS' authorization, raise foreign currency funds from residents and non-residents, operate foreign currency savings accounts for non-residents and raise Singapore dollar funds from their shareholders companies controlled by their shareholders, banks, other merchant banks and finance companies. Finance companies Location of finance companies and relocation of sub-branches require MAS' prior approval.	

[4] MAS may permit a bank incorporated in Singapore which is a wholly owned subsidiary of a bank of another Member incorporated outside Singapore, to have less than a majority of directors who are either Singapore citizens or Singapore permanent residents.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	company. A foreign person is a person that is: a) in the case of a natural person, not a citizen of Singapore and b) in the case of a corporation, not controlled by citizens of Singapore. Approval from the MAS is required before a person (together with associated persons) is allowed to acquire shareholdings or voting control in a finance company of or exceeding 5%, 12% and 20%, and before he obtains effective control of the finance company. In approving applications to exceed the threshold limits, MAS may impose conditions it considers necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system. All finance companies, local and foreign-owned, can only conduct Singapore dollar business. With MAS' prior approval, eligible finance companies can also deal in foreign currencies, gold or other precious metals, and acquire foreign currency stocks, shares or debt/convertible securities. (4) Unbound except as indicated in the horizontal Section	Foreign-owned finance companies cannot establish off-premise ATMs, ATM networking and new sub-branches. (4) Unbound except as indicated in the horizontal Section	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	(1) Unbound. Measures taken are also limitations on national treatment. (2) None (3) These measures are also limitations on national treatment. (i) Other than in-house credit cards, credit and charge cards may be issued by card issuers approved by MAS subject to MAS' guidelines. (ii) Financial institutions extending Singapore dollar (S$) credit facilities exceeding S$5 million per entity to non-resident financial entities or arranging S$ equity or bond issues for non-residents, shall ensure that where the S$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad. Financial entities shall not extend S$ credit facilities to non-resident financial entities if there is reason to believe that the S$ proceeds may be used for S$ currency speculation. (iii) Establishment of credit companies which do not conduct activities requiring MAS'	(1) None (2) None (3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S$500m in aggregate. Offshore banks should not use their related merchant banks to circumvent the S$500m lending limit. Unbound for establishment of off-premise cash dispensing machines for credit and charge cards issuers.	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	approval is allowed. (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(c) Financial leasing	(1) None (2) None (3) None except as indicated for activity B(b) above (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None except as indicated for activity B(b) above. (4) Unbound except as indicated in the horizontal section.	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers' drafts	(1) Unbound (2) None (3) These measures are also limitations on national treatment. Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens. Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B.b)3) above also apply to the activities listed in B.d)	(1) Unbound (2) None (3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(e)Guarantees and commitments	(1) None except for the limitations indicated in activity A.b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee.	(1) None	
	(2) None	(2) None	
	(3) None except for the limitations indicated in activity A.b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee, and B.b)3)(ii) above.	(3) None	
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) 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 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	(1) Unbound except for trading in products listed in B.(f) for own account. Trading in money market instruments, foreign exchange, as well as exchange rate and interest rate instruments can be conducted with financial institutions only. Measures taken are also limitations on national treatment. (2) None (3) These measures are also limitations on national treatment. Banks and merchant banks are required to set up separate subsidiaries to trade financial futures for customers. Financial futures brokers can establish as branches or subsidiaries. The offer of derivative products by both local and foreign-owned financial institutions is allowed provided: - the product has been offered by the financial institution in other internationally-reputable financial centres and the supervisory authorities of those centres agree to the offer of such products in their markets; - the financial institution's parent supervisor and its head office must be aware and have no objection to the offer of such	(1) None (2) None (3) None except as indicated for activity B(b) above.	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	products in the Singapore branch/subsidiary; and - MAS is satisfied that the financial institution has and continues to have the financial strength and adequate internal controls and risk management systems to trade in these products. The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B.b)3)(ii). Moneychangers, except where the moneychanging business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens (4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	(1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore. Measures taken are also limitations on national treatment. (2) None	(1) None (2) None	

www.djpp.kemenkumham.go.id

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Measures taken are also limitations on national treatment. Singapore Exchange Securities Trading Ltd (SGX-ST) will admit new trading members. New members will be able to trade directly in S$ denominated securities of Singapore incorporated companies with resident investors for a minimum value of S$150,000. Representative offices cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interests in SGX-ST member companies. Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries. Unbound for new Primary and Registered dealers of Singapore Government Securities. (4) Unbound except as indicated in the horizontal Section	(3) None except as indicated for activity B(b) above (4) Unbound except as indicated in the horizontal Section	

www.djpp.kemenkumham.go.id

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Money broking	(1) Unbound (2) None (3) Unbound for new money brokers. Measures taken are also limitations on national treatment. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None except asset management companies, custodial depositories, and trust services companies can establish as branches, subsidiaries or joint ventures; only the Central Depositary Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory saving scheme. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

www.djpp.kemenkumham.go.id

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments	(1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only. (2) None (3) These measures are also limitations on national treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository (Pte) Limited and SGX-DT respectively. Only one clearing house established under the Banking Act may provide clearing services for Singapore dollar cheques and interbank fund transfer. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
(k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	(1) Commercial presence is required for provision of investment and portfolio research and advice to the public. (2) None (3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.	(1) None (2) None (3) None	

www.djpp.kemenkumham.go.id

SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal section.	
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	(1) Unbound except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment. The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper controls exist, the integrity and confidentiality of the data/information are safeguarded, and MAS is allowed on-site access to the data/information at the place where the data/information is processed.	(1) None for the provision of financial information by providers such as Reuters and Bloomberg.	
	(2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.	(2) None	
	(3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks	(3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound except as indicated in the horizontal Section	
8. HEALTH RELATED AND SOCIAL SERVICES			
Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments			
B. Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193 **)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
C. Social services delivered through residential institutions to old persons and the handicapped (CPC 93311) Social services delivered through residential institutions to children and other clients (CPC 93312 **)	(1) Unbound* (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Child day-care services including day-care services for the handicapped(CPC 93321) Vocational rehabilitation services(CPC 93324)	(1) Unbound (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound	
C. Guidance and counselling services not elsewhere classified related to children (CPC 93322)	(1) Unbound (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Welfare services not delivered through residential institutions (CPC 93323)	(1) Unbound (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None except unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded (4) Unbound	
C. Other social services without accommodation(CPC 93329 **)	(1) Unbound (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound except as indicated in the horizontal Section	(1) Unbound (2) None except that Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) None, except unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded. (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel and Restaurants (including catering) Hotel Services (CPC 6411)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Restaurant and Catering Services (CPC 64210, 64230)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
b. Travel Agent and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
c. Tourist Guide Services (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in the horizontal Section	(4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)			
A. Entertainment services (including theatre, live bands & circus services) (CPC 9619)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Archive services except for services specified under the National Heritage Board Act (CPC 963**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
C. Library Services (CPC 96311)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Parks except for national parks, nature reserves and parklands as defined under the National Parks Acts (CPC 9633**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Sports and recreational services, except gambling and betting services (964**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
11. TRANSPORT SERVICES			
A. Maritime Transport Services International maritime transport (freight and passengers) excluding cabotage transport (CPC 7211 **, 7212 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews	(1) None (2) None (3) None (4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions: - pilotage; - towing and tug assistance; - provisioning fuelling and watering;

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
			- garbage collecting and ballast; waste disposal - port captain's services; - navigation aids emergency; - repair facilities; - anchorage; and - other shore-based operational services essential to ship operations, including communications, water and electrical suppliers.
Maritime Auxiliary Services: Shipping agency services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Maritime Auxiliary Services: Shipping brokerage Services	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Maritime Auxiliary Services: International Towage	(1) None (2) None	(1) None (2) None	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) Unbound except as indicated in the horizontal Section	(3) None (4) Unbound	
Maritime Auxiliary Services: Classification societies, except for statutory services for Singapore flag ships	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
D. Air Transport Services Selling and marketing of air transport services	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) Unbound (4) Unbound	
F. Road Transport Services Rental services of cars with operators (CPC 71222) Rental services of buses and coaches with operators (CPC 71223) Rental services of commercial freight vehicles with operators (CPC 71240)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Freight transportation of: a) refrigerated goods (CPC 71231) b) liquids or gases (CPC 71232) c) containerized freight (CPC 71233) d) furniture (CPC 71234)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Maintenance and repair services of motor vehicles (CPC 61120) Maintenance and repair services of parts of motor vehicles (CPC 88 **)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	
Parking services (CPC 74430)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) None (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
Washing, cleaning and dyeing services (CPC 9701)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Hairdressing and other beauty services (CPC 9702)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	
Funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards (CPC 97030**)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal Section	(1) Unbound* (2) None (3) None (4) Unbound	

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SINGAPORE - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

APPENDIX

TYPES OF SOCIAL SERVICES EXCLUDED FROM SINGAPORE'S SCHEDULE OF COMMITMENTS

1 Statutory Supervision Services With Accommodation for the Following Types of Clients (CPC 9331):

a) women and girls detained in a place of safety under Section 160 of the Women's Charter (CPC 93312);

b) children detained in a place of safety under Section 8 of the Children & Young Persons (CYP) Act (CPC 93312);

c) children and young persons detained in a place of detention under Section 44 (1) (f) CYP Act, or on probation to an approved school[5] under Section 44 (1) (g) of the CYP Act (CPC 93319);

d) children and young persons admitted to an approved home for statutory supervision under Section 49 (ii) of CYP Act (CPC 93312);

e) persons placed on probation with the requirement of residence in an approved institution under Section 12 of the Probation of Offenders Act (CPC 93319).

2 Statutory Supervision Services Without Accommodation for the Following Types of Clients (9332):

a) children and young persons placed under supervision of an appointed welfare officer under Section 49 (i) of the CYP Act (CPC 93329);

b) persons placed on probation without the requirement of residence in an approved institution under Section 5 of the Probation of Offenders Act (CPC 93329).

[5] The term 'approved school' used in Section 44(1) (g) of the CYP Act denotes a remand home for young offenders, and not a mainstream educational institution. Young offenders are detained in an 'approved school' for rehabilitation rather than for formal education.

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THAILAND

Schedule of Specific Commitments

AC-TIS/SC2/THA

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. Unless otherwise specified at the sector- specific level, commercial presence in sectors or subsectors in this schedule is permitted only through a limited liability company which is registered in Thailand and which meets the following conditions: (a) Foreign equity participation must not exceed 49 per cent of the registered capital; and (b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.	(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments. Unless otherwise specified at the sector- specific level, for commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital : None The manager or the representative of the juristic person who apply for a license must be a Thai national. The director and deputy director must be Thai nationals. The manager and executive manager must be Thai nationals. Others : Unbound, including subsidies	
	(4) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is	(4) Unbound, except as provided in the MA column	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	unbound except in the following categories: I. Business Visitors (BV) (a) Service sellers :Representatives of a service supplier who enter and stay in Thailand temporarily without receiving remuneration from within Thailand for the sale of goods or services or entering into agreement for such sale for that services supplier. (b) Persons responsible for establishing a commercial presence : Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of: - participating in business meetings or contacts, - visiting of business establishments or other similar activities, - entering with a purpose to establish a commercial presence of a service supplier in Thailand when the service supplier has no commercial presence in Thailand. <u>Condition :</u> Representatives of such service		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	juridical person will not be suppliers or employees of such engaged in making direct sales to the general public or in supplying services themselves. Duration of stay : Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days. Representative of category (b) 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. II. Intra-corporate Transferees (ICT) Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand. The employees refer to Executives, Managers, or Specialists as defined below.		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Manager is defined as : A person within an organization who primarily directs the organization, or a department or sub-division of the organization; supervises and controls the work of other supervisory, professional or managerial employees; has the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization); and exercises discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service. Executive is defined as : A person within an organization who primarily directs the management of the organization, exercises wide latitude in decision-making, and receives only general supervision or direction from higher-level executives, (the board of directors, or shareholders of the business). An executive would not directly perform tasks related to the actual provision of a service or		

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services of the organization. Specialist is defined as : A person within an organization who possesses knowledge at an advanced level of continued expertise possesses proprietary knowledge of the organization services, research equipment, techniques, or management. Condition : Such employees must have been employed by the company concerned outside Thailand for a period of not less than one year immediately preceding the date of his or her application for admission; have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa; and have satisfied the criteria for management needs1 stipulated by the Department of Employment. Duration of stay : Temporary stay will be permitted and a work permit granted, when apply for, for a one year period, and may be extended for a further three terms of not more than one year		

[1] 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.

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	each subject to verification of ongoing employment with original employer and compliance with relevant Thai laws and regulations.		
	(3, 4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.	(3, 4) Acquisition and usage of land: Unbound, except as provided in the MA column	
	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. Professional Services (a) Legal services (CPC 86111+86119+ 86120+86130+86190)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is	(1) Service must be authenticated by licensed architect in Thailand (2) None (3) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
(e) Engineering services (CPC 8672)	(1) None (2) None	(1) Unbound (2) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from Council of Engineers; <u>Limited Partnership or Registered Ordinary Partnerships</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council. (4) a) As indicated in the horizontal section b) Unbound for civil engineer.	(3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(g) Urban planning Service (CPC 86741)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council. (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape architectural services (CPC 86742)	(1) None (2) None (3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council; <u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
B. Computer and Related Services (a) Consultancy services related to the installation of computer hardware (CPC 84100)	(1) Unbound (2) None (3) None (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications Technology (hereinafter "ICT Ministry"), otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(b) Software implementation services (excluding programming and systems maintenance services) (CPC 84210+84220 +84230)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section	(1) Unbound (2) None (3) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(4) Unbound, except as provided in the horizontal section	
(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
F. Other Business Services (a) Advertising services (CPC 87110+87120 +87190)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(b) Market research and public opinion polling services (CPC 86401 to 86402)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) General management consulting services (CPC 86501)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(e) Technical testing and analysis services (CPC 86761+86769)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(f) Services incidental to agriculture; Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storaging	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Soil analysis laboratory	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Soil survey and land use Planning	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Soil survey and land use Planning	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Cover crop seed multiplication	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(f) Services incidental to forestry: Forestry consultant services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(g) Services incidental to fishing: International trading, exporting products services (broker)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Quality analysis services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Canning process analysis services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Technical services - Consulting - Research on marketing - Quality control	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Services incidental to mining at oil and gas fields	(1) Unbound (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(1) Unbound (2) None (3) None (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(q) Packaging services (CPC 87600)	(1) Unbound (2) None	(1) Unbound (2) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(t) Other Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunications Services <u>Commitments undertaken in this offer are subject to the following general conditions:</u> - Each service to be supplied in Thailand requires a specific governmental licence. - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - Due to scarce resources, the number of licences may be limited. - The services in the Schedule of Specific Commitments shall be on facilities basis. - The service provider shall be a Thai registered company with foreign equity participation not exceeding 20 per cent of the registered capital and the number of foreign shareholders must not exceed 20 per cent of the total number of shareholders of the company. - The Communications Authority of Thailand has exclusive right to link with Intelsat and Inmarsat. - Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, commitments on public telecommunication services will be introduced, and carried out in accordance with the implementing regulations to be issued by virtue of those acts.			
Public local, domestic long distance and international services: (a) Voice telephone services (b) Telex services (c) Telegraph services (d) Facsimile services	(1) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(1) None (2) None	Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services. (4) Unbound as indicated in the horizontal section	(3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services. (4) Unbound as indicated in the horizontal section	resources.
(j) Data base access services (part of CPC 7523)	(1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability (2) None (3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company	(1) None (2) None (3) No limitations as long as foreign equity participation does not exceed 40 per cent	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public telecommunication network under national telecommunication authorities (4) As indicated in the horizontal Section	 (4) Unbound, except as provided in the horizontal section	
(n) On-line information and/or data processing services (part of CPC 843)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability. (2) None (3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public	(1) None (2) None (3) No limitations as long as foreign equity participation does not exceed 40 per cent	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	telecommunication network under national telecommunication authorities (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(o) Other Telecommunications equipment sales services (part of CPC 75420)	(1) Unbound (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Telecommunications consulting services (CPC 75440)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (4) a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Videotext (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability. (2) None (3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities[2] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender (4) As indicated in the horizontal section	(1) None (2) None (3) No limitations as long as foreign equity participation does not exceed 40 per cent (4) Unbound, except as provided in the horizontal section	

[2] This condition will be applied for at least 10 years.

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Teleconference (part of CPC 75292)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(2) None	
	(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities[3] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

[3] This condition will be applied for at least 10 years.

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic leased circuits (part of CPC 75299)	(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.	(1) None	
	(2) None	(2) None	
	(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities[4] (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender	(3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

[4] This condition will be applied for at least 10 years.

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services	(1) Unbound	(1) Unbound	
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517) Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)	(1) Unbound (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
B. Secondary Education Services A + B. International and National School Education Services excluding adult and other education (CPC 9219+ 9221, 9222)	(1) Unbound (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (1)the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2)the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Technical and Vocational Education Services (CPC 9223, 9224)	(1) None (2) None (3) None (4) Foreign natural persons may enter Thailand to supply education services provided that: (1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Professional and/or Short Courses Education Services (CPC 92400)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other education services (CPC 92900) Chinese language tuition services (part of CPC 92900)	(1) Unbound (2) None (3) Unbound (4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that: (1)the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education where applicable The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
A . Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental Management Services (CPC 9401)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Environmental Protection and Environmental Abatement Services(CPC 9401)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Sewage Services (including industrial waste water treatment system) (CPC 9401)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
C. Sanitation and Similar Services (CPC 9403)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Nature and landscape protection services(CPC 9406)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Other environmental protection services (CPC 9409)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES - With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.			
A. Insurance including Reinsurance and retrocession (a) Life insurance services (CPC 81211)	(1) None (2) None (3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet. (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner	(1) None (2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies. (3) None other than that indicated in the MA column (4) Unbound, except as provided in the horizontal section	
(b) Non-life insurance services (CPC 8129)	(1) Unbound except for international marine, aviation and transit and all classes of reinsurance. (2) None (3) (a) Foreign equity participation limited to 25 per cent of	(1) Unbound (2) (3) None other than that indicated in the MA column	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(4) Unbound, except as provided in the horizontal section	
(d) Services auxiliary to insurance (excluding pension funding services) Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)	(1) Unbound (2) Unbound (3) Foreign equity participation not to exceed 25 per cent. (4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner. (b) Unbound for individual broker and agent.	(1) Unbound (2) Unbound (3) None other than that indicated in the MA column (4) Unbound, except as provided in the horizontal section	
Insurance consultancy services excluding pension consulting services (CPC 81402)	(1) None (2) None (3) None (4) Only senior managerial personnel,	(1) None (2) None (3) None (4) Unbound, except as provided in the	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
Average and loss adjustment services (CPC 81403)	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Actuarial Services (CPC 81404) Services auxiliary to financial intermediation other than to insurance and pension funding services	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner. None	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section (1) None	
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	(1) None (2) None (3) (a) As indicated in B(3)(j) below.	(1) None (2) None (3) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Financial institutions must obtain prior approval from the Bank of Thailand. (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
Financial consultancy services (CPC 81332)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
B. Banking and Other Financial Services Acceptance of deposits and other repayable funds from the public Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions Financial leasing Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts	(1) None for financial advisory and financial data processing. Unbound for all other services. (2) None for financial advisory and financial data processing. Unbound for all other services. (3) (a) Representative office of banks: None. (b) Foreign bank branches: I. None for existing foreign bank branches under present shareholding structure. New establishment is subject to licence approved by the Minister	(1) None (2) (3)	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Guarantees and commitments Trading for own account, or for account of customers in the following: (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities 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 Asset management as follows: - cash or portfolio management - collective investment management - custodian and depository services Advisory, intermediation and other auxiliary financial services Provision and transfer of financial information, and financial data processing and related software	of Finance with the consent of the Cabinet. II. ATM operations permitted under the following conditions only: (i) joining ATM pools operated by Thai banks; or (ii) operation within own premises or sharing the facilities with other commercial banks in Thailand. III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches. IV. None for participation in cheque clearing and settlement system. (c) Locally incorporated banks I. Market access limited to the acquisition of shares of existing banks. II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following: - the relaxation is deemed necessary to improve the condition or business of the commercial bank; - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. III. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	the same terms and conditions as stated in II (ii) above. (d) International Banking Facility[5] New establishment is subject to licence approved by the Minister of Finance. (e) Finance companies and credit foncier companies I. None for representative offices. II. Market access limited to the acquisition of shares of existing companies. III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent. (ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits		

[5] IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following: - the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier company. - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. IV. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and conditions as stated in III(ii) above.		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting: I. None for representative offices. II. Market access limited to share acquisition of existing companies only. Unbound for new licences. III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital. IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national. (g) Asset management companies: I. None for representative offices. II. Market access limited to share acquisition of existing companies. III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	cent of paid-up registered capital and at least three-fourths of the directors must be Thai national. IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital and at least one-half of the directors must be Thai national. (h) Financial leasing services Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii). (i) Factoring services Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).		

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches. The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced. (4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
9. TOURSIM AND TRAVEL RELATED SERVICES			
A. Hotel lodging services (CPC 64110)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Restaurant services (CPC 64210)	(1) None (2) None	(1) None (2) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
Catering services (CPC 64230)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
B. Travel Agencies and Tour Operators Services (CPC7471)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other Hotel management services	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Recreation Park and Beach Services (CPC 96494)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services (a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None (4) a) Unbound b) Unbound, except as provided in the horizontal section	
(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand	(1) None (2) None (3) (a)Unbound (b) None other than: (i) Shareholders of Thai maritime transport	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section	companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies (ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax	
	(4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
Maritime agency services (as defined below – 3.6)	(1) Unbound (2) None (3) None[6] (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[6] For transparency purposes, domestic regulations may require registration of service suppliers, minimum paid-up capital, experienced personnel, etc., on a non-discriminatory basis

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) International towing (CPC 7214)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None (4) (a) Unbound (b) Unbound, except as provided in the horizontal section	
(f) Supporting Services for maritime transport (CPC 745) Shore reception facilities (collection of waste/oily water from ships)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Port captain's services attached to specific foreign vessels	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels	(1) None other than those under regulations stipulated by the Harbour Department (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provide in the MA column	
Freight forwarding services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime cargo handling services[7]	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E.2494 (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
A. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) None (2) None (3) Services providers must perform their services outside the prescribed apron (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

[7] Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:
- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) Unbound, except as provided in the horizontal section	
Computer reservation system services	(1) None other than: (1) Service providers must use public telecommunication network under national telecommunication authorities. (2) Radio application service is subject to frequency availability (2) None (3) (1) Distribution through CRS is allowed for airlines offices and one General Sales Agent office (2) Service providers must use Thai public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand's GATS offer on Telecommunication	(1) None (2) None (3) Unbound	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section	(4) Unbound	
E. Rail Transport Services (d) Maintenance and repair of rail transport equipment (CPC 8868)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(e) Supporting Services for rail transport services (CPC 743) Passenger and freight car cleaning services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Security services at railway station	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services Other non-scheduled passenger transportation (b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(c) Rental services of passenger cars with operator (CPC 71222)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(C) Rental services of buses and coaches with operator (CPC 71223)	(1) Unbound (2) None	(1) Unbound (2) None	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
H. Services Auxiliary to All Modes of Transport	(1) Unbound	(1) Unbound	
(b) Storage and warehousing services (CPC 742)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Reference Paper

NOTE TO THE SCHEDULE

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to and use of these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

2. "Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

3. Definitions:

3.1 "cabotage": for the purpose of this schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

3.2 "Other forms of commercial presence for the supply of international maritime transport services": for the purpose of this schedule, means the ability for international maritime transport service suppliers of other members to undertake locally the following:

(a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
(b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
(c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
(d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

3.4 "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.

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3.5 "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge

3.6 "Maritime agency services" means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the shipping lines organizing the call of a ship or taking over cargoes when required.

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VIETNAM

Schedule of Specific Commitments

AC-TIS/SC2/VIE

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) None, except: Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract[1], joint venture enterprise, 100% foreign-invested enterprise. Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities[2]. Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound. The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing	(3) None, except: Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.	

[1] Business co-operation contract is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Viet Nam without creating a legal entity.

[2] Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities. Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In this case, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority. Upon entry into force of the 2nd package, the 30% foreign equity		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	limitation for acquisition of Vietnamese enterprises shall be eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.		
	(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories: (a) Intra-corporate transferees 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	(4) Unbound, except as indicated in market access column.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise. 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		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the actual supply of the services of the establishment. 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. (b) Other personnel Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	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. (c) Service sales persons Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period. (d) Persons responsible for setting up a commercial presence 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		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	presence of a service provider of a Party when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a Party other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period. (e) Contractual service suppliers (CSS) Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is less provided that the following conditions and requirements shall be applied: - 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.		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector. - 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 should have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" above. The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	(1) None (2) None (3) Foreign lawyers organizations[3] are permitted to establish commercial presence in Viet Nam in the following forms: - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms[4]; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[3] A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

[4] Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None except: The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam[5]. (4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam. (2) None	

[5] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in the horizontal section	(3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized by the Government of Viet Nam. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service[6]. (4) Unbound, except as indicated in the horizontal section.	
(i) Veterinary services (CPC 932)[7]	(1) None (2) None (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[6] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[7] Excluding keeping micro-organism strain for veterinary.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
B. Computer and Related Services (CPC 841-845, CPC 849)	(1) None (2) None (3) None, except as of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam (4) Unbound, except as indicated in the horizontal section.	
C. Research and Development Services (a) R&D services on natural sciences (CPC 851)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
E. Rental/Leasing Services without Operators (b) Relating to aircraft (CPC 83104)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(d) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment[8]: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except for industrial machinery and equipment: None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Other Business Services (a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None (2) None (3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. Joint ventures shall be allowed with no limitation on foreign capital contribution. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.

[8] Excluding mining and oil field equipment; commercial radio, television and communication equipment.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Market research services (CPC 864, excluding 86402)	(1) None (2) None (3) 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Management consultant services (CPC 865)	(1) None (2) None (3) None. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	
(d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None (2) None (3) None, except that: As of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	For CPC 866 except CPC 86602: None. For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): Unbound. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(1) Unbound. (2) None (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none. Access to certain geographic areas may be restricted for national security reasons.	(1) None (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881)[9]	(1) None (2) None (3) None, except: Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except: Access to certain geographical areas may be restricted.[10] (4) Unbound, except as indicated in the horizontal section.	

[9] Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

[10] For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(h) Services incidental to mining (CPC 883) 1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services. 2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.			
	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, foreign capital contribution shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
(i) Services incidental to manufacturing (CPC 884 and 885)	(1) None (2) None	(1) None (2) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) None, except: As of 11 January 2010, joint ventures with foreign capital contribution not exceeding 50% are permitted. Five years thereon: 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
(m)Related scientific and technical consulting services11 (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% are permitted. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None, except as indicated in the market access column. (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	

[11] The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% are permitted. As of 11 January 2010, this limitation shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512**) * Express delivery services[12], i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication[13], on any kind of physical medium, including: - Hybrid mail service; - Direct mail. Except for the handling of items of written communication the price of which is less than: - 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments; - US$9 for international shipments; provided that the gross weight of these items is less than 2,000gr. (b) Parcels[14] and other goods. * Handling of non-addressed items.	(1) None[15] (2) None (3) None, except that foreign ownership in joint ventures may be limited to 51% within the first 5 years after 11 January 2007. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.

[12] Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

[13] Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

[14] Books, catalogues are included hereunder.

[15] The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Telecommunication Services Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).			
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 7523**) (f) Facsimile services (CPC 7521** + 7529**) (g) Private leased circuit services (CPC 7522** + 7523**) (o*) Other services - Videoconference services	(1) None, except: *Wire-based and mobile terrestrial services*: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(CPC 75292) - Video Transmission services, excluding broadcasting[16] - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP)[17]	- As of 11 January 2010: multinational companies18, which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services*: Joint ventures with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Joint venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.	(2) None (3) None	

[16] Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

[17] Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

[18] A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

www.djpp.kemenkumham.go.id

VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	51% gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Basic telecommunication services: (o*) Other services - Virtual Private Network (VPN)[19]	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in

[19] Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services:* Joint ventures are allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. *Facilities-based services*: Joint	(2) None (3) None	Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	venture with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value-added services (h) Electronic mail (CPC 7523 **) (i) Voice mail (CPC 7523 **) (j) On-line information and database retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m)Code and protocol conversion (n) On-line information and data processing (incl. transaction	(1) None, except: *Wire-based and mobile terrestrial services:* Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices,	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
processing) (CPC 843**)	diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations. (2) None (3) None, except: *Non facilities-based services*: Business cooperation contracts or joint ventures are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. *Facilities-based services*: Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.	(2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Fifty-one % gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
Value added services (c) Other - Internet Access Services IAS[20]	(1) *Wire-based and mobile terrestrial services:* None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. *Satellite-based services:* Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based services	(1) None	

[20] Services providing internet access to the end users.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - As of 11 January 2010: multinational companies[19], which are licensed to use satellite-earth stations.		
	(2) None	(2) None	
	(3) Non facilities-based services: Joint ventures with telecommunications suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. Facilities-based services: Joint venture (JV) with telecommunications service	(3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	suppliers duly licensed in Viet Nam are allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Audiovisual Services With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) Unbound. (3) None (4) Unbound, except as indicated in the horizontal section.	
- Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None (3) Only through business cooperation	(1) Unbound. (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	contract or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital. Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(e) Sound recording	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515, 518)	(1) Unbound.* (2) None (3) None, except foreign enterprises have to be juridical persons of a Party. As of 11 January 2010, branching is allowed. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	

* Due to lack of technical feasibility.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
4. DISTRIBUTION SERVICES			
Measures applicable to all sub-sectors in Distribution Services: Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs[21], explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121) B. Wholesale trade services (CPC 622, 61111, 6113, 6121) C. Retailing services (CPC 631 + 632, 61112, 6113, 6121)[22]	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use. (2) None (3) None, except: Foreign-invested companies engaging in distribution services are permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products except for: cement and cement clinkers; tyres (excluding tyres of airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers.	(1) Unbound, except as indicated in Mode 1, market access column. (2) None (3) None	

[21] For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

[22] For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	Foreign-invested companies engaging in distribution services are permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles. As of 11 January 2010, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)[23]. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Franchising services (CPC 8929)	(1) None (2) None (3) None, except as of 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

[23] Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
5 EDUCATIONAL SERVICES Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	(1) Unbound. (2) None (3) None, except: 100% foreign-invested education entities are permitted. As of 11 January 2010: none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority. (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
6. ENVIRONMENTAL SERVICES Access to certain geographic areas may be restricted for national security reasons[24].			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound, except related consulting services. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402) [25]	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in	(1) None (2) None (3) None	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

[24] For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

[25] Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Other services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(1) Unbound, except related consulting services. (2) None (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights	(1) Unbound, except related consulting services. (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	granted to private operators. Foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
- Environnemental impact assessment services (CPC 94090*)	(1) None (2) None (3) None, except that foreign capital contribution in the joint ventures shall not exceed 51 %. As of 11 January 2011, none. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
7. FINANCIAL SERVICES			
A. Insurance and Insurance-Related Services a. Direct insurance (a) Life insurance, excl. health insurance services (b) Non-life insurance services b. Reinsurance and retrocession	(1) None for: - Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to:	(1) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
c. Insurance intermediation (such as brokerage and agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and + goods in international transit; - Insurance broking and reinsurance broking services; - Consultancy, actuarial, risk assessment and claim settlement services. (2) None (3) None, except: 100% foreign-invested insurance enterprises shall be allowed to engage in statutory insurance business, including motor vehicle third party liability, insurance in construction and installation, insurance for oil and gas projects, and insurance for projects and construction works of high danger to public security and the environment As of 11 January 2012, non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
B. Banking and Other Financial Services Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services. As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.			
(a) Acceptance of deposits and other repayable funds from the public (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction (c) Financial leasing (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts (e) Guarantees and commitments (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: (i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, join venture finance company and 100%	(1) Unbound, except B(k) and B(l). (2) None (3) None, except: (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: - The parent bank has total assets of more than US$20 billion at the end of the year prior to application.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
following: - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements; - Bullion. (h) Money broking (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k),	foreign-invested finance company, and 100% foreign-owned banks are permitted. (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company. (iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company. (b) Until 11 January 2012, Viet Nam may limit the right of a foreign bank branch to accept deposits in Vietnamese Dong from Vietnamese natural persons with which the bank does not have a credit relationship to a ratio of the branch's paid-in capital according to the schedule below: - 1 January 2007: 650% of legal paid-in capital;	(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: - The parent bank has total assets of more than US$10 billion at the end of the year prior to application. (c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company: - The foreign credit institution has total assets of more than US$10 billion at the end of the year prior to application.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	- 1 January 2008: 800% of legal paid-in capital; - 1 January 2009: 900% of legal paid-in capital; - 1 January 2010: 1,000% of legal-paid-in capital; - 1 January 2011: Full national treatment. (c) Equity participation: (i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks. (ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority. (d) A branch of foreign commercial bank:		

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	- is not allowed to open other transaction points outside its branch office. (e) Foreign credit institutions are allowed to issue credit cards on a national treatment basis. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
C. Securities (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion. (g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues (i) Asset management, such as	(1) Unbound, except services C(k) and C(l) (2) None (3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%. As of 11 January 2012, securities service suppliers with 100% foreign-invested capital shall be permitted. For services from C(i) to C(l), after 11 January 2012, branches of foreign securities services suppliers shall be permitted.	(1) Unbound. (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments			
(k) Provision and transfer of financial information, and related software by suppliers of securities services			
(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)			

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services (CPC 9311) B. Medical and dental services (CPC 9312)	(1) None (2) None (3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract. The minimum investment capital for a commercial presence in hospital services must be at least US$20 million for a hospital, US$2 million for a policlinic unit and US$200,000 for a specialty unit. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	(1) None (2) None (3) None, except until 11 January 2015, the services provided should be in parallel with investment in hotel construction, renovation,	(1) None (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	restoration or acquisition. None afterwards. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
B. Travel agencies and tour operator services (CPC 7471)	(1) None (2) None (3) None, except that: foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services. (4) Unbound, except as indicated in the horizontal section.	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None (3) Unbound except after 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted.	(1) Unbound. (2) None (3) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
D. Other - Electronic games business (CPC 964**)	(1) Unbound. (2) None (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
Tourists theme park (CPC 96499)	(1) None (2) None (3) Foreign service suppliers are allowed to provide service in the form of joint venture with Vietnamese partners. Foreign capital contribution shall not exceed 49% legal capital of the joint venture (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
11. TRANSPORT SERVICES			
A. Maritime Transport Services (a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	(1) Unbound, except international freight transportation: None (2) None (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships . under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The. Master or first chief executive must be Vietnamese citizen (b) Other forms of commercial presence for the supply of international maritime transport	(1) Unbound, except international freight transportation: None (2) None (3) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services.[26]

[26] With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	services[27]: Foreign shipping companies can establish joint ventures with 51% foreign ownership. As of 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises. Foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below: 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and		

[27] "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services. As of 11 January 2012, activities from (6) to (7) shall be allowed. 6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company. The number of joint ventures by foreign shipping companies will be limited to 5 companies as of 11 January 2007. Three additional companies will be allowed every two years thereafter. As of 11 January 2012, no limitation on the number of joint ventures. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
Maritime Auxiliary Services - Container handling services (CPC 7411)[28]	(1) Unbound. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
- Customs Clearance Services[29]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2012, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[28] Public utility concession or licensing procedures may apply in case of occupation of the public domain.

[29] "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

* Due to lack of technical feasibility.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
- Container Station and Depot Services[30]	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section	(1) Unbound.* (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
B. Internal Waterways Transport (a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222)	(1) Unbound. (2) None (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

[30] "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

* Due to lack of technical feasibility.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
C. Air Transport Services (a) Sales and marketing air products services	(1) None (2) None (3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. (2) None, except as indicated in Mode 1. (3) None, except as indicated in Mode 1. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None (2) None	(1) None (2) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section.	
E. Rail Transport Services (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112)	(1) Unbound. (2) None (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
F. Road Transport Services (a) Passenger transportation (CPC 7121+7122)	(1) Unbound. (2) None	(1) Unbound. (2) None	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
(b) Freight transportation (CPC 7123)	(3) None, except: Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, subject to the needs of the market[31], joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. One hundred % of joint-venture's drivers shall be Vietnamese citizen. (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section.	
H. Services Auxiliary to all Modes of Transport (a) Container handling services, except services provided at airports (part of CPC 7411)	(1) Unbound. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.	(1) Unbound. (2) None (3) None	

[31] The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	
(b) Storage and warehouse services (CPC 742) (c) Freight transport agency services (CPC 748)32	(1) Unbound.* (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014, none. (4) Unbound, except as indicated in the horizontal section	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(d) Other (part of CPC 749)[33]	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of.	(1) Unbound, except freight brokerage services: None as of 11 January 2012. (2) None (3) None	

[32] Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

* Due to lack of technical feasibility.

[33] Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

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

SECTOR OR SUBSECTOR	LIMITATION ON MARKET ACCESS	LIMITATION ON NATIONAL TREATMENT	ADDITIONAL COMMITMENTS
	foreign side not exceeding 49%. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2014, this capital limitation shall be abolished (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section.	

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

(a) are exclusively or predominantly provided by a single or limited number of suppliers; and
(b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

(a) control over essential facilities; or
(b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

(a) engaging in anti-competitive cross-subsidization;
(b) using information obtained from competitors with anti-competitive results; and
(c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant

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information which are necessary for them to provide services.

2. Interconnection

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

2.2 Interconnection to be ensured

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

(a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
(b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

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For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

LIST OF EXEMPTIONS UNDER ACFTA[34]

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Parties with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	Parties with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	Parties with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All Parties with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.

[34] Measures indicated in the list shall be exempted from all obligations and treatment of specific commitments under the Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the People's Republic of China

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VIETNAM - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China Agreement on Trade in Services

Sectors or sub-sectors	Description of measures (to be applied to sector)	Countries to which the measures applied	Intended duration	Conditions creating the need for the exemptions
Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

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THE PEOPLE'S REPUBLIC OF CHINA

Schedule of Specific Commitments

AC-TIS/SC2/PRC

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS[1]			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) In China, foreign invested enterprises include foreign capital enterprises (also referred to as wholly foreign-owned enterprises) and joint venture enterprises and there are two types of joint venture enterprises: equity joint ventures and contractual joint ventures.[2] The proportion of foreign investment in an equity joint venture shall be no less than 25 per cent of the registered capital of the joint venture. The establishment of branches by foreign enterprises is unbound, unless otherwise indicated in specific sub-sectors, as the laws and regulations on branches of foreign enterprises are under formulation.	(3) Unbound for all the existing subsidies to domestic services suppliers in the sectors of audio-visual, aviation and medical services. Unbound for all the existing subsidies to domestic services suppliers in the sectors listed in China-ASEAN Services commitments. Unbound for all the subsidies to domestic services suppliers in any new sector and sub-sector scheduled in the future services negotiations after signing China-ASEAN FTA Services Agreement.	

[1] In this commitment, the mention of "foreign" in both horizontal and specific commitments only refers to "ASEAN Member Countries".

[2] The terms of the contract, concluded in accordance with China's laws, regulations and other measures, establishing a "contractual joint venture" govern matters such as the manner of operation and management of the joint venture as well as the investment or other contributions of the joint venture parties. Equity participation by all parties to the contractual joint venture is not required, but is determined pursuant to the joint venture contract. "Foreign invested enterprise" in this schedule means a foreign invested enterprise duly constituted or otherwise organized under "Law on Chinese-Foreign Equity Joint Ventures", "Law on Chinese-Foreign Contractual Joint Ventures" and "Law on Foreign-Capital Enterprises".

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Representative offices of foreign enterprises are permitted to be established in China, but they shall not engage in any profit-making activities except for the representative offices under CPC 861, 862, 863, 865 in the sectoral specific commitments The land in the People's Republic of China is State-owned. Use of land by enterprises and individuals is subject to the following maximum term limitations: (a) 70 years for residential purposes; (b) 50 years for industrial purposes; (c) 50 years for the purpose of education, science, culture, public health and physical education; (d) 40 years for commercial, tourist and recreational purposes; (e) 50 years for comprehensive utilization or other purposes.		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except for measures concerning the entry and temporary stay of natural persons who fall into one of the following categories: (a) Managers, executives and specialists defined as senior employees of a corporation of a Party that has established a representative office, branch or subsidiary in the territory of the People's Republic of China, temporarily moving as intra-corporate transferees, shall be permitted entry for an initial stay of three years; (b) Managers, executives and specialists defined as senior employees of a corporation of Parties, being engaged in the foreign invested enterprises in the territory of the People's Republic of China for conducting business, shall be granted a long-term stay permit as stipulated in the terms of contracts concerned or an initial stay of three years, whichever is shorter;	(4) Unbound except for the measures concerning the entry and temporary stay of natural persons who fall into the categories referred to in the market access column.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Service salespersons – persons not based in the territory of the People's Republic of China and receiving no remuneration from a source located within China, and who are engaged in activities related to representing a service supplier for the purpose of negotiation for the sale of services of that supplier where: (a) such sales are not directly made to the general public and (b) the salesperson is not engaged in supplying the service: entry for salespersons is limited to a 90-day period. (d) Contractual Service Suppliers(CSS): Foreign natural persons who enter the territory of China temporarily in order to perform a service pursuant to a contract(s) between their employers and a service consumer(s) of China. Their employers		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	shall be a company/partner/firm of other Parties which has no commercial presence in the territory of China. CSS receive remuneration from their employer while abroad, and have appropriate educational and technical (professional) qualifications relevant to the service to be provided. Their duration of stay is subject to the duration of contract and (if longer) shall not exceed 1 year. They can not perform services which are not related to the service activity which is the subject of the contract. The services provided by CSS are only limited to the specific sectors as follows: (1) Accounting Services (2) Medical and dental services (3) Architectural services (4) Engineering services (5) Urban planning services (except general urban planning) (6) Computer and related		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	services (7) Construction and Related Engineering Services (8) Education Services: CSS shall acquire a bachelor's degree or above, receive appropriate professional titles or certificates, and have at least 2-year professional work experience. The Chinese party involved in the contract shall be a juridical person which has the function of providing education service (9) Tourism Services (e) others Installers and servicers: Qualified specialists supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons Duration of stay of the installers and servicers is subject to the duration of contract, but shall not exceed 3 months. They cannot perform services which are not related to the service activity which is the subject of the contract, and should have appropriate technical (professional) qualifications relevant to the service to be provided.		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal Services (CPC 861, excluding Chinese law practice)	(1) None (2) None (3) Foreign law firms can provide legal services only in the form of representative offices. Representative offices can engage in profit-making activities. Business scope of foreign representative offices is only as follows: (a) to provide clients with consultancy on the legislation of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work, and on international conventions and practices; (b) to handle, when entrusted by clients or Chinese law firms, legal affairs of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work;	(1) None (2) None (3) All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) to entrust, on behalf of foreign clients, Chinese law firms to deal with the Chinese legal affairs; (d) to enter into contracts to maintain long-term entrustment relations with Chinese law firms for legal affairs; (e) to provide information on the impact of the Chinese legal environment. Entrustment allows the foreign representative office to directly instruct lawyers in the entrusted Chinese law firm, as agreed between both parties. The representatives of a foreign law firm shall be practitioner lawyers who are members of the bar or law society in a ASEAN member country and have practiced for no less than two years outside of China. The Chief representative shall be a partner or equivalent (e.g., member of a law firm of a limited liability corporation) of a law firm of a ASEAN member country and have practiced for no less than three years outside of China.		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments	(4) Unbound except as indicated in horizontal commitments	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Partnerships or incorporated accounting firms are limited to Certified Public Accountants (CPAs) licensed by the Chinese authorities (4) Unbound except as indicted in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicted in horizontal commitments.	- Foreign accounting firms are permitted to affiliate with Chinese firms and enter into contractual agreements with their affiliated firms in the WTO Members. - Issuance of licenses to those foreigners who have passed the Chinese national CPA examination shall be accorded national treatment. - Applicants will be informed of results in writing no later than 30 days after submission of their applications. - Accounting firms providing services in CPC 862 can engage in taxation and management consulting services. They will not be subject to requirements on form of establishment in CPC 865 and 8630.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Taxation services (CPC 8630)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) (4) Unbound except as indicated in horizontal commitments	
(d) Architectural services (CPC 8671) (e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning services (except general urban planning) (CPC 8674)	(1) None for scheme design. Co-operation with Chinese professional organisations is required except scheme design. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound, except as indicated in horizontal commitments.	(1) None (2) None (3) Foreign service suppliers shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in their home country. (4) Unbound, except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) Foreign service suppliers are permitted to establish joint venture hospitals or clinics with Chinese partners with quantitative limitations in line with China's needs, with foreign majority ownership permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: Foreign doctors with professional certificates issued by their home country shall be permitted to provide short-term medical services in China after they obtain licenses from the Ministry of Public Health. The term of service is six months and may extend to one year.	(1) None (2) None (3) The majority of doctors and medical personnel of the joint venture hospital and clinics shall be of Chinese nationality (4) Unbound, except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Computer and Related Services (Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as means of supply) (a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
(b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) - Input preparation services (CPC 8431)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Data processing and tabulation services (CPC 8432) - Time-sharing services (CPC 8433)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
D. Real Estate Services (a) Real estate services involving own or leased property (CPC 821)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
(b) Real estate services on a fee or contract basis (CPC 822)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Other Business Services (a) Advertising Services (CPC 871)	(1) Only through advertising agents registered in China who have the right to provide foreign advertising services. (2) Only through advertising agents registered in China who have the right to provide foreign advertising services. (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(b) Market research services (CPC 86401, only limited to investigation services designed to secure information on the prospects and performance of an organization's products in the market)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments. Requirement for a commercial presence.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Management Consulting services (CPC 865)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (only limited to the following sub-sector) - Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	(1) None (2) None (3) Foreign services suppliers which have been engaged in inspection services in their home countries for more than three years are permitted to establish joint venture technical testing, analysis and freight inspection companies with no less than US$ 350,000 in registered capital. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(f) Services incidental to agriculture, forestry, hunting and fishing (CPC 881, 882)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(k) Placement and supply services of Personnel (CPC 872, excluding CPC 87209)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
m. Related scientific technical consulting services (CPC 8675) - Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751) - Sub-surface surveying services (CPC 86752)	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with Chinese partners (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Onshore oil-field services	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) in the designated areas approved by the Chinese government. In order to carry out the petroleum contract, the foreign service supplier shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC. The foreign service supplier shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) The foreign service supplier shall furnish CNPC accurately and promptly with the reports on the petroleum operations, and shall submit to CNPC the data and samples as well as various technological, economic, accounting and administrative reports related to petroleum operations. CNPC shall have the ownership of all of the data records, samples, vouchers and other original information acquired during the implementation of the petroleum operations. The investment of foreign service suppliers shall be made in US dollars or other hard currencies. (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(o) Building-cleaning services (CPC 874)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) Wholly foreign-owned enterprises are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only in the form of joint ventures, with foreign majority ownership permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Wholly foreign-owned subsidiaries are permitted.	(3) None	
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

* Unbound due to lack of technical feasibility.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(r) Printing of packaging materials, on a fee or contract basis (Only limited to the printing of packaging materials)	(1) Unbound (2) Unbound (3) Wholly foreign-owned enterprises are permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
(s) Convention services (CPC 87909)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(t) Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).	
- Maintenance and repair services(CPC 63, 6112 and 6122) - Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Rental and leasing services (CPC 831, 832, excluding CPC 83202)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. Service suppliers will have global assets of US$ 5 million. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 75121, except for those currently specifically reserved to Chinese postal authorities by law)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
Basic Telecommunication Services - Paging Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Telecommunication Services3 Value-added Services Including the following: (h) Electronic mail (i) Voice mail (j) On-line information and database retrieval (k) Electronic data interchange (l) Enhanced/Value-added facsimile services (including store and forward, store and retrieve) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing)	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint venture value-added telecommunication enterprises, and foreign investment in the joint ventures shall be no more than 50 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Annex I attached hereto.

[3] China's commitments are scheduled in accordance with the following: Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV/1) and Market Access Limitations on Spectrum Availability (S/GBT/W/3) attached hereto.

All international telecommunications services shall go through gateways established with the approval of China's telecommunications authorities, which will act as an independent regulatory authority in accordance with the principles of paragraph 5 of the Reference Paper.

Telecommunication services do not cover the economic activity consisting of the provision of content services which require telecommunications services for their transport.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Domestic Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) Domestic private leased circuit services	(1) See mode 3 (2) None (3) Foreign service suppliers are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 per cent.	(1) None (2) None (3) None	
- International Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) International closed user group voice and data services (use of private leased circuit service is permitted)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services - Videos, including entertainment software and (CPC 83202), distribution services - Sound recording distribution services	(1) None (2) None (3) Foreign services suppliers are permitted to establish contractual joint ventures with Chinese partners to engage in the distribution of audiovisual products, excluding motion pictures, without prejudice to China's right to examine the content of audio and video products (see footnote 1). (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Without prejudice to compliance with China's regulations on the administration of films, China allows the importation of motion pictures for theatrical release on a revenue-sharing basis and the number of such imports shall be 20 on an annual basis.
- Cinema Theatre Services	(1) None (2) None (3) Foreign services suppliers are permitted to construct and/or renovate cinema theatres, with foreign investment no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
(CPC 511, 512, 513[4], 514, 515, 516, 517, 518[5])	(1) Unbound* (2) None (3) Wholly foreign-owned enterprises are permitted. Wholly foreign-owned enterprises can only undertake the following four types of construction projects. 1. Construction projects wholly financed by foreign investment and/or grants. 2. Construction projects financed by loans of international financial institutions and awarded through international tendering according to the terms of loans. 3. Chinese-foreign jointly constructed projects with foreign investment equal to or more than 50 per cent; and Chinese-foreign jointly constructed projects with foreign investment less than 50 per cent but technically	(1) Unbound* (2) None (3) None	

[4] Including dredging services relating to infrastructure construction.

[5] Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

* Unbound due to lack of technical feasibility.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	difficult to be implemented by Chinese construction enterprises alone. 4. Chinese invested construction projects which are difficult to be implemented by Chinese construction enterprises alone can be jointly undertaken by Chinese and foreign construction enterprises with the approval of provincial government (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES (as defined in Annex 2)			
A. Commission Agents' Services (excluding salt, tobacco) B. Wholesale Trade Services6 (excluding salt, tobacco)	(1) Unbound (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises are permitted to distribute their products manufactured in China, including the products listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide the full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

[6] The restrictions on mode 1 shall not undermine the rights of WTO Members to the right to trade as stipulated in Chapter 5 of China's Protocol of accession to the WTO.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Retailing Services (excluding tobacco).	(1) Unbound except for mail order. (2) None (3) Wholly foreign-owned enterprises are permitted, except for: - chain stores which sell products of different types and brands from multiple suppliers with more than 30 outlets. For such chains stores with more than 30 outlets, foreign majority ownership will not be permitted if those chain stores distribute any of the following products: books, newspapers, magazines, pharmaceutical products, pesticides, mulching films, processed oil, chemical fertilizers and products listed in Annex 2a of the Protocol of China's WTO Accession. The foreign chain store operators will have the freedom of choice of any partner, legally established in China according to China's laws and regulations. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound except for mail order. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Foreign-invested enterprises may distribute their products manufactured in China, including those excepted products as listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Annex 2. Foreign service suppliers are permitted to provide full range of related subordinate services, including after sales services, as defined in Annex 2, for the products they distribute.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
E. Wholesale or retail trade services away from a fixed location.	(1) None (2) None (3) None[7] (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

[7] See paragraph 310 of the Working Party Report.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
A. Primary education services (CPC 921, excluding national compulsory education in CPC 92190) B. Secondary education services (CPC 922, excluding national compulsory education in CPC 92210) C. Higher education services (CPC 923) D. Adult education services (CPC 924, including non-academic training of beauty treatment, spa, and acupuncture) E. Other education services (CPC 929, including non-academic training in the following areas: a. English language b. cooking c. handicraft	(1) Unbound (2) None (3) Joint schools will be established, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments and the following: Foreign individual education service suppliers may enter into China to provide education services when invited or employed by Chinese schools and other education institutions.	(1) Unbound (2) None (3) Unbound (4) Qualifications are as follows: - possession of Bachelor's degree or above; - and an appropriate professional title or certificate, with two years' professional experiences.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES (excluding environmental quality monitoring and pollution source inspection)			
A. Sewage Services (CPC 9401) B. Solid Waste Disposal Services (CPC 9402) C. Cleaning Services of Exhaust Gases (CPC 9404) D. Noise Abatement Services (CPC 9405) E. Nature and Landscape Protection Services (CPC 9406) F. Other Environmental Protection Services (CPC 9409) G. Sanitation Services (CPC 9403)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

461 2013, No.70

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-Related Services[8] (a) Life, health and pension/annuity insurance (b) Non-life insurance (c) Reinsurance (d) Services auxiliary to insurance	(1) Unbound except for : (a) reinsurance; (b) international marine, aviation, and transport insurance; and (c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance. (2) Unbound for brokerage. Other, none. (3) A. Form of establishment Foreign non-life insurers are permitted to establish as a branch or as a wholly-owned subsidiary, with no form of establishment restrictions. Foreign life insurers are permitted 50 per cent foreign ownership in a joint venture with the partner of their choice.	(1) None (2) None (3) None, except for: - Foreign insurance institutions shall not engage in the statutory insurance business.	

[8] Any further authorization provided to foreign insurers after accession under more favorable conditions than those contained in this schedule (including the extension of grandfathered investments through branching, sub-branching or any other legal form), will be made available to other foreign service suppliers which so requested.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The joint venture partners can freely agree the terms of their engagement, provided they remain within the limits of the commitments contained in this schedule. For brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance: wholly foreign owned subsidiary is permitted. For other brokerage services: Unbound. Internal branching for an insurance firm is permitted. B. Business Scope Foreign non-life insurers are permitted to provide "master policy" insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	treatment, foreign insurance brokers are permitted to provide "Master policy" no later than Chinese brokers, under conditions no less favourable. Foreign non-life insurers are permitted to provide the full range of non-life insurance services to both foreign and domestic clients. Foreign insurers are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese. Foreign insurers are permitted to provide reinsurance services for life and non-life insurance as a branch, joint venture, or wholly foreign-owned subsidiary, without geographic or quantitative restrictions on the number of licenses issued.		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	C. Licenses Licenses are issued with no economic needs test or quantitative limits on licenses. Qualifications for establishing a foreign insurance institution are as follows: - the investor shall be a foreign insurance company with more than 30 years of establishment experience in a WTO member; - it shall have a representative office for two consecutive years in China; - it shall have total assets of more than US $5 billion at the end of the year prior to application, except for insurance brokers. Insurance brokers shall have total assets of more than US$ 200 million.		
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Banking and Other Financial Services (excluding insurance and securities) Banking services as listed below: (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) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts(including import and export settlement); (e) Guarantees and commitments; (f) Trading for own account or for account of customers: foreign exchange.	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) A. Geographic coverage For foreign currency business, there will be no geographic restriction. For local currency business, foreign services suppliers may provide business in following cities: Shanghai, Shenzhen, Tianjin, Dalian, Guangzhou, Zhuhai, Qingdao, Nanjing, Wuhan, Jinan, Fuzhou, Chengdu, Chongqing Kunming, Beijing, Xiamen, Shantou, Ningbo, Shenyang and Xi'an. Within	(1) None (2) None (3) Except for geographic restrictions and client limitations on local currency business (listed in the market access column), foreign financial institution may do business, without restrictions or need for case-by-case approval, with foreign invested enterprises, non-Chinese natural persons, Chinese natural persons and Chinese enterprises. Otherwise, none.	For financial leasing services, foreign financial leasing corporations are permitted to provide financial leasing service at the same time as domestic corporations.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	five years after accession, all geographic restrictions will be removed. B. Clients For foreign currency business, foreign financial institutions are permitted to provide services in China without restriction as to clients. For local currency business, foreign financial institutions are permitted to provide services to Chinese enterprises. Foreign financial institutions are permitted to provide services to all Chinese clients. Foreign financial institutions licensed for local currency business in one region of China may service clients in any other region that has been opened for such business. C. Licensing Criteria for authorization to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Existing non-prudential measures restricting		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	ownership, operation, and juridical form of foreign financial institutions, including on internal branching and licenses are eliminated. Foreign financial institutions who meet the following condition are permitted to establish a subsidiary of a foreign bank or a foreign finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a branch of a foreign bank in China: - total assets of more than US $20 billion at the end of the year prior to filing the application. Foreign financial institutions who meet the following condition are permitted to establish a Chinese-foreign joint bank or a Chinese-foreign	(4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	joint finance company in China: - total assets of more than US $10 billion at the end of the year prior to filing the application. Qualifications for foreign financial institutions to engage in local currency business are as follows: - three years business operation in China and being profitable for two consecutive years prior to the application, otherwise, none. (4) Unbound except as indicated in horizontal commitments.		

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Motor vehicle financing by non-bank financial institutions	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Other financial services as listed below: (k) Provision and transfer of financial information, and	(1) None (2) None (3) None. Criteria for authorization	(1) None (2) None (3) None	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
financial data processing and related software by supplier of other financial services; (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). Branches of foreign institutions are permitted. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

www.djpp.kemenkumham.go.id

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Securities	(1) Unbound except for the following: - Foreign securities institutions may engage directly (without Chinese intermediary) in B share business	(1) None	
	(2) None	(2) None	
	(3) (a) Unbound, except for the following: - Representative offices in China of foreign securities institutions may become Special Members of all Chinese stock exchanges. - Foreign service suppliers are permitted to establish joint ventures with foreign investment up to 49 per cent to conduct domestic securities investment fund management business. Foreign securities institutions are permitted to establish joint ventures, with foreign minority ownership not exceeding 1/3, to engage (without Chinese intermediary) in underwriting A shares and in underwriting and trading of	(3) None	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	B and H shares as well as government and corporate debts, launching of funds. (b) Criteria for authorization to deal in China's financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licenses). (4) Unbound except as indicated in horizontal commitments.	 (4) Unbound except as indicated in horizontal commitments.	

www.djpp.kemenkumham.go.id

CHINA - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	(1) None (2) None (3) Foreign services suppliers may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound, except as indicated in horizontal commitments and as follows: - Foreign managers, specialists including chefs and senior executives who have signed contracts with joint venture hotels and restaurants in China are permitted to provide services in China.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Travel Agency and Tour Operator (CPC 7471)	(1) None (2) None (3) Foreign services suppliers who meet the following conditions are permitted to provide services in the form of joint venture travel agencies and tour operators in the holiday resorts designated by the Chinese government and in the cities of Beijing, Shanghai, Guangzhou and Xi'an: (a) a travel agency and tour operator mainly engaged in travel business; (b) Annual world-wide turnover exceeds US$ 40 million. The registered capital of joint venture travel agency/tour operator shall be no less than RMB 2.5 million. Foreign majority ownership are permitted Wholly foreign-owned subsidiaries are permitted and geographic restrictions are removed.	(1) None (2) None (3) None except that joint ventures or wholly Foreign-owned travel agencies and tour operators are not permitted to engage in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	The business scope of the travel agency/ tour operator is as follows: (a) travel and hotel accommodation services for foreign travellers which can be made directly with transportation and hotel operators in China covering such operations; (b) travel services and hotel accommodation services for domestic travellers which can be made directly with transportation and hotel operators in China covering such operations; (c) conducting of tours within China for both domestic and foreign travellers, and (d) travellers check cashing services within China. There will be no restriction on the establishment of branches of the joint venture travel agency/tour operator and the requirement on registered capital of foreign-invested travel agency/tour operator will be the same as that of Chinese travel agency/tour operator.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, **including training of badminton,** excluding golf)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	(1) (a) Liner shipping (including passenger transportation): None (b) Bulk, tramp and other international shipping (including passenger transportation): None (2) None (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of the People's Republic of China: - Foreign service suppliers are permitted to establish joint venture shipping companies. - Foreign investment shall not exceed 49 per cent of the total registered capital of the joint venture. - The chairman of board of directors and the general manager of the joint venture shall be appointed by the Chinese side. (b) Other forms of commercial presence for the	(1) None (2) None (3) (a) None (b) Unbound	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	supply of international maritime transport services: Unbound (4) (a) Ship's crew: Unbound except as indicated in horizontal commitments. (b) Key personnel employed by Commercial Presence as defined under mode (3) (b) above: Unbound except as indicated in horizontal commitments.	(4) (a) Unbound except as indicated in horizontal commitments. (b) Unbound except as indicated in horizontal commitments.	
H. Auxiliary Services (a) Maritime cargo-handling services (CPC 741) (c) Customs clearance services for maritime transport	(1) Unbound* (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(d) Container station and depot services	(1) Unbound* (2) None (3) Only in forms of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(e) Maritime agency services	(1) None (2) None (3) Only in forms of joint ventures, with foreign equity share no more than 49 per cent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport (b) Freight transport (CPC 7222)	(1) Only international shipping in ports open to foreign vessels shall be permitted. (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Limitations as indicated under market access column (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
C. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) Unbound* (2) None (3) Foreign service suppliers are permitted to establish joint venture aircraft repair and maintenance enterprises in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) The joint ventures have the obligation to undertake business in the international market. (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Computer Reservation System (CRS) services	(1) (a) Foreign computer reservation systems may provide services to Chinese aviation enterprises and aviation agents by connecting through a Chinese computer reservation system. (b) Foreign Computer Reservation System may provide services to representative offices and sales offices established in the destination cities in China by foreign aviation enterprises which have the right to engage in business according to the bilateral aviation agreements. (c) Direct access to and use of foreign computer reservation systems by aviation agents are subject to approval of the General Administration of Civil Aviation of China (CAAC). (2) None (3) Foreign service suppliers are permitted to establish joint venture enterprises with Chinese Computer Reservation System	(1) (1) None (2) None (3) Unbound	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	in China. The Chinese side shall hold controlling shares or be in a dominant position in the joint ventures. Licenses for the establishment of joint ventures are subject to economic needs test. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
E. Rail Transport Services F. Road Transport Services - Freight transportation by rail (CPC 7112) - Freight transportation by road in trucks or cars (CPC 7123)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Passenger Transportation - Urban and suburban regular transportation (CPC 71211) - Urban and suburban special transportation (CPC 71212) - Interurban regular transportation (CPC 71213) - Interurban special transportation (CPC 71214)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign investment not to exceed 49 per cent. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in horizontal commitments.	
H. Services Auxiliary to all Modes of Transport - Storage and warehousing services (CPC 742)	(1) Unbound (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Freight forwarding agency services (CPC 748 and 749 excluding freight inspection)	(1) None (2) None (3) Foreign freight forwarding agencies which have at least three consecutive years experience are permitted to set up freight forwarding agency joint ventures in China, with wholly foreign-owned subsidiaries permitted. Operation term of the joint ventures shall not exceed 20 years. After one year operating in China, the joint venture can set up branches. A foreign freight forwarding agency may set up a second joint venture after its first joint venture has been in operation for two years. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Appendix 1

Reference Paper

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

(a) are exclusively or predominantly provided by a single or limited number of suppliers; and
(b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

(a) control over essential facilities; or
(b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

(a) engaging in anti-competitive cross-subsidization;
(b) using information obtained from competitors with anti-competitive results; and
(c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

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

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

2.2 Interconnection to be ensured

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

(a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
(b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

(a) at any time; or
(b) after a reasonable period of time which has been made publicly known

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

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(b) the terms and conditions of individual licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

WORLD TRADE ORGANIZATION

S/GBT/W/2/Rev.1
16 January 1997

(97-0173)

Group on Basic Telecommunications

Note by the Chairman

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:

(a) encompasses local, long distance and international services for public and non-public use;

(b) may be provided on a facilities-basis or by resale; and

(c) may be provided through any means of technology (e.g., cable[9], wireless, satellites).

2. Subsector (g) --private leased circuit services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.

3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

[9]Including all types of cable.

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(97-0173)

Original: English

Group on Basic Telecommunications

CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedules.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Appendix 2

Distribution Services

Distribution trade services are comprised of four main sub-sectors:

- commission agents services;
- wholesaling;
- retailing; and
- franchising.

The principal services rendered in each subsector can be characterized as reselling merchandise, accompanied by a variety of related subordinated services, including inventory management; assembly, sorting and grading of bulk lots; breaking bulk lots and redistributing into smaller lots; delivery services; refrigeration, storage, warehousing and garage services; sales promotion, marketing and advertising, installation and after sales services including maintenance and repair and training services. Distribution services are generally covered by CPC 61, 62, 63 and 8929.

Commission Agents' Services consist of sales on a fee or contract basis by an agent, broker or auctioneer or other wholesalers of goods/merchandise and related subordinated services.

Wholesaling consist of the sale of goods/merchandise to retailers to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Retailing services consist of the sale of goods/merchandise for personal or household consumption either from a fixed location (e.g., store, kiosk, etc.) or away from a fixed location and related subordinated services.

Franchising services consist of the sale of the use of a product, trade name or particular business format system in exchange for fees or royalties. Product and trade name franchising involves the use of a trade name in exchange for fees or royalties and may include an obligation for exclusive sale of trade name products. Business format franchising involves the use of an entire business concept in exchange for fees and royalties, and may include the use of a trade name, business plan, and training materials and related subordinated services.

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CHINA - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Appendix 3

Insurance: Definition of "Master Policy"

Master policy is the policy that provides blanket coverage for the same legal person's property and liabilities located in different places. Master policy may only be issued by the business department of an insurer's head office or that of its authorized province-level branch offices. Other branches are not allowed to issue master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on the state key construction projects (i.e., projects that are so listed and annually announced by the State Development and Planning Commission) meet either of the following requirements, they may purchase master policy from insurers that are located in the same place as the investors' legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 per cent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 per cent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of master policies.

Master policy covering different subjects-matter insured of the same legal person. For those subjects-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue master policy, no matter whether the insurance applicant's legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the CIRC can not be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a master policy.

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PROTOKOL UNTUK MELAKSANAKAN PAKET KEDUA KOMITMEN SPESIFIK DI BAWAH PERSETUJUAN PERDAGANGAN JASA DALAM PERSETUJUAN KERANGKA KERJA MENGENAI KERJA SAMA EKONOMI MENYELURUH ANTARA NEGARA-NEGARA ANGGOTA ASOSIASI BANGSA-BANGSA ASIA TENGGARA DAN REPUBLIK RAKYAT CHINA

Pemerintah-pemerintah Brunei Darussalam, Kerajaan Kamboja, Republik Indonesia, Republik Demokratik Rakyat Laos, Malaysia, Republik Uni Myanmar, Republik Filipina, Republik Singapura, Kerajaan Thailand, Republik Sosialis Viet Nam, Negara-negara Anggota Asosiasi Bangsa-Bangsa Asia Tenggara (selanjutnya disebut secara bersama-sama sebagai "ASEAN" atau "Negara-negara Anggota ASEAN" atau secara sendiri-sendiri sebagai Negara Anggota ASEAN), dan Republik Rakyat China (selanjutnya disebut sebagai "China"), (selanjutnya disebut secara sendiri-sendiri sebagai "Pihak" dan secara bersama-sama sebagai "para Pihak"),

MENGINGAT Persetujuan Perdagangan Jasa dari Persetujuan Kerangka Kerja mengenai Kerja Sama Ekonomi Menyeluruh antara Pemerintah Negara-negara Anggota ASEAN dan Republik Rakyat China (selanjutnya disebut sebagai "Persetujuan") yang ditandatangani pada tanggal 14 Januari 2007 di Cebu, Filipina;

MENGINGAT bertujuan untuk melakukan peningkatan komitmen-komitmen spesifik setiap pihak dari paket pertama;

MENEGASKAN komitmen antar Pihak untuk meliberalisasikan perdagangan jasa secara progresif; dan

MENGAKUI persetujuan untuk menyelesaikan paket kedua komitmen spesifik dalam satu tahun sejak tanggal mulai berlakunya Persetujuan ini,

TELAH MENYETUJUI hal-hal sebagai berikut:

PASAL 1
KETENTUAN UMUM

1. Sesuai dengan Pasal 23 ayat (2) Persetujuan ini, paket kedua komitmen spesifik setiap pihak dilampirkan dalam Protokol ini. Protokol beserta lampirannya merupakan bagian yang tidak terpisahkan dari Persetujuan.
2. Protokol ini berlaku untuk Pihak yang telah menandatangani Protokol ini dan menyampaikan masing-masing komitmen spesifiknya kepada Sekretaris Jenderal ASEAN[1].

1. Kamboja merupakan negara yang dikecualikan dari Ketentuan untuk menyampaikan paket kedua komitmen spesifik (Konsultasi 8th AEM-MOFCOM)

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PASAL 2
MULAI BERLAKU

1. Protokol ini mulai berlaku pada tanggal 1 Januari 2012.
2. Para Pihak menyelesaikan prosedur internalnya untuk dapat memberlakukan Protokol ini sejak tanggal 1 Januari 2012.
3. Apabila suatu Pihak tidak mampu menyelesaikan prosedur internalnya untuk dapat memberlakukan Protokol ini mulai tanggal 1 Januari 2012, maka hak dan kewajiban Pihak dalam Protokol ini mulai berlaku pada tanggal penyelesaian prosedur internalnya.
4. Setiap Pihak yang telah menyelesaikan prosedur internalnya wajib menyampaikan notifikasi secara tertulis kepada para Pihak.

PASAL 3
LEMBAGA PENYIMPAN

Untuk Negara-negara Anggota ASEAN, Protokol ini wajib disimpan oleh Sekretaris Jenderal ASEAN, dan Sekretaris Jenderal ASEAN segera menerbitkan salinan naskah resminya untuk setiap Negara Anggota ASEAN.

SEBAGAI BUKTI, yang bertanda tangan di bawah ini, yang diberi kuasa oleh Pemerintahnya masing-masing, telah menandatangani Protokol untuk Melaksanakan Paket Kedua Komitmen Spesifik di bawah Persetujuan Perdagangan Jasa Dalam Persetujuan Kerangka Kerja Mengenai Kerja Sama Ekonomi Menyeluruh Antara Negara-Negara Anggota Asosiasi Bangsa-Bangsa Asia Tenggara Dan Republik Rakyat China.

DIBUAT di Bali, Indonesia, tanggal 16 November 2011, rangkap dua dalam bahasa Inggris.

Untuk Pemerintah
Brunei Darussalam:

LIM JOCK SENG
Menteri Kedua Bidang Hubungan Luar Negeri dan Perdagangan

Untuk Pemerintah
Republik Rakyat China:

CHEN DEMING
Menteri Perdagangan

Untuk Pemerintah
Kerajaan Kamboja:

CHAM PRASIDH
Menteri Senior dan Menteri Perdagangan

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Untuk Pemerintah
Republik Indonesia:

GITA IRAWAN WIRJAWAN
Menteri Perdagangan

Untuk Pemerintah
Republik Demokratik Rakyat Laos:

NAM VIYAKETH
Menteri Industri dan Perdagangan

Untuk Pemerintah
Malaysia:

MUSTAPA MOHAMED
Menteri Perdagangan Internasional
dan Industri

Untuk Pemerintah
Uni Myanmar:

U TIN NAING THEIN
Menteri, Kementerian Perencanaan
Nasional dan Pembangunan
Ekonomi

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Untuk Pemerintah
Republik Filipina:

GREGORY L. DOMINGO
Menteri Perdagangan dan Industri

Untuk Pemerintah
Republik Singapura:

LIM HNG KIANG
Menteri Perdagangan dan Industri

Untuk Pemerintah
Kerajaan Thailand:

KITTIRATT NA-RANONG
Wakil Perdana Menteri dan Menteri
Perdagangan

Untuk Pemerintah
Republik Sosialis Viet Nam:

VU HUY HOANG
Menteri Industri dan Perdagangan

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BRUNEI DARUSSALAM

Jadwal Komitmen Khusus

AC-TIS/SC2/BRU

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas (2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
I. Komitmen Horizontal			
SEMUA SEKTOR TERMASUK DALAM JADWAL INI	3) Tidak terikat untuk kebijakan berkenaan dengan modal asing atau kepentingan dalam perusahaan yang didirikan atau bermaksud untuk mendirikan suatu kehadiran komersial	3) Tidak terikat kecuali yang berkenaan dengan kehadiran komersial yang telah ada : - Setengah dari anggota dewan pada suatu perusahaan publik dan setengah dari para direktur pada suatu perusahaan swasta harus merupakan warga negara atau penduduk Brunei Darussalam. - Semua perusahaan yang tergabung di luar Brunei Darussalam yang mendirikan atau telah mendirikan suatu tempat usaha di Brunei Darussalam harus memiliki satu atau lebih agen dari penduduk setempat untuk menerima proses jasa dan segala proses layanan dan proses layanan apapun atau pemberitahuan apapun yang dibutuhkan bagi perusahaan tersebut.	
	4) Tidak terikat kecuali untuk kebijakan berkenaan dengan masuknya dan kehadiran sementara dari perpindahan dalam perusahaan pada level manajer, eksekutif dan spesialis. Perpindahan dalam perusahaan	4) Tidak terikat kecuali untuk kebijakan yang berkaitan dengan kategori orang perseorangan yang merujuk pada kolom akses pasar.	

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	merujuk pada manajer, eksekutif dan spesialis, sebagaimana didefinisikan di bawah ini, yang merupakan pegawai pada firma yang menyediakan jasa di wilayah Brunei Darussalam melalui suatu cabang, cabang pembantu, atau afiliasi yang didirikan di Brunei Darussalam dan telah dipekerjakan sebelumnya di firma-firmanya di luar Brunei Darussalam untuk suatu jangka waktu yang tidak kurang dari 1 (satu) tahun segera sebelum tanggal permohonan izin masuk mereka dan yang termasuk salah satu dari berikut ini : (a) Manajer – seseorang dalam suatu organisasi yang tugas utamanya memimpin organisasi, atau suatu bagian atau sub-bagian dari organisasi tersebut, mengawasi dan mengendaikan pekerjaan pengawasan lainnya, pekerja profesional atau manajerial, memiliki kewenangan untuk mempekerjakan dan memberhentikan atau merekomendasikan untuk mempekerjakan, memberhentikan atau melakukan tindakan-tindakan kepegawaian lainnya (seperti promosi atau pemberian cuti), dan melaksanakan kewenangan secara khusus atas tugas operasional harian.		

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Tidak termasuk pengawas lini pertama, kecuali apabila pekerja yang diawasi merupakan para profesional, atau para pekerja yang tugas utamanya dibutuhkan untuk penyediaan jasa. (b) Eksekutif – seseorang dalam suatu organisasi yang tugas utamanya mengatur pengelolaan organisasi, melaksanakan pengambilan keputusan yang luas sesuai dengan kewenangannya, dan hanya menerima pengawasan umum dan arahan dari pimpinan yang lebih tinggi, dewan direktur, atau pemegang saham dari usaha dimaksud. Eksekutif tidak akan secara langsung mengatur kinerja penyediaan-penyediaan jasa atau jasa-jasa organisasi yang terkini. (c) Spesialis – seseorang dalam suatu organisasi yang memiliki pengetahuan pada tingkat keahlian lanjutan dan memiliki pengetahuan tentang layanan organisasi, perlengkapan penelitian, metoda-metoda atau pengelolaan. (Spesialis dapat mencakup, tapi tidak terbatas pada, anggota dari profesi yang berlisensi).		

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	Jangka waktu perpindahan dalam perusahaan ini dibatasi selama tiga tahun yang dapat diperpanjang sampai dengan dua tahun sehingga keseluruhan jangka waktu tidak lebih dari 5 (lima) tahun.		
1. JASA BISNIS			
A. JasaProfesi b) Jasa Audit (CPC 862)	(1) Auditor-auditor asingdiizinkanuntukmengauditlaporan keuanganyang diterbitkan di Brunei Darussalam dengan ketentuan bahwamereka diizinkanolehKementerianKeuangan.	(1) Untukmendaftarsebagai auditor yang berizin, seseorangharusmemilikikualifikasi-kualifikasi minimum: A. Untukakun-akun yang dicatatdalambahasainggris 1. Mempunyai keanggotaan dari salah satu badan berikut: (a) *The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).* (b) *The Association of Certified Accountants.* (c) *The Australian Society of Accountants* (d) *The New Zealand Society of Accountants*	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

		B. <u>Untukakun-akun yang dicatatdalambahasaselainbahasaInggris:</u> (a) Mempunyaikeanggotaandarisalahsatubadandiluar dari yang ditetapkanpada A(a) diatas; dan (b) Buktikompetensidalambahasaterkait. - Untukberpraktiksebagai auditor yang berizin, yang bersangkutanharusmemilikipengalamanmelakukan audit paling sedikit 5 tahun.	
	(2) Auditor-auditor asing diizinkan untuk mengaudit akun daerah dengan ketentuan mereka diizinkanolehKementerianKeuangan.	(2) Untukmendaftarsebagai auditor yang berizin, seseorangharusmemilikikualifikasi-kualifikasi minimum: A. <u>Untukakun-akun yang dicatatdalambahasainggris</u> 1. Mempunyai keanggotaan dari salah satu badan berikut: (a) *The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).* (b) *The Association of Certified Accountants.* (c) *The Australian Society of Accountants* (d) *The New Zealand Society of Accountants*	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

		B. <u>Untuk akun-akun yang dicatat dalam bahasa selain bahasa Inggris:</u> (a) Mempunyai keanggotaan dari salah satu badan diluar dari yang ditetapkan pada A(a) diatas; dan (b) Bukti kompetensi dalam bahasa terkait. - Untuk berpraktik sebagai auditor yang berizin, yang bersangkutan harus memiliki pengalaman melakukan audit paling sedikit 5 tahun.	
	(3) Kantor akuntan publikyang bergerak di bidang audit dapat didirikan hanya sebagai suatu perusahaan perseorangan atau persekutuan tetapi harus terdaftar pada Pencatat Nama Usaha. - Jumlah maksimum dari rekan dalam suatu kantor akuntan publik adalah dua puluh. - Suatu persekutuan hanya dapat terdiri dari perorangan-perorangan, perusahaan-perusahaan lokal dan/atau cabang dari perusahaan asing. - Tempat kedudukanyang utama atau satu-satunya di wilayah Brunei Darussalam. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(3) Harus membuktikan komitmen untuk merekrut dan lebih mengembangkan sumber daya manusia lokal. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

(d). JasaArsitektur (CPC 8671)	(1) Tidakada, selaindariperencanaan yang harusdisampaikanmelaluiArsitek berlisensidan melalui suatu kemitraan yang terdaftar. (2) Tidakada (3) i). Perusahaan harusterdaftarsebagai sebuah perusahaan sesuai dengan *Companies Act* atau sebagai sebuah firma sesuai dengan *Business Name Act*. ii). Kepemilikan modal asing tidak boleh melebihi 45%. iii). Perusahaan atau firma harusterdaftarpadaKementerian Pembangunan iv). Dewan Direksi sebuah perusahaan harus memenuhi ketentuan yang sudah diatur oleh peraturan yang terkaitdengan arsitek serta terdaftar pada Kementerian Pembangunan	(1) Tidakada (2) Tidakada (3) Tidakterikat	

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	(4) Sebagaitambahanbagihal-hal yang ditunjukkandalambagian horizontal, arsitekberlisensiseharusnyamempunyaikualifikasi akademisdanprofesiyang diakuidanterdaftarsebagai "seseorang yang kompeten" pada Kementrian Pembangunan. Seseorang yang kompeten atau arsitek berlisensi tersebut dapat didaftarkan jika mereka sudah tinggal di Brunei selama setahun dan berpraktik bersama arsitek lokal yang berlisensi.	(4) Tidakterikat	
(h). Jasa kedokteran dan kedokteran gigi (9312)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
B. Komputer dan Jasa yang Terkait dengan Komputer (a). Jasa konsultasi yang berhubungan dengan Pemasangan Perangkat Keras Komputer (b). Jasa Pemasangan Perangkat Lunak (c). Jasa Pemrosesan Data	(1) Tidak ada (2) Tidak ada (3) Keberadaan komersial hanya diperbolehkan melalui perusahaan yang terdaftar di Brunei Darussalam. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

(d). Jasa Basis Data (CPC 841, 842, 843, 844, 845 + 849)			
E.Jasa Penyewaan dan Sewa - Beli tanpa Operator b) Jasa penyewaan dan sewa - beli yang berkaitan dengan pesawat terbang tanpa operator (CPC 83104)	(1) Pesawat terbang harus bersertifikat. Masuk ke Brunei Darussalam tunduk pada perizinan dan pembatasan atas dasar kapasitas infrastruktur. (2) Tidak ada (3) Tidak terikat, kecuali : a. Hanya melalui sebuah kantor perwakilan; b. Hanya dengan penunjukan dari suatu Agen Penjualan Umum, yaitu perusahaan yang dikendalikan oleh warga negara Brunei; dan c. Bertempat tinggal tetap di Brunei Darussalam dipersyaratkan terkait dengan huruf (a). (4) Tidak terikat, kecuali terkait dengan huruf (b), satu jabatan teknis yang didasarkan pada: a. uji ketersediaan lokal, b. ditujukan untuk sejumlah peserta didik Brunei yang ditentukan.	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam kebijakan horizontal (untuk praktik sebuah profesi yang berlisensi di Brunei Darussalam dengan ketentuan sebagai berikut: (a) Tempat kedudukan (b) Pendaftaran	
2. JASA KOMUNIKASI			
C. Jasa Telekomunikasi			

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

1. Layanan Lokal (a). Jasa Telepon Suara Berbasis *Public Switched*	(1) Tunduk pada pengaturan komersial dengan operator (s) berlisensi (2) Tidak terikat (3) Tunduk pada izin dari otoritas pengatur yang berwenang dan Undang-undang Perusahaan Brunei Darussalam. Layanan Telepon Suara Berbasis *Public Switched* lokal diselenggarakan secara eksklusif oleh JTB yang merupakan instansi pemerintah (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horisontal (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	Lihat lampiran Jangka waktuuntuk keistimewaan atas layanan telepon suara berbasis *Public Switched*akan diperpanjang sampai dengan 10 tahun setelah swastaisasi JTB. Pemerintah akan melakukan suatu peninjauan kembali kebijakan dengan pertimbangan apakah akan mengizinkan para pemasok jasa tambahan untuk layanan dimaksud setelah berakhirnya jangka waktu ini. Jangka waktu untuk keistimewaan bagi dua operator dimaksud berakhir pada tahun 2010. Pemerintah akan melakukan suatu peninjauan kembali kebijakan dengan pertimbangan apakah akan mengizinkan para pemasok jasa tambahan untuk layanan dimaksud setelah berakhirnya jangka waktu ini. Penerbitan izin untuk memberikan layanan telepon bergerak seluler publik dengan menggunakan teknologi

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

			selain AMPS dan GSM akan dipertimbangkan oleh Pemerintah pada tahun 2010 apabila kepentingan publik dan kondisi perekonomianmembenarkan izin dimaksud.
2. Jasa Internasional : (a). Jasa Telepon Suara Berbasis *Public Switched*	(1) Tunduk pada pengaturan komersial dengan operator (s) berlisensi (2) Tidak terikat (3) Tunduk pada izin dari otoritas pengatur yang berwenang dan Undang-Undang Perusahaan Brunei Darussalam. Jasa Suara Telepon Umum internasional disediakan secara eksklusif oleh JTB (instansi pemerintah) dan DSTCom (Perusahaan Swasta) (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada, kecuali sebagaimana ditunjukkandalam komitmen horisontal (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
3. Layanan Bergerak : (a). Jasa Telepon bergerak seluler publik	(1) Tunduk pada pengaturan komersial dengan operator berlisensi (2) Tidak terikat (3) Tunduk pada izin dari otoritas pengatur yang berwenang dan Undang-Undang Perusahaan Brunei Darussalam. Jasa Telepon bergerak seluler publik yang menggunakan teknologi AMPS dan GSM diselenggarakan secara khusus oleh DSTCom.	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada, kecuali sebagaimana ditunjukkandalam komitmen horisontal	

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(c). Jasa transmisi data berbasis *circuit-switched* (CPC 7523)	(1) Tidak ada, kecuali penyedia jasa harus menggunakan jaringan telekomunikasi publik di bawah kendali otoritas telekomunikasi pemerintah nasional (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(d). Jasa Teleks (CPC 7523) (e). Jasa Telegraf (CPC 7522)	(1) Tidak ada (2) Tidak ada (3) Tunduk pada izin dari otoritas pengatur yang berwenang dan Undang-Undang Perusahaan Brunei Darussalam. Layanan-layanan ini diselenggarakan secara khusus oleh TelBru Sdn Bhd. (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkandalam komitmen horisontal (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	Jangka waktu keistimewaan untuklayanan ini akan diperpanjang sampai satu tahun hingga 2016.Pemerintah akan melakukan suatu peninjauan kembali kebijakan dengan pertimbangan apakah akan mengizinkan para pemasok jasa tambahan untuk layanan dimaksud setelah berakhirnya jangka waktu ini.
(f). Jasa Faksimili (CPC 7521** + 7529**)	(1) Tidak ada, kecuali penyedia jasa harus menggunakan jaringan telekomunikasi publik di bawah kendali otoritas telekomunikasi pemerintah nasional	(1) Tidak ada	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	(2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(h). Surat Elektronik (CPC 7523**)	(1) Tidak ada, kecuali penyedia jasa harus menggunakan jaringan telekomunikasi publik di bawah kendali otoritas telekomunikasi pemerintah nasional (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(j). Informasi online dan pengambilan basis data (CPC 7523**)	(1) Tidak ada kecuali penyedia jasa harus menggunakan Jaringan Telekomunikasi Publik di bawah Kendali Otoritas Telekomunikasi Nasional Pemerintah (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(k). Pertukaran data elektronik (CPC 7523**)	(1) Tidak ada kecuali penyedia jasa harus menggunakan Jaringan Telekomunikasi Publik di bawah Kendali Otoritas Telekomunikasi	(1) Tidak ada	

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	Nasional Pemerintah (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
(l). Jasa Faksimili dengan Peningkatan/nilai tambah, termasuk penyimpanan, penerusan dan pengambilan (CPC 7523**)	(1) Tidak ada kecuali penyedia jasa harus Menggunakan Jaringan Telekomunikasi Publik di bawah Kendali Otoritas Telekomunikasi Nasional Pemerintah (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam komitmen horisontal	
7. JASA KEUANGAN			
A. <u>Semua jasa asuransi dan jasa terkait</u> (a) Asuransi langsung (jiwa) termasuk tunjangan untuk hari tua, ketidakmampuan memperoleh pendapatan, kecelakaan dan jasa asuransi kesehatan (CPC 8121)	(1) Tidak terikat (2) Tidak ada (3) Keberadaan komersial diperbolehkan hanya melalui perusahaan asuransi yang terdaftar di Brunei Darussalam (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(b) Asuransi langsung (non-jiwa) termasuk ketidakmampuan memperoleh pendapatan, kecelakaan, jasa asuransi	(1) Tidak terikat (2) Asuransi yang diwajibkan untuk kewajiban pihak ketiga dalam hal	(1) Tidak ada (2) Tidak ada	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

kesehatan, kontrak obligasi, kinerja perusahaan atau jaminan kontrak sejenis (CPC 8129)	kendaraan bermotor, dan kompensasi untuk pekerja hanya dapat dibeli dari perusahaan asuransi yang didirikan di Brunei (3) Keberadaan komersial diperbolehkan hanya melalui perusahaan asuransi yang terdaftar di Brunei Darussalam (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(c) reasuransi dan retrosesi (jiwa dan non-jiwa) (CPC 81299)	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(d) Asuransi dan perantaraasuransiterdiri jasa perantara dan agen (CPC 8140)	1) Tidakterikat 2) Perantaraasuransitidakdiperbolehkanuntukmelakukanaktivitasuntuk asuransi yang tidakterdaftar 3) (i) Perantarauntukasuransilangsunguntukwarga negara Brunei membutuhkanpersetujuandariKementerian Keuangan (ii) Perantara, penjaminan, danmanajerasuransimembutuhkanpersetujuan.	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	4) Tidakterikat, kecualisebagaimanaditunjukkandalambagianhorisontal	bagian horisontal	
Jasapendukunguntukasuransi, sebagaiberikut :			
a) konsultasi (tidaktermasukjasaagenasuransiuntukindustriasuransi b) aktuariapenilaianresiko c) manajemenresiko d) penyesuaiankerugianmaritim	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			
A. Hotel dan Restoran (termasuk katering) Jasa penginapan hotel (CPC 64110)	(1) Tidak terikat (2) Tidak terikat (3) Investor asing harus masuk dalam usaha patungan yang keseluruhan muatan lokalnya tidak kurang dari 39% dari jumlah keseluruhan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	
JASA ANGKUTAN			
A. Jasa Angkutan Laut Angkutan penumpang (CPC 7211)	(1) Tidak ada (2) Tidak ada	(1) Tidak ada (2) Tidak ada	

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BRUNEI DARUSSALAM – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	(3) Tidak terikat (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak terikat (4) Tidak ada,kecuali sebagaimana ditunjukkan dalam bagian horisontal	
Angkutan barang (CPC 7212)	(1) Tidak ada (2) Tidak ada (3) tidak terikat (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
B. Angkutan Udara (c) Penyewaan pesawat udara dengan kru (CPC 734)	(1) Tidak ada, kecuali: Pesawat udara harus bersertifikat masuk ke Brunei Darussalam dan tunduk kepada persetujuan dan pembatasan untuk kapasitas infrastruktur (2) Tidak ada (3) tidak terikat, kecuali: a. hanya boleh melalui kantor perwakilan b. hanya melalui perjanjian dari agen penjualan umum, yang merupakan perusahaan yang dikendalikan oleh Warga Negara Brunei c. alamat permanen di Brunei yang sesuai dengan poin (a) (4) Tidak terikat, kecuali yang terkait dengan poin (b), satu pos teknis harus tunduk pada: tes	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan	

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	ketersediaan lokal; penunjukkan sejumlah tertentu dari warga Brunei yang mengikuti pelatihan	dalam bagian horizontal	
(d) pemeliharaan dan perbaikan pesawat udara (CPC 8868**)	(1) Tidak ada (2) Tidak ada (3) tidak terikat (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horizontal	

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PERJANJIAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

KAMBOJA

Jadwal Komitmen Khusus

AC-TIS/SC2/CAM

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
A. KOMITMEN HORIZONTAL DAPAT DITERAPKAN UNTUK SEKTOR-SEKTOR YANG TERDAFTAR PADA BAGIAN SEKTOR DALAM JADWAL			
Subsidi		(3), (4) Tidak terikat untuk subsidi, termasuk untuk penelitian dan pengembangan.	
Kebijakan Pajak		(1), (2), (3) Tidak ada berkenaan dengan Pajak	
Tanah		(3) Orang perseorangan dan badan hukum yang bukan merupakan warga negara Kamboja dapat menyewa tapi tidak berhak memiliki tanah.	
Hak yang diperoleh	Syarat-syarat kepemilikan, pengelolaan, pengoperasian, kegiatan-kegiatan dalam bentuk dan lingkup hukum sebagaimana tercantum dalam suatu perizinan atau bentuk persetujuan lainnya untuk mendirikan atau memberikan kewenangan operasional atau memasok jasa oleh pemasok jasa asing yang ada, tidak akan dilakukan lebih ketat daripada yang sudah dilakukan pada tanggal Kamboja melakukan aksesi ke WTO.		
Insentif penanaman modal	(3) Penanam modal, yang mencari insentif berdasarkan ketentuan-ketentuang Undang-undang Penanaman Modal, wajib memiliki kewajiban untuk menyediakan pelatihan yang memadai dan konsisten bagi staf yang	(3) Tidak ada	

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

	berkewarganegaraan Kamboja, termasuk untuk promosi ke posisi yang lebih tinggi.		
Kehadiran orang perseorangan	(4) Tidak terikat, kecuali untuk kebijakan yang berkenaan dengan izin masuk dan tinggal sementara bagi orang perseorangan yang masuk dari salah satu kategori berikut ini: <u>Kunjungan pelaku usaha</u> Orang perseorangan yang: - memasuki Kamboja dengan maksud ikut serta dalam pertemuan bisnis, membuka kontak bisnis termasuk melakukan negosiasi untuk penjualan jasa dan/atau kegiatan-kegiatan sejenis lainnya; - tinggal di Kamboja tanpa menerima pendapatan dari dalam sumber-sumber di Kamboja. - Tidak terlibat dalam melakukan penjualan langsung kepada publik atau pemasokan jasa. Visa masuk untuk kunjungan pelaku usaha wajib berlaku untuk suatu jangka waktu 90 hari dengan masa tinggal awal selama 30 hari, yang dapat diperpanjang.	(4) Tidak terikat, kecuali untuk kebijakan yang mempengaruhi kategori-kategori yang mengacu pada akses pasar	
	<u>Pihak-pihak yang bertangung jawab untuk mengatur suatu pendirian suatu perusahaan komersial:</u> Pihak-pihak yang bekerja pada suatu posisi eksekutif atau manajerial, yang menerima penghasilan dari suatu		

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	entitas sebagaimana tersebut di bawah ini, yang bertangung jawab untuk pengaturan di Kamboja dari suatu kehadiran komersial atas pemasok jasa dari suatu negara anggota yang akan mendukung pekerjaan dari pihak-pihak yang sebagaimana disebut dalam butir-butir a, b, dan c di bawah. Pihak-pihak tersebut bukan merupakan subyek yang diberikan ketentuan suatu jangka waktu tinggal yang maksimum.		
	Perpindahan dalam perusahaan Orang perseorangan yang telah dipekerjakan oleh suatu badan hukum dari negara anggota lainnya untuk jangka waktu yang tidak kurang dari 1 tahun dan yang mencari izin tinggal sementara untuk menyediakan jasa melalui suatu cabang, cabang pembantu dan afiliasi perusahaan di Kamboja dan yang merupakan: a) Eksekutif: tanpa memerlukan ujian kesesuaian dalam bursa tenaga kerja, seseorang dalam suatu organisasi yang secara utama mengarahkan pengelolaan organisasi, membiasakan pengambilan keputusan secara bebas, dan hanya menerima pengawasan dan arahan umum dari pimpinan yang lebih tinggi, dewan direktur, atau pemegang saham dari suatu usaha. Pimpinan tidak akan melaksanakan secara langsung tugas-tugas yang berkaitan dengan pemasokan aktual suatu jasa atau jasa-jasa organisasi.		

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	b) Manajer: tanpa memerlukan ujian dalam bursa tenaga kerja, orang perseorangan yang dipekerjakan oleh suatu badan hukum dan memiliki pengetahuan pada tingkat keahlian yang lebih tinggi atau memiliki pengetahuan tentang produk, jasa, perlengkapan, penelitian, teknik atau pengelolaan dari entitas yang berbadan hukum dan yang secara utama mengarahkan organisasi atau suatu departemen dari organisasi; mengawasi dan mengontrol pekerjaan dari pengawas, pekerja profesi dan manajer lainnya; memiliki kewenangan untuk mempekerjakan dan memecat atau merekomendasikan untuk mempekerjakan, memecat atau melakukan tindakan-tindakan kepegawaian lainnya; dan menerapkan kewenangan secara fleksibel atas tugas operasional harian. Mereka tidak melibatkan pengawas lini pertama, kecuali jika karyawan yang diawasi adalah tenaga ahli, atau mereka tidak termasuk pekerja yang tugas utamanya dibutuhkan untuk penyediaan jasa. c. Spesialis: orang perseorangan dalam suatu organisasi yang memiliki pengetahuan pada tingkat keahlian tinggi yang berkelanjutan dan memiliki pengetahuan tentang jasa organisasi, perlengkapan penelitian, metoda-metoda atau pengelolaan. Ijin tinggal dan ijin kerja sementara disyaratkan bagi orang perseorangan		

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	yang didefinisikan dibawah perpindahan antar perusahaan. Ijin tersebut diterbitkan selama dua tahun dan bisa diperbaharui setiap tahun maksimal keseluruhan lima tahun.		
B. SEKTOR – KOMITMEN KHUSUS			
I. JASA BISNIS			
1. Jasa Profesi			
(a). Jasahukum (CPC 861):	(1) Tidakada (2) Tidakada (3) Ada hubungankomersialdengan firma hukumKamboja[1], dantidakbolehmewakilikliensecaral angsung di pengadilan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, sebagaimana ditunjukkan dalam komitmen horizontal	
Konsultasi hukum pihak asing tentang hukum yuridiksi dimana pemasok jasa di kualifikasikan sebagai pengacara (termasuk hukum negara asal, hukum pihak ketiga, dan hukum internasional)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
(b). Akuntansi, audit, pembukuan	(1) Tidak ada, kecuali harus memiliki	(1) Tidak ada	

[1]Jika jasa hukum disediakan dalam hukum asing (termasuk hukum negara asal dan hukum pihak ketiga) dan hukum internasional, hubungan komersial dengan Firma hukum Kamboja adalah tidak dipersyaratkan. Hubungan komersial dimaksudkan untuk setiap pengaturan komersial dan tidak termasuk bentuk badan hukum spesifik

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

(CPC 86211, 86212, 86220)	kehadiran komersial di Kamboja untuk jasa audit. (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	 (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
(c). Jasaperpajakan (CPC 8630)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	Penawaran ini didasarkan pada rejim perizinan baru berdasarkan Aturan baru Telekomunikasi 2001
(d). Jasa arsitektur (jasa konsultasi, perencanaan atau disain) (CPC 8671)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada, (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
(e). Jasa Perekayasaan (CPC 8672) (f). Jasa Perekayasaan terpadu (CPC 8673) (g). Jasa perencanaan perkotaan dan arsitekturpertamanan (CPC 8674)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	

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(h). Jasa Kedokteran Spesialis (CPC 93122) Jasa Kedokteran Gigi (CPC 93123**) Jasa-jasa ini terbatas hanya pada jasa orthodontis, bedah mulut, dan jasa kedokteran gigi spesialis lainnya	(1) Tidak terikat (2) Tidak ada (3) Penyediaan jasa diizinkan melalui perusahaan patungan dengan badan hukum Kamboja (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
2. Jasa Komputer dan Jasa Terkait			
(a). Jasa konsultasi yang berkaitan dengan pemasangan perangkat keras komputer (CPC 841) (b). Jasa pemasangan perangkat lunak (CPC 842) (c). Jasa pemrosesan data (CPC 843) (d). Jasa Basis Data (CPC 844) (e). Lainnya (CPC 845+849)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
5. Jasa Penyewaan/Sewa Beli Tanpa Operator			
(d). Penyewaan dan sewabeli peralatan studio rekaman (CPC 83109**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali	

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

	ditunjukkan dalam komitmen horizontal	sebagaimana ditunjukkan dalam komitmen horizontal	
6. Jasa Bisnis Lainnya			
(a). Jasa periklanan (CPC 871)	(1), (2), (3) Tidak terikat sampai 31 Desember 2008 (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1), (2), (3) Tidak terikat sampai 31 Desember 2008 (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	Kamboja akan melaksanakan komitmen paling lambat 1 Januari 2009
(b). Jasa penelitian pasar (CPC 86401) (c). Jasa konsultasi manajemen (CPC 865) (d). Jasa yang berhubungan dengan konsultasi manajemen (CPC 866) (e). Jasa analisa dan pengujian teknis (CPC 8676)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
(h). Jasa insidental untuk pertambangan (CPC 883**) (j). Jasa insidental untuk distribusi energy (887**) Secara khusus hanya mencakup jasa konsultasi yang berhubungan dengan transmisi dan distribusi berdasarkan bea atau kontrak listrik, bahan bakar gas, uap dan air panas untuk penggunaan rumah tangga, industri, komersial dan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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pengguna lainnya			
(k). Jasa penempatan dan penyediaanpegawai (CPC 872) (m).Jasa Perekayasaan konsultasi ilmiah dan teknis (CPC 8675) (q). Jasapengepakan (CPC 876)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
II. JASA KOMUNIKASI			
2. Jasa kurir			
Jasa kurir (CPC 7512)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
3. Jasa Telekomunikasi Komitmen yang diberikan konsisten dengan "*Notes for Scheduling Basic Telecom Services Commitments*" (S/GBT/W/2/Rev.1) dan "Market Access *Limitations on Spectrum Availability*" (S/GBT/W/3)			
(a). Jasateleponsuara (CPC 7521) (b). Jasatransmisi data berbasis *packet-switched* (CPC 7523**) (c). Jasatransmisi data	(1) Jasa diselenggarakan hanya melalui sirkit sewa dari Telkom Kamboja. Dimulai tidak lewat dari tanggal 1 Januari 2009: Tidak ada (2) Tidak ada (3) Diselenggarakan secara istimewa	(1) Jasa diselenggarakan hanya melalui sirkit sewa dari Telkom Kamboja. Dimulai tidak lewat dari tanggal 1 Januari 2009: Tidak ada (2) Tidak ada	Kamboja akan melakukan kewajiban sebagaimana disebut dalam Dokumen Rujukan terlampir

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

berbasis*circuit-switched* (CPC 7523**) (d). Jasa teleks (CPC 7523**) (e). Jasa telegraf (CPC 7522) (f). Jasa faksimili (CPC 7521**+ 7529**) (g). Jasa sirkit-sewa tertutup (CPC 7522**+7523**)	oleh Telkom Kamboja. Dimulai tidak lewat dari tanggal 1 Januari 2009. Tidak ada, kecuali tunduk pada persyaratan kepemilikan saham lokal sampai dengan 49% (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Diselenggarakan secara istimewa oleh Telkom Kamboja. Dimulai tidak lewat dari tanggal 1 Januari 2009: Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(h). Surat elektronik (CPC 7523**) (i). Surat suara (CPC 7523**) (j). penelusuran informasi dan basis data secara online (CPC 7523**) (k). Pertukaran Data Elektronik (CPC 7523**) (l). Jasa faksimili dengan peningkatan/ nilai tambah, termasuk penyimpanan dan pengiriman, penyimpanan dan pengambilan (CPC 7523**) (m). Konversi kode dan protokol (n). Informasi online dan/atau pemrosesan data (termasuk proses transaksi) (CPC 843**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	
(o). Jasa lainnya: - Jasa bergerak	(1) Tidak ada (2) Tidak ada	(1) Tidak ada (2) Tidak ada	Kamboja berkomitmen untuk mengizinkan para pemasok jasa telekomunkasi bergerak

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	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	berlisensi untuk memilih teknologi yang akan digunakan dalam penyediaan jasa tersebut.
III. JASA KONSTRUKSI DAN JASA YANG BERKAITAN DENGAN REKAYASA			
(1) Pekerjaan Konstruksi Umum Untuk Bangunan (CPC 512) (2) Pekerjaan Konstruksi Umum Untuk Rekayasa Sipil (CPC 513) (3) Pekerjaan Pemasangan dan Perakitan (CPC 514; CPC 516) (4) Pekerjaan Penyelesaian dan Finalisasi Bangunan (CPC 517) (5) Lainnya (CPC 511, 515, 518)	(1) Tidakterikat* (2) Tidakada (3) Tidakada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidakterikat* (2) Tidakada (3) Tidakada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	
IV. JASA DISTRIBUSI			
1. Jasa Komisi Agen (CPC 621)	(1), (2), (3) Tidak terikat sampai 31 Desember 2008, setelah itu Tidak Ada hambatan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	Kamboja akan memberikan komitmen tidak lebih dari 1 Januari 2009
2. Jasaperdagangangrosir	(1) Tidakada	(1) Tidakada	

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

- Jasaperdagangangrosirperalatan radio dantelevisi, alatmusikdanrekaman, *music scores and tapes* (CPC 62244) - Jasa perdagangan grosir untuk kendaraan bermotor (CPC 61111) - Penjualanbagiankendaraanbermotor (CPC 6113) - Penjualansepeda motor danonderdilnya (CPC 6121)	(2) Tidakada (3) Tidakada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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3. Jasa eceran Hanya untuk supermarket dan toko besar serba ada[2]: - Jasa eceran makanan dan bukan-makanan(CPC631+632), tidak termasuk penjualan barang obat-obatan, barang-barang kesehatan dan ortopedi (CPC 63211) - Jasa eceran peralatan radio dan televisi, peralatan alat musik dan buku partitur dan rekaman dan pita audio dan video (CPC 63234) - Penjualaneceran kendaraan bermotor (CPC 61112); - Penjualansukucadangken daraanbermotor (CPC 6113); - Penjualansepeda motor dan sukucadangnya (CPC 6121).	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
4. Jasawaralaba (CPC 8929)	(1), (2), (3) Tidak terikat sampai 31 Desember 2008, setelah itu Tidak	(1) Tidak ada	Kamboja akan memberikan komitmen

[2]Supermarket dan toko serba ada besar adalah toko dengan luas lantai tidak kurang dari 2,000 m2

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

	Ada hambatan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	tidak lebih dari 1 Januari 2009
5. Lainnya Penjualan eceran bahan bakar motor (CPC 613)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	
V. JASA PENDIDIKAN			
(2) asapendidikantinggi (CPC 923) 4. Pendidikanuntuk orang dewasa (CPC 924) 5. Jasapendidikanlainnya (CPC 929)	(1) Tidak ada (3) idak ada (4) idak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagianhorizontal.	(1) Tidak ada (5) idak ada (6) idak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	Kamboja akan merumuskan proses akreditasi independen nasional untuk tujuan pasar dalam jasa pendidikan dan jasa profesi yang sejalan dengan praktek yang sudah mendunia
VI. JASA LINGKUNGAN HIDUP			
1. Jasapembuanganlimbah (CPC 9401) 2. Jasapembuangansampah (CPC 9402)	(1) Tidak ada (2) Tidak ada (3) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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3. Jasa sanitasi dan sejenisnya (CPC 9403) 4. JasaLainnya - Pembersihan gas buangan (CPC 9404) - Jasapenanggulangankebisingan (CPC 9405) - Jasa perlindungan alam dan tata ruang (CPC 9406) - Jasa lingkungan hidup lainnya yang tidak termasuk di tempat lain (CPC 9409)	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
VII. JASA KEUANGAN			
1. Semua Jasa Asuransi dan Jasa Terkait Asuransi			
(a) Jasa Asuransi Jiwa (CPC 81211)	(1) Orang-perorangan atau badan hukum dapat melakukan kontrak hanya dengan perusahaan asuransi yang diizinkan melakukan usaha asuransi di Kerajaan Kamboja (2) Tidak ada (3) Tidak Ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

(b) Jasa Asuransi Non-Jiwa (CPC 8129)	(1) Tidak ada pembatasan untuk asuransi pelayaran, penerbangan dan angkutan mulai 1 Januari 2009, atau sejak dikeluarkannya undang-undang, peraturan yang tepat dan badan usaha lokal yang disyahkan, yang manapun yang lebih dahulu. Sampai persyaratan di atas terpenuhi, jasa asuransi pelayaran, penerbangan dan angkutan dapat disediakan oleh perusahaan asuransi yang diizinkan melakukan usaha asuransi di Kerajaan Kamboja. Untuk semua jasa asuransi non-jiwa, orang-perorangan atau badan hukum dapat melakukan kontrak hanya dengan perusahaan asuransi yang diizinkan melakukan usaha asuransi di Kerajaan Kamboja. (2) Tidak ada (3) Tidak Ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
(c) Reasuransidanretrosesi (CPC 81299)	(1) Tidak ada, kecuali perusahaan harus memberikan reasuransi sebesar 20% atas risikonya di Kamboja sampai dengan 31 Desember 2008. Kontrak asuransi atau total nilai yang diasuransikan	(1) Tidak ada	

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	kurang atau sama dengan USD 500.000 harus direasuransikan secara lokal samapi 31 Desember 2008. Setelah itu, tidak ada pembatasan (2) Tidak ada (3) Tidak ada, kecuali perusahaan harus memberikan reasuransi sebesar 20% atas risikonya di Kamboja sampai dengan 31 Desember 2008. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
(d) Jasa tambahan terhadap jasa asuransi (termasuk jasa broker dan keagenan) (CPC 8140)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
1. Jasa Perbankan dan Jasa Keuangan Lainnya			
Komitmen pada subsektor (a), (b), dan (d) hanya untuk jasa perbankan komersial. (a) Penerimaan deposit dan dana publik yang dapat dibayarkan kembali (CPC 81115 – 81119); (b) Semua jenis pinjaman	(1) Tidak ada, kecuali deposit dari publik harus diinvestasikan kembali di Kamboja (2) Tidak ada (3) Tidak ada, kecuali hanya diizinkan melalui institusi keuangan yang disamakan dengan bank	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

termasuk di antaranya kredit konsumen, kredit penggadaian, anjak piutang danpembiayaantransaksi komersial (CPC 8113); (d) Semua jasa pembayaran dan pengiriman uang, termasuk kartu kredit, debit, dan biaya pembebanan, cek perjalanan dan *bankers drafts* (CPC 81339[3])	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
Komitmen pada subsektor (c), dan (e) hanya untuk jasa perbankan komersial. (c) sewa keuangan (e) penjaminan dan dan tanggungan	(1) Tidak Terikat (2) Tidak ada (3) Tidak Terikat hingga undang-undang terkait dan peraturan terkait disyahkan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4)Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
(f) Perdagangan untuk rekening pribadi atau rekening, yang dilakukan dalam pertukaran mata uang, dalam bursa atau *over-the-counter market* atau sebaliknya, meliputi: (A) instrumen keuangan pasar (termasuk cek, tagihan, sertifikan deposit); (B) pertukaran mata uang asing; (C) produk turunan	(1) Tidak Terikat (2) Tidak ada (3) Tidak Terikat untuk subsektor (f) – (l), hingga Gubernur Bank Kamboja menentukan jenis pengaturan yang dapat menjalankan jasa-jasa ini, undang-undang dan peraturan terkait disyahkan dan jenis usaha tertentu disyahkann oleh pemerintah atau otoritas yang ditentukan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	

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mencakup tapi tidak terbatas pada *futures and options;* (D) instrumen nilai pertukaran mata uang dan instrumen bunga mencakup produk seperti *swaps, forward rate agreement;* (E) sekuritas yang dapat dipindah tangankan; (F) instrumen dan aset keuangan lain yang dapat dinegosiasikan termasuk logam mulia (*bullion)* (g) Keikutsertaan dalam kegiatan semua jenis sekuritas, termasuk penyusunan dan penempatan agensi (baik publik maupun swasta) dan penyediaan jasa terkait kegiatan tersebut; (h) broker keuangan (i) pengelolaan aset seperti pengelolaan dana tunai dan portofolio, semua bentuk pengelolaaninvestasi kolektif, pengelolaan dana pensiun, kustodi, deposit dan jasa *trust;*	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.		
(j) Jasa *settlement* dan kliring aset keuangan termasuk sekuritas, produk turunan dan instrumen lain yang dapat dirundingkan; (k) penyediaan informasi keuangan, dan pemrosesan			

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data keuangan dan perangkat lunak terkait oleh pemasok jasa lainnya (l) pemberian nasihat, intermediasi dan jasa keuangan tambahan lainnya dalam semua aktifitas yang tercakup dalam subparagraf (v) sampai (xv), termasuk referensi dan analisa kredit, riset dan nasihat investasi dan portofolio, nasihat dalam akuisisi dan dalam restrukturisasi dan strategi perusahaan.			
VIII. JASA SOSIAL DAN YANG TERKAIT DENGAN KESEHATAN			
1. Jasa rumah sakit Kepemilikan dan pengelolaan rumah sakit dan klinik swasta saja	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sekurang-kurangnya satu orang direktur untuk hal-hal teknis wajib orang Kamboja (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
IX. JASA PARIWISATA DAN YANG TERKAIT DENGAN PERJALANAN			

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1. Hotel (CPC 64110)	(1) Tidak ada (2) Tidak ada (3) Tidak ada untuk hotel bintang 3 atau yang lebih tinggi[3] (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
Restoran (CPC 642, 643)	(1) Tidak terikat * (2) Tidak ada (3) Izin diberikan dengan memperhatikan karateristik wilayah[4] (4) Tidak terikat	(1) Tidak terikat * (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
2 Jasa agen perjalanan dan penyelenggara tur (CPC7471)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

[3]Hotel bintang tiga sebagaimana ditentukan dalam Draft Kelima Pengklasifikasian Peringkat Hotel pada bulan Maret 2003 yang akan dilaksanakan pada bulan Desember 2003.
[4]Kriteria utama adalah: jumlah dan dampak pada restoran yang ada, karakteristik yang bernilai sejarah dan bernilai seni pada lokasi, penyebaran geografis, dampak terhadap kondisi lalu lintas dan penciptaan lapangan kerja baru.

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

	keikutsertaan modal asing pada agen perjalanan dibatasi sampai sebesar 51 %. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
3. Jasapemanduturis (CPC 7472)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal. Persyaratan kewarganegaraan Kamboja bagi para pemandu turis.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (1) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
X. JASA-JASA REKREASI, BUDAYA DAN OLAHRAGA			
Jasa-jasa hiburan lainnya n.e.c. (CPC 96199): Jasa teater bioskop, termasuk jasa proyektor bioskop	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali	

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	sebagaimana diatur dalam bagianhorizontal.	sebagaimana diatur dalam bagianhorizontal.	
XI. JASA ANGKUTAN			
1. Jasa di BidangKelautan			
Angkutaninternasional (barangdanpenumpang) (CPC7211 and 7212), tidaktermasuk*cabotage*	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat.	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat.	Apabila tidak disediakan sebaliknya bagi para pemasok angkutan laut internasional sesuai dengan pasal XXVIII (c) (ii), tidak ada kebijakan wajib diberlakukan yang menolak akses wajar dan tidak diskriminatifuntuk layanan-layanan berikut ini: 1. Bantuan penderekan dan penarikan; 2. Penyediaan, pengisian bahan bakar dan pengisian air. 3. Pengumpulan sampah dan pembuangan limbah berat; 4. Fasilitas perbaikan dalam keadaan darurat; 5. *Lightering and water taxi services;* 6. Agen perkapalan; 7. Perantara Kepabeanan;

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

			8. Jasa bongkar muat dari dan ke kapal dan jasa terminal; 9. Jasa survei dan penglasifikasian.
3. Jasa Angkutan Udara			
- asa perbaikan dan perawatan pesawat (CPC 8868) - asa penjualan dan pemasaran angkutan udara - istem Reservasi Komputer (CRS)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	
6. Jasa Angkutan Darat			
(a) ngkutan penumpang (CPC 7121 + 7122) (b) ngkutan barang (CPC 7123) (c) enyewaan kendaraan komersial dengan operator (CPC 7124) (d) emeliharaan dan perbaikan perlengkapan angkutan darat (CPC 6112+8867) (e) asa pendukung untuk jasa	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagianhorizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagianhorizontal.	

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angkutan darat (CPC 744)			
7. JasaAngkutanPipa			
(a) ngkutan bahan bakar (CPC 7131) (b) ngkutan barang lainnya (CPC 7139)	(1) Layanan-layananharusdisediakanmelaluisu atu kontrakkonsesi yang diberikanoleh Negara tersebut berdasarkankasus per kasus. (2) Tidak ada (3) Layanan harus disediakan melalui kontrak konsesi yang diberikan oleh Negara tersebut berdasarkan kasus per kasus. (4) TTidak terikat, kecuali sebagaimana ditunjukkan dalam bagianhorizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagianhorizontal.	

KERTAS ACUAN

Ruang Lingkup

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Berikut ini adalah definisi-definisi dan prinsip-prinsip tentang kerangka kerja peraturan untuk jasa telekomunikasi dasar.

Definisi

Pengguna berarti konsumen jasa dan pemasok jasa.

Fasilitas esensial berarti fasilitas suatu jasa atau jaringan pembawa telekomunikasi umum yang:

(a) disediakan secara eksklusif atau secara dominan oleh suatu atau sejumlah terbatas pemasok ; dan

(b) tidak dapat layak secara ekonomi atau digantikan secara teknis dalam rangka menyediakan suatu jasa.

Pemasok utama adalah pemasok yang memiliki kemampuan untuk mempengaruhi secara material syarat-syarat partisipasi (sehubungan dengan harga dan (pasokan) di pasar terkait untuk jasa telekomunikasi dasar sebagai akibat dari:

(a) Pengendalian atas fasilitas esensial; atau

(b) Penggunaan posisinya di pasar.

1. Pengamanan persaingan

1.1 Pencegahan praktek anti-persaingan dalam bidang telekomunikasi

Kebijakan yang tepat wajib diberlakukan untuk tujuan mencegah para pemasok, yang, secara sendiri atau bersama-sama, merupakan pemasok utama untuk terlibat di dalam atau melanjutkan praktek anti-persaingan.

1.2 Pengamanan
Praktek anti-persaingan yang disebut di atas wajib meliputi, khususnya:

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(a) terlibat di dalam pemberian subsidi silang anti-persaingan;

(b) menggunakan informasi yang diperoleh dari para pesaing yang mengakibatkan anti-persaingan; dan

(c) tidak menyediakan kepada pemasok jasa lain secara tepat waktu, informasi teknis dasar tentang fasilitas-fasilitas esensial dan informasi yang relevan secara komersial yang mereka perlukan untuk menyediakan jasa.

2. Interkoneksi

2.1 Bagian ini berlaku untuk menghubungkan dengan para pemasok yang menyediakan jasa atau jaringan pengantar telekomunikasi umum untuk mengijinkan para pengguna suatu pemasok untuk berkomunikasi dengan para pengguna pemasok lainn dan untuk mengakses jasa yang sediakan oleh pemasok lain, dimana komitmen spesifik dilaksanakan.

2.2 Interkoneksi yang dijamin
Interkoneksi dengan suatu pemasok utama akan dijamin pada setiap titik jaringan yang secara teknis dimungkinkan. Interkoneksi tersebut disediakan:

(a) berdasarkan ketentuan non-diskriminasi, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif, , dan yang mutunya tidak kurang dari jasa yang disediakan untuk jasanya sendiri yang sejenis atau untuk jasa sejenis dari pemasok jasa non-afiliasi atau untuk anak perusahaannya atau afiliasi lainnya;

(b) secara tepat waktu, berdasarkan ketentuan, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif yang berorientasi pada biaya yang transparan, wajar, mempertimbangkan kelayakan ekonomi, dan cukup unbundled sedemikian rupa sehingga pemasok jasa tidak perlu membayar untuk komponen-komponen atau fasilitas-fasilitas jaringan yang tidak dibutuhkannya untuk jasa yang akan disediakan; dan

(c) atas dasar permintaan, di titik-titik disamping titik terminasi jaringan yang ditawarkan untuk mayoritas pengguna, berdasarkan pada biaya-biaya yang menggambarkan biaya konstruksi fasilitas tambahan yang diperlukan.

2.3 Prosedur yang tersedia secara umum untuk perundingan interkoneksi
Prosedur yang berlaku untuk interkoneksi kepada pemasok utama akan dibuat tersedia secara umum

2.4 Keterbukaan pengaturan interkoneksi

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Dijamin bahwa pemasok utama akan tersedia secara umum baik perjanjian-perjanjian interkoneksinya atau penawaran interkoneksi acuan.

2.5 Interkoneksi: penyelesaian sengketa
Pemasok jasa yang meminta interkoneksi dengan pemasok utama akan memiliki pilihan, apakah:

(a) pada setiap saat; atau

(b) setelah jangka waktu yang wajar yang telah diumumkan kepada masyarakat umum,

kepada sebuah badan domestik independen, yang bisa merupakan badan pengatur sebagaimana disebut pada butir 5 dibawah, untuk menyelesaikan sengketa mengenai ketentuan, persyaratan dan tarip yang sesuai untuk interkoneksi dalam jangka waktu yang wajar, sampai batas bahwa hal ini belum ditetapkan sebelumnya.

3. Jasa Universal

Setiap anggota berhak menetapkan jenis kewajiban jasa universal yang ingin diberlakukan. Kewajiban-kewajiban tersebut tidak dengan sendirinya dianggap sebagai anti-persaingan, asalkan diurus secara transparan, non-diskriminatif dan netral secara kompetitif dan tidak lebih memberatkan dibanding yang diperlukan untuk jenis jasa universal yang ditetapkan oleh negara anggota

4. Ketersediaan Kriteria Perijinan Bagi Umum

Apabila ijin diperlukan, maka hal-hal berikut wajib tersedia untuk umum:

(a) semua kriteria perijinan dan jangka waktu yang biasanya diperlukan untuk mencapai keputusan mengenai sebuah permohonan ijin; dan

(b) ketentuan-ketentuan dan syarat-syarat masing-masing ijin.

Alasan-alasan penolakan sebuah ijin wajib diberitahukan kepada pemohon bila diminta.

5. Pengatur Independen

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Badan pengatur adalah terpisah dari, dan tidak bertanggungjawab atas pasokan jasa telekomunikasi dasar. Keputusan dari dan prosedur-prosedur yang digunakan oleh pengatur wajib bersifat tidak memihak sehubungan dengan semua peserta pasar.

6. Alokasi dan penggunaan sumberdaya langka

Setiap prosedur untuk alokasi dan penggunaan sumberdaya langka, termasuk frekuensi, jumlah dan hak menentukan cara, akan dilaksanakan secara obyektif, tepat waktu, transparan dan non-diskriminatif. Pita frekuensi yang dialokasikan saat ini akan dibuat tersedia secara umum tetapi identifikasi rinci dari frekuensi yang dialokasikan untuk penggunaan khusus pemerintah tidak diperlukan.

KAMBOJA – DAFTAR PENGECUALIAN MFN

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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KAMBOJA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Negara yang memberlakukan kebijakan dimaksud	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian
Jasa Audiovisual				
Produksi dan distribusi program-program televisi dan karya film	Kebijakan yang didasarkan atas perjanjian produksi bersama karya audiovisual, yang menerapkan Perlakuan Nasional pada karya audiovisual yang masuk ruang lingkup perjanjian dimaksud.	Negara-negara yang sedang maupun yang akan melaksanakan perjanjian bilateral atau multilateral.	Tidak ditentukan	Tujuan dari perjanjian ini adalah untuk mempromosikan jalinan budaya diantara Negara-negara yang berkepentingan.
Produksi dan distribusi program-program televisi dan karya film	Kebijakan yang memberikan keuntungan bagi program pendukung (seperti "Fonds d'aide a la production de l"agence intergouvernmental de la Francophonie") pada karya audiovisual dan bagi penyedia yang memenuhi kriteria asal pekerjaan dimaksud.	Negara-negara yang perjanjian bilateral atau multilateralnya sudah ditandatangani dalam bidang kerjasama budaya.	Tidak ditentukan	Program ini bertujuan untuk memelihara dan mempromosikan identitas budaya Negara-negara yang telah menjalin kerjasama budaya dengan Kamboja.
Produksi dan distribusi karya Audiovisual melalui transmisi siaran kepada publik.	Kebijakan yang memperpanjang Perlakuan Nasional untuk pekerjaan audiovisual yang memenuhi kriteria asal tertentu yang berkaitan dengan akses terhadap transmisi penyiaran.	Negara yang perjanjian bilateral atau multilateralnya sudah disepakati dalam bidang kerjasama budaya.	Tidak ditentukan	Tujuan kebijakan ini, didalam sektor, adalah untuk mempromosikan nilai-nilai budaya baik didalam Kamboja sendiri, maupun dengan negara-negara lain, yang termasuk dalam kawasan.

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KAMBOJA – DAFTAR PENGECUALIAN MFN

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Negara yang memberlakukan kebijakan dimaksud	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian
Angkutan darat	Perjanjian fasilitasi angkutan dan angkutan transit.	Perjanjian bilateral atau multilateral yang ada dan yang akan ada.	Tidak ditentukan	Kebutuhan untuk mempromosikan pariwisata dan perdagangan dalam bidang jasa angkutan terutama diantara negara-negara tetangga.
Angkutan perairan internal	Menetapkan prosedur, biaya-biaya dan regulasi khusus yang dikenakan pada kapal-kapal dari Negara-negara yang beroperasi di lembah sungai Mekong	Perjanjian bilateral atau multilateral yang ada dan yang akan ada	Tidak ditentukan	Menjamin dan memfasilitasi pelayaran di sungai Mekong.
Angkutan laut	Menetapkan prosedur, biaya dan regulasi khusus untuk angkutan laut yang dikenakan pada kapal-kapal dari Negara-negara yang beroperasi di Teluk Siam	Perjanjian bilateral atau multilateral yang ada dan yang akan ada	Tidak ditentukan	Menjamin dan memfasilitasi pelayaran di Teluk Siam.

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

PERSETUJUAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

INDONESIA

Jadwal Komitmen Khusus

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORISONTAL			
SELURUH SEKTOR TERMASUK DALAM JADWAL INI	(3) Kehadiran komersial dari penyedia jasa asing dapat dalam bentuk usaha patungan dan/atau kantor perwakilan, kecuali disebutkan sebaliknya. Usaha patungan seharusnya memenuhi persyaratan sebagai berikut : (i) seharusnya dalam bentuk PT (Perseroan Terbatas) (ii) tidak lebih dari 49% saham Perseroan Terbatas dapat dimiliki oleh mitra-mitra asing.	(3) Penguasaan Hak atas Tanah Undang-Undang Pokok Agraria No. 5 Tahun 1960 menyebutkan bahwa tidak ada orang asing (badan hukum dan orang perseorangan) diizinkan untuk memiliki hak atas tanah. Walaupun demikian, suatu perusahaan patungan dapat memperoleh hak guna usaha atas tanah dan hak guna bangunan, dan mereka dapat menyewa/menyewa-beli atas tanah dan bangunan. Setiap badan usaha dan orang perseorangan seharusnya memenuhi persyaratan kualifikasi profesional.	
	(4) Berdasarkan Peraturan Perundang-undangan Ketenagakerjaan dan Keimigrasian, hanya para direktur, manajer, dan tenaga ahli /penasihat teknis, kecuali disebutkan lain, diizinkan untuk tinggal selama dua tahun dan dapat diperpanjang maksimum dua kali dengan masing-masing perpanjangan selama dua tahun. Manajer dan tenaga ahli teknis (pengalihan di dalam perusahaan) diizinkan berdasarkan suatu pengujian kebutuhan ekonomi.	(4) Pungutan atas Tenaga Kerja Asing Setiap orang perseorangan dari negara asing yang memasok jasa dikenakan pungutan oleh Pemerintah. Peraturan Perundang-undangan Ketenagakerjaan. Setiap tenaga kerja asing yang dipekerjakan oleh suatu perusahaan patungan, kantor perwakilan, dan/atau jenis-jenis badan usaha lainnya dan/atau suatu penyedia jasa perorangan harus memiliki suatu izin bekerja yang sah yang diterbitkan oleh Kementerian Tenaga Kerja dan	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	Izin masuk dan tinggal sementara bagi kunjungan bisnis diizinkan sampai periode 60 hari dan dapat diperpanjang maksimal untuk 120 hari.	Transmigrasi.	

Definisi:

"Direktur": Satu atau sekelompok orang yang dipercaya oleh para pemegang saham dari suatu entitas penyedia jasa yang mengendalikan dan mengat perusahaan-perusahaan secara keseluruhan, dan secara hukum bertanggung jawab untuk bertindak atas nama perusahaan di dalam dan/atau di luar pengadilan.

"Manajer": Pekerja senior dari satu pemasok jasa yang utamanya mengatur pengelolaan organisasi, menerima pengawasan umum atau arahan yang terutan berasal dari dewan direksi perusahaan, termasuk mengarahkan pemasok jasa atau suatu departemen atau sub divisi daripadanya, mengawasi atau mengendalika pekerjaan dari pengawasan, pekerja profesional, atau manajerial lainnya atau memiliki kewenangan untuk mempekerjakan atau memecat atau merekomendasika tindakan personil lainnya.

"Tenaga Ahli/ Penasihat ": Orang yang dipekerjakan oleh satu pemasok jasa yang memiliki suatu standar tinggi atau umum (i) kualifikasi merujuk pada satu jen pekerjaan atau perdagangan yang mensyaratkan pengetahuan teknis khusus atau (ii) pengetahuan utama atau yang sesuai dengan jasa dimaksud, perlengkapa teknik atau manajemen riset.

"Operator Patungan": Suatu operasional bersama yang dilakukan antara satu atau beberapa perusahaan asing dan perusahaan Indonesia yang bersif sementara, untuk melaksanakan satu atau beberapa proyek / usaha tanpa membentuk suatu badan hukum baru sesuai dengan hukum Indonesia.

"Perusahaan Patungan ": Suatu entitas hokum yang dilakukan hukum Indonesia dan domisili Indonesia, dalam bentuk kerja sama antara modal asing dan mod (nasional) Indonesia.

"Manajemen Kontrak": Manajemen kontrak adalah suatu kontrak yang dilakukan berdasarkan hukum Indonesia dalam bentuk kerja sama mengenai pengelola yang bersifat sementara antara modal (nasional) Indonesia dan modal asing.

Pelaku bisnis asing adalah orang perseorangan yang tinggal di Indonesia untuk masuk ikut serta dalam temu usaha, kontak bisnis termasuk perundingan-perundingan untuk penjualan jasa dan/atau kegiatan-kegiatan serupa lainnya termasuk yang mempersiapkan pendirian suatu kehadiran komersial di Indonesia, tanpa memperoleh pendapatan dan/atau setiap penghasilan langsung launnya langsung lainnya di wilayah Indonesia, dan tidak terikat dalam melakukan penjualan langsung atau pemasokan jasa untuk masyarakat umum.

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Indonesia			
JASA-JASA KONSTRUKSI DAN YANG TERKAIT DENGAN PEREKAYASAN			
A. Pekerjaan konstruksi umum bangunan Pekerjaan konstruksi bangunan (CPC 512 kecuali CPC 51210)	(1) Tidak terikat* (2) Tidak ada (3) a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Pekerjaan konstruksi umum untuk perekayasaan sipil Pekerjaan konstruksi untuk perekayasaan sipil (CPC 513)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	
C. Pekerjaan Pemasangan dan Perakitan Perakitan dan Pendirian Konstruksi Prafabrikasi (CPC 514)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar.	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	
D. Lain-lain Pekerjaan pra-pendirian pada sistem konstruksi (CPC 511 kecuali CPC 51110 dan 51113)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut.	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar.	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(4) Sebagaimana dinyatakan dalam Bagian Horisontal	(4) Sebagaimana dinyatakan dalam Bagian Horisontal	
Pengikatan dan Pendirian Baja termasuk pengelasan (CPC 51550)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa-jasa penyewaan terkait dengan perlengkapan untuk konstruksi atau pembongkaran atau pekerjaan perekayasaan sipil dengan operator (CPC 518)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pekerjaan pembuatan pondasi termasuk pemasangan tiang pancang (CPC 51510)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pekerjaan konstruksi pemasangan gas (CPC 51630)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pekerjaan konstruksi pemasangan alarm kebakaran (CPC 51642)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pekerjaan konstruksi sistem pemasangan alarm pencurian (CPC 51643)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pekerjaan konstruksi eskalator dan lift (CPC 51691)	(1) Tidak terikat* (2) Tidak ada (3) (a) Operasional bersama dengan mendirikan suatu kantor perwakilan di Indonesia. Perizinan untuk kantor perwakilan wajib berlaku selama 3 tahun dan dapat diperpanjang. (b) Perusahaan patungan dengan memenuhi persyaratan sebagaimana dirinci dalam Bagian Horisontal dan Undang-undang Penanaman Modal Asing. Kepemilikan Saham asing tidak boleh lebih besar dari 55% terhadap total saham perusahaan patungan (Perseroan Terbatas/PT) tersebut. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	(1) Tidak terikat* (2) Tidak ada (3) (a) 1. Persyaratan biaya pendaftaran 2. Perusahaan asing yang terdaftar wajib membentuk suatu operasional bersama dengan mitra-mitra lokal yang terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (b) Mitra-mitra lokal dalam usaha patungan wajib terdaftar pada Lembaga Pengembangan Jasa Konstruksi Nasional dan memiliki kualifikasi A/Besar. (4) Sebagaimana dinyatakan dalam Bagian Horisontal	
JASA PARIWISATA DAN YANG TERKAIT DENGAN PERJALANAN			

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Hotel (CPC 64110)	(1) Tidak ada (2) Tidak ada (3) Di Indonesia Bagian Timur, Bengkulu, Jambi, 100% modal saham dapat dimiliki oleh penanam modal asing (4) Tidak terikat, kecuali untuk: a. Tingkat Manajemen Puncak di usaha perhotelan yang terdiri dari: - Manajer Umum - Manajer Makanan dan Minuman - Manajer Hunian - Pengawas Keuangan - Direktur Pemasaran b. Profesional berkeahlian tinggi yang terdiri dari: - Juru Masak Eksekutif - Wakil Juru Masak Eksekutif - Juru Masak Khusus	(1) Tidak ada (2) Tidak ada (3) a. Modal yang disetor yang dipersyaratkan untuk pemasok jasa asing lebih tinggi dibandingkan dengan yang dikenakan daripada pemasok jasa dalam negeri. Kebijakan ini akan dihapuskan pada tahun 2020 b. Hanya hotel berbintang 3,4 atau 5 yang diizinkan (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pelayanan Makanan yang dilakukan oleh Jasa Restoran (CPC 64210)	(1) Tidak ada (2) Tidak ada (3) Tidak terikat kecuali di beberapa bagian tertentu dari Indonesia bagian Timur (Sulawesi, Papua, Maluku, Nusa Tenggara), keikutsertaan saham asing diizinkan sampai dengan sebesar 49% (4) Tidak terikat, kecuali untuk: -Tingkat Manajemen puncak -Profesional berkeahlian tinggi	(1) Tidak ada (2) Tidak ada (3) Sesuai dengan peraturan pemerintah daerah yang berlaku berkenaan dengan norma-norma kepatutan atau ketertiban umum sesuai dengan Pasal XIV (a) GATS (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
Jasa konsultan Pariwisata (CPC 91136)	(1) Tidak ada (2) Tidak ada (3) Harus didaftarkan pada Kementerian Hukum dan HAM Indonesia sebagai perusahaan Indonesia. Dalam hal, kerja sama dengan suatu perusahaan nasional, dipersyaratkan untuk melakukan usaha patungan, pengoperasian bersama dan pengelolaan kontrak. (4) Tidak terikat	(1) Tidak ada (2) Tidak ada (3) Tidak Terikat (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Operator Hotel Internasional (CPC 91135)	(1) Tidak ada (2) Tidak ada (3) Harus didaftarkan pada Kementerian Hukum dan HAM Indonesia sebagai perusahaan Indonesia. Dalam hal, kerja sama dengan suatu perusahaan nasional, dipersyaratkan untuk melakukan usaha patungan, pengoperasian bersama dan pengelolaan kontrak. (4) Tidak terikat, kecuali untuk: a. Tingkat Manajemen Puncak di usaha perhotelan yang terdiri dari: - Manajer Umum - Manajer Makanan dan Minuman - Manajer Hunian - Pengawas Keuangan - Direktur Pemasaran b. Profesional berkeahlian tinggi yang terdiri dari: - Juru Masak Eksekutif - Wakil Juru Masak Eksekutif - Juru Masak Khusus	(1) Tidak ada (2) Tidak ada (3) Tidak Terikat (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Resor Pariwisata termasuk - Hotel (bintang 3,4 dan 5) - Lapangan Golf dan Fasilitas-Fasilitas Olahraga lainnya	(1) Tidak ada (2) Tidak ada (3) Di Indonesia Bagian Timur, Bengkulu, Jambi, 100% modal saham dapat dimiliki oleh penanam modal asing (4) Tidak terikat, kecuali untuk Manajer resor	(1) Tidak ada (2) Tidak ada (3) a. Modal yang disetor yang dipersyaratkan untuk pemasok jasa asing lebih tinggi dibandingkan dengan yang dikenakan daripada pemasok jasa dalam negeri. Kebijakan ini akan dihapuskan pada tahun 2020 b. Hanya hotel berbintang 3,4 atau 5 yang diizinkan (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
Agen perjalanan dan Penyelenggara Tur (CPC 74710)	(1) Tidak ada (2) Tidak ada (3) Maksimum 30 pemasok jasa untuk Agen Perjalanan dan Penyelenggara Tur (4) Tidak terikat, kecuali untuk penasihat teknis	(1) Tidak ada (2) Tidak ada (3) Penyelenggara Tur harus merupakan agen perjalanan yang berlokasi di Jakarta dan Bali (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
JASA ENERGI			
Ketentuan umum di bidang jasa energi - Jadwal Komitmen Spesifik Indonesia dalam sektor jasa energi berdasarkan pada revisi usulan Indonesia yang kedua mengenai klasifikasi jasa energi.			

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Analisa inti dan uji laboratorium lainnya, hanya untuk Analisa Isotop (1A.2.7.3)	(1) Tidak ada (2) Tidak ada (3) Pengoperasian bersama melalui satu kantor perwakilan di Indonesia (4) Tidak terikat, kecuali untuk direktur dan tenaga ahli	(1) Tidak ada (2) Tidak ada (3) Sebagaimana dinyatakan dalam Bagian Horisontal (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
Jasa geologi dan geofisika, hanya untuk pengumpulan data seismik (1A.1.4.1.1)	(1) Tidak ada (2) Tidak ada (3) Pengoperasian bersama melalui satu kantor perwakilan di Indonesia (4) Tidak terikat, kecuali untuk direktur dan tenaga ahli	(1) Tidak ada (2) Tidak ada (3) Sebagaimana dinyatakan dalam Bagian Horisontal (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
Pencairan dan penyubliman hanya untuk batubara - Pencairan batubara (2.4.4.4) - Penyubliman batubara (2.4.4.5)	(1) Tidak ada (2) Tidak ada (3) Pengoperasian bersama melalui satu kantor perwakilan di Indonesia (4) Tidak terikat, kecuali untuk direktur dan tenaga ahli teknis	(1) Tidak ada (2) Tidak ada (3) Sebagaimana dinyatakan dalam Bagian Horisontal (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
JASA KEUANGAN **Non Bank**			
Ketentuan Umum dalam Subsektor Jasa Keuangan Non Bank: 1) Semua pembatasan atas akses pasar dan perlakuan nasional yang disebutkan di dalam Subsektor Jasa Keuangan Non Bank akan dihapuskan sebelum tahun 2020 tunduk pada komitmen serupa oleh negara-negara anggota lainnya. 2) Kepemilikan saham oleh pemasok jasa asing ditetapkan oleh hukum dan peraturan yang berlaku pada tanggal mulai berlakunya perjanjian ini.. Ketentuan kepemilikan dan persentase kepemilikan saham sebagaiman diatur pada masing-masing perjanjian kepemilikan saham yang mendirikan usaha patungan perseorangan yang ada di bidang jasa keuangan non bankan wajib dipatuhi. Pengalihan kepemilikan tidak boleh dilakukan tanpa persetujuan semua pihak di dalam perusahaan usaha patungan terkait. 3) Sebagai tambahan pada Kebijakan Horisontal, izin masuk sementara akan diberikan untuk tenaga ahli/penasihat tidak lebih lama dari 3 (tiga) bulan per orang untuk setiap tahunnya. 4) Saham perusahaan keuangan non bank yang tercatat di bursa efek dapat dimiliki 100% oleh penanam modal asing. 5) Terkait dengan orang-perseorangan, hanya direktur, manager, dan tenaga ahli/penasihat yang dapat dianggap diasumsikan sebagai tenaga asing dengan izin masa tinggal maksimum selama 3 (tiga) tahun dan dapat diperpanjang. 6) Semua perusahaan patungan wajib memberikan pelatihan para tenagakerjanya.			
Jasa Anjak Piutang (CPC 8113)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana dinyatakan dalam Bagian Horisontal dan Ketentuan Umum (4) Tidak terikat, kecuali dinyatakan dalam Bagian Horisontal	(1) Tidak ada (2) Tidak ada (3) Sebagaimana dinyatakan dalam Bagian Horisontal (4) Sebagaimana dinyatakan dalam Bagian Horisontal	
JASA TRANSPORTASI			
A. Jasa Transportasi Udara			

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
a. Jasa perbaikan dan perawatan pesawat udara.	(1) Tidak ada (2) Tidak ada (3) Pemasok jasa asing seharusnya merupakan entitas terbatas sesuai dengan Peraturan perundang-undangan Indonesia dan memiliki kantor tetap di Indonesia, dengan maksimum kepemilikan saham asing sebesar 49%. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Komitmen Horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkanditunjukkan dalam Komitmen Horisontal	
b. Jasa Sistem Reservasi Komputer	(1) Tidak ada (2) Tidak ada (3) Pemasok jasa Sistem Reservasi Komputer asing seharusnya merupakan perseroan terbatas sesuai dengan Peraturan Perundang-undangan Indonesia dan memiliki suatu kantor tetap di Indonesia, dengan kepemilikan saham asing maksimum sebesar 49%. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Komitmen Horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan ditunjukkandalam Komitmen Horisontal	

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Penjualan dan Pemasaran	(1) Tidak ada (2) Tidak ada (3) Jasa Pemasaran dan Penjualan Tiket Asing seharusnya merupakan perseroan terbatas sesuai dengan Peraturan Perundang-undangan Indonesia dan memiliki suatu kantor tetap di Indonesia, dengan kepemilikan saham asing maksimum sebesar 49%. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Komitmen Horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan ditunjukkandalam Komitmen Horisontal	
B. Jasa Angkutan Laut			
a. Jasa Angkutan Penumpang (Tidak termasuk *cabotage*) (CPC 7211)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan, yang kepemilikan moda I asingnya diizinkan maksimum sampai dengan sebesar 49% (4) Sebagaimana ditunjukkan , dalam bagian Horisontal	(1) Tidak ada *) (2) Tidak ada (3) Perusahaan pengapalan asing diwajibkan untuk menunjuk perusahaan pengapalan Indonesia sebagai Agen Umumnya. (4) Sebagaimana ditunjukkan dalam bagian Horisontal	Akses ke dan penggunaan fasilitas pelabuhan di pelabuhan yang dibuka untuk pengapalan internasional.

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
b. Angkutan Barang (Tidak termasuk *cabotage*) (CPC 7212)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan, dengan kepemilikan saham asing diizinkan sampai dengan sebesar 49% (4) Sebagaimana ditunjukkan dalam , kecuali ditunjukkan bagian Horisontal	(1) Tidak ada *) (2) Tidak ada (3) Perusahaan pelayaran asing diwajibkan untuk menunjuk perusahaan pengapalan Indonesia sebagai Agen Umumnya. (4) Sebagaimana ditunjukkan dalam bagian Horisontal	Akses ke dan penggunaan fasilitas pelabuhan di pelabuhan yang dibuka untuk pengapalan internasional.
c. Jasa Penanganan Kargo Laut	(1) Tidak terikat karena tidak memungkinkannya faktor teknis. (2) Tidak ada (3) Hanya melalui perusahaan patungan, yang kepemilikan saham asingnya diizinkan sampai dengan sebesar 49% (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	(1) Tidak terikat karena tidak memungkinkannya faktor teknis. (2) Tidak ada (3) Sebagaimana ditunjukkan dalam Bagian Horisontal. (4) Sebagaimana ditunjukkan dalam Bagian Horisontal	
d. Penyewaan kapal tanpa awak	(1) Tidak ada. (2) Tidak ada (3) Tidak terikat karena tidak memungkinkannya faktor teknis. (4) Sebagaimana ditunjukkan dalam Bagian Horisontal.	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam Bagian Horisontal. (4) Sebagaimana ditunjukkan dalam Bagian Horisontal.	
Catatan (Angkutan Laut): *) : efektif setelah penerbitan implementasi regulasi UU Pelayaran No 17 Tahun 2008 pada bulan Mei 2009 dan perusahaan pelayaran asing harus ditunjuk sebagai perusahaan pelayaran nasional			

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INDONESIA - JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau Subsektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORISONTAL			
SEMUA SEKTOR YANG DICAKUP DALAM JADWAL INI	1) peminjaman dari bank dan perusahaan asing harus disetujui oleh Bank Sentral Laos 2) warga negara Laos yang ingin berinvestasi secara langsung maupun tak langsung di luar negeri harus disetujui oleh organisasi yang berwenang. pemindahan dana untuk investasi harus disetujui oleh Bank Sentral Laos. Pemindahan uang asing dengan nilai lebih dari US$ 2000 harus disetujui oleh Bank Sentral Laos 3) Kehadiran komersial pemasok jasa asing dapat berbentuk sebagai berikut : - Suatu usaha patungan dengan satu atau lebih penanam modal dalam negeri Laos, - Suatu perusahaan yang secara keseluruhan dimiliki oleh asing[1] - Suatu kantor cabang atau perwakilan Kehadiran komersial pemasok jasa asing wajib mendapat persetujuan	1) Sebagaimana diindikasikan pada kolom akses pasar 2) Sebagaimana diindikasikan pada kolom akses pasar 3) Pemasok jasa asing di Laos dapat menyewa tanah di Laos dan dapat memindahkan hak sewa tersebut; dan mereka dapat memiliki hasil pengembangan pada lahan dan properti bergerak lainnya dan memindahkan kepemilikan mereka. Perusahaan asing yang tunduk pada Undang-Undang Promosi dan	

[1] Perusahaan yang diinvestasi oleh asing 100%

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	dari otoritas yang berwenang dan perijinan yang diberikan oleh komite Pengelolaan Penanaman Modal Asing Laos Usaha patungan didirikan dan didaftarkan berdasarkan peraturan perundang-undangan Laos. Dimiliki dan dijalankan bersama oleh satu atau lebih pemasok jasa/penanam modal asing dan oleh satu atau lebih penanam modal dalam negeri Laos yang sah. Aktifitas dan hubungan para pihak wajib diatur melalui kontrak antara para pihak dan Anggaran Dasar Usaha Patungan, sesuai dengan peraturan perundang-undangan Laos. Pemasok jasa/penanam modal asing dalam usaha patungan harus berkontribusi minimal 30% bagian dari total modal investasi dalam usaha itu. Perusahaan yang dimiliki seluruhnya oleh asing adalah suatu penanaman modal/pemasok jasa asing yang terdaftar berdasarkan peraturan perundang-undangan Laos. Oleh satu atau lebih penanam modal asing yang sah tanpa partisipasi penanam modal Laos yang sah . Perusahaan yang didirikan di Laos dapat merupakan	Pengelolaan Penanaman Modal Asing Laos wajib membayar pajak penghasilan tahunan, yang dihitung sesuai dengan ketentuan peraturan perundang-undangan yang berlaku di Laos. Pajak, kewajiban, dan biaya lainnya yang berlaku di Laos wajib juga dibayar sesuai dengan peraturan perundang-undangan yang berlaku di Laos.	

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	perusahaan baru atau kantor cabang atau kantor perwakilan suatu perusahaan asing. Penyatuan dan pendaftaran suatu penanam modal asing wajib sesuai dengan Undang-undang Perusahaan/Usaha Laos. Persyaratan pengoperasian usaha dengan kepemiliki modal asing dan kontrak kerjasama suatu usaha wajib dirinci dalam perijinan penanaman modal setiap proyek sesuai dengan peraturan perundang-undangan Laos. Kantor cabang atau perwakilan perusahaan asing wajib mempunyai anggaran dasar yang harus konsisten dengan peraturan perundang-undangan dan Undang-Undang Usaha Laos dan wajib mendapatkan persetujuan dari Komite Pengelolaan Penanaman Modal Asing Laos.		
	4) Orang asing yang bekerja di Laos wajib tunduk pada Undang-Undang Promosi dan Pengelolaan Penanaman Modal Asing dan peraturan keimigrasian di Laos Namun demikian, perusahaan asing mempunyai hak untuk mempekerjakan tenaga ahli asing dan tenaga terampil jika perlu dan dengan persetujuan dari otoritas Pemerintah Laos yang berkompeten.	4) Pemasok jasa asing dan pekerja asingnya yang bekerja di Laos wajib membayar pajak penghasilan pribadi kepada Pemerintah Laos, sebesar 10% dari total penghasilan.	

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau subsektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	Fasilitasi untuk masuk, bepergian di dalam, tinggal didalam, dan keluar dari wilayah Laos bagi penanam modal /pemasok jasa asing, pekerja asingnya dan anggota keluarga dari para penanam modal tersebut, pemasok jasa dan orang-orang tersebut akan diberikan oleh Pemerintah Laos. Seluruh orang tersebut harus tunduk dan patuh pada peraturan perundang-undangan yang disebutkan diatas selama mereka berada di wilayah Laos. Penanam modal/pemasok jasa asing mempunyai kewajiban untuk meningkatkan ketrampilan tenaga kerja warganegara Laos, melalui metoda seperti pelatihan di Laos atau di luar negeri.		

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
LAOS			
1. Jasa Bisnis A. Jasa Profesional			
(b). Jasa Arsitektur (CPC 8671)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam bagian horizontal (4) Sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam bagian Horizontal (4) Sebagaimana ditunjukkan dalam bagian Horizontal	
(c). Jasa Perekayasaan (CPC 8672) (d). Jasa Perekayasaan terpadu - Jasa Perekayasaan terpadu untuk proyek-proyek terima-jadi infrastruktur bidang transportasi (CPC 86731) - Jasa Perekayasaan terpadu dan manajemen proyek (CPC 86732)	(1) Tidak ada (2) Tidak ada (3) a) Sebagaimana ditunjukkan dalam bagian horizontal b) Tidak berlaku untuk proyek yang dibiayai publik dan hibah asing. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
- Jasa Perekayasaan terpadu untuk proyek terima-jadi konstruksi fabrikasi (CPC 86733)	(1) Tidak ada (2) Tidak ada (3) Usaha patungan dengan pemasok jasa Laos diperlukan dan keikutsertaan modal asing dibatasi sampai 2/3. (4) Sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam Bagian Horizontal (4) Sebagaimana ditunjukkan dalam bagian Horizontal	
(e). Jasa perencanaan perkotaan dan arsitektur pertamanan - Jasa perencanaan kota (CPC 86741) - Jasa arsitektur pertamanan (CPC 86742)	(1) Tidak ada (2) Tidak ada (3) a) Sebagaimana ditunjukkan dalam bagian horizontal b) Tidak berlaku untuk proyek yang dibiayai publik dan hibah asing. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(f). Jasa Komputer dan Jasa yang Terkait dengan Komputer - Jasa konsultasi terkait dengan pemasangan perangkat keras komputer (CPC 841) - Jasa Pemasangan Perangkat Lunak (CPC 842) - Jasa Basis Data (CPC 844)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam komitmen horizontal (4) Harus tidak konsisten dengan Undang-undang Perburuhan dan Undang-undang Promosi dan Pengelolaan Penanaman Modal Asing	1) Tidak ada 2) Tidak ada 3) Sama seperti disebutkan pada Akses Pasar 4) Sama seperti disebutkan pada Akses Pasar dan Undang-Undang Perpajakan.	
- Jasa pemrosesan data, tidak termasuk data sensitif dan untuk tujuan non-komersial (CPC 843) - Lainnya : Jasa pemeliharaan dan perbaikan komputer (Bagian dari CPC 84500)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	1) Tidak ada 2) Tidak ada 3) Sama seperti disebutkan pada Akses Pasar 4) Sama seperti disebutkan pada Akses Pasar dan Undang-Undang Perpajakan.	

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LAOS - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua di bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(h). Jasa Penelitian dan Pengembangan - Jasa R&D untuk ilmu alam dan rekayasa (CPC 851) - Jasa penelitian dan pengembangan percobaan (CPC 852) - Jasa R&D antardisiplin (CPC 853)	(1) Tidak ada (2) Tidak ada (3) Usaha patungan dengan pemasok jasa Laos diperlukan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

PERSETUJUAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORISONTAL			
SEMUA SEKTOR YANG TERMASUK DALAM JADWAL INI	3) <u>Akuisisi, Penyatuan, dan Pengambil alihan</u> Akuisisi aset atau kepemilikan perusahaan dan usaha Malaysia, penyatuan atau pengambilalihan memerlukan persetujuan dan berlaku pada hal berikut ini: a) akuisisi atas hak suara sebesar 15 persen atau lebih dari sebuah perusahaan Malaysia oleh setiap kepemilikan asing atau kelompok asosiasi atau total kepemilikan asing sebesar 30% atau lebih atau senilai melebihi RM 5 juta. b) setiap usulan akusisi dari setiap aset atau bunga dengan maksud apapun yang menyebabkan peralihan kepemilikan atau pengendalian kepada kepemilikan asing; dan c) Pengendalian perusahaan Malaysia melalui berbagai bentuk perjanjian usaha patungan, perjanjian pengelolaan, perjanjian bantuan teknis atau perjanjian lainnya. Persetujuan umumnya diberikan. Namun demikian, persetujuan tersebut dapat ditolak dalam kondisi di mana penanaman modal yang diusulkan	3) <u>Tanah, Properti and *Real Estate*</u> Persetujuan dapat ditolak jika akuisisi, penyelesaian atau transaksi atas tanah atau setiap kepemilikan atas tanah, properti, dan *real estate* yang dipergunakan untuk maksud spekulasi atau non-produktif atau untuk maksud-maksud yang mungkin bertentangan dengan kepentingan Negara. <u>Insentif/pilihan</u> Insentif dibatasi kepada perusahaan yang dimiliki oleh orang Malaysia yang memenuhi syarat dalam sektor jasa yang dipromosikan oleh Pemerintah. Setiap kebijakan dan perlakuan istimewa yang diberikan kepada Bumiputera, perusahaan-perusahaan berstatus Bumiputera, perusahaan dan institusi pengelola keuangan yang didirikan untuk memenuhi tujuan dari Kebijakan Ekonomi Baru (NEP) dan Kebijakan Pembangunan Nasional (NDP) wajib tidak diikat. Perusahaan dimana Pemerintah memiliki kepentingan wajib, dalam memperoleh jasa, harus diprioritaskan kepada pemasok jasa dimana Pemerintah memiliki kepentingan. Persyaratan ini tidak untuk menghalangi akuisisi jasa dari pemasok jasa lainnya dimana jasa-jasa mereka kompetitif dalam hal harga, kualitas, dan pengiriman.	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	bertentangan dengan kepentingan negara.		
	4) Tidak terikat kecuali untuk kebijakan yang mengakibatkan masuk dan tinggal sementara dari orang perseorangan yang didefinisikan sebagai berikut: 1. <u>Perpindahan Antar-Perusahaan</u> a) pengelola senior adalah orang dalam suatu perusahaan – yang memiliki informasi kepemilikan organisasi; – yang melakukan pengambilan keputusan menyeluruh terkait dengan pendirian, pengawasan, dan pengoperasian perusahaan; – yang terutama mengarahkan pengelolaan perusahaan; – yang hanya menerima pengawasan atau pengarahan umum dari dewan direksi atau mitra-mitra organisasi; dan b) dua tenaga spesialis atau tenaga ahli setiap perusahaan adalah orang dalam perusahaan yang memiliki pengetahuan keahlian tinggi yang terus berkembang dan yang memiliki pengetahuan kepemilikan jasa produk dan teknologi jasa baru dari organisasi, peralatan penelitian dan teknik atau pengelolaan. Spesialis atau tenaga ahli tambahan	4) Tidak terikat kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	dapat diijinkan berdasarkan uji pasar dan pelatihan orang-orang Malaysia melalui program pelatihan yang dapat diterima dalam sektor atau sub-sektor jasa yang terkait: Dengan ketentuan bahwa orang-orang tersebut adalah pekerja pemasok jasa asing dan telah bekerja di pemasok jasa asing tersebut selama periode tidak kurang dari satu tahun segera sebelum tanggal permohonan ijin kerja mereka dan orang tersebut bekerja setidaknya dalam kapasitas yang sama.		

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Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	2. Lainnya a) spesialis atau tenaga ahli adalah orang dalam perusahaan yang memiliki pengetahuan keahlian tinggi yang terus berkembang dan yang memiliki pengetahuan organisasi produk dan jasa berdasarkan uji pasar dan memperkerjakan warga negara Malaysia sebagai mitra dan/atau melatih warga negara Malaysia melalui program pelatihan yang bisa diterima dalam sektor atau sub-sektor jasa yang terkait; b) profesional adalah orang yang memiliki ijazah akademik yang memadai, kualifikasi profesi, pengalaman dan/atau keahlian yang telah diakui oleh badan-badan profesional di Malaysia dan terdaftar oleh badan profesional dimaksud; dan c) pengunjung usaha adalah orang-orang yang tidak tinggal di Malaysia, tidak menerima upah dari suatu sumber yang berlokasi di Malaysia, yang telah dipekerjakan untuk paling tidak satu tahun oleh suatu pemasok jasa asing, yang memiliki ijin masuk dan ijin tinggal sementara untuk tujuan-tujuan negosiasi penjualan jasa atau menandatangani persetujuan untuk menjual jasa kepada pemasok jasa tersebut dan yang tidak akan terlibat dalam penjualan langsung kepada masyarakat umum.		

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	3) Ijin masuk dan tinggal orang perseorangan didefinisikan dalam ketentuan 1a) dan b) dan 2 a) dan b) secara keseluruhan tidak boleh melebihi lima tahun. Untuk ketentuan 2 c), periode tinggal secara keseluruhan tidak boleh melebihi 90 hari.		

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Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
MALAYSIA			
1. JASA BISNIS **A. Jasa Professional**			
a. Jasa Hukum Meliputi jasa pemberian saran dan konsultasi yang hanya terkait dengan hukum negara asal, hukum internasional dan hukum perusahaan lepas pantai di Malaysia. (CPC 8619)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu perusahaan yang tergabung dalam Wilayah Bagian Labuan. Jasa hukum wajib hanya dipasok untuk perusahaan-perusahaan lepas pantai yang didirikan di Wilayah Bagian Labuan. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
b. Jasa akuntansi, audit dan pembukuan (CPC862)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui persekutuan dengan akuntan atau kantor akuntan Malaysia yang terdaftar secara lokal dan keseluruhan saham asing wajib tidak melebihi 49 persen. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian horizontal. Dalam kaitannya dengan 1(b) dua tenaga spesialis/ahli tambahan untuk masing-masing kantor akuntan publik. Dalam kaitannyan dengan 2(b), tempat tinggal diperlukan untuk pendaftaran	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	(4) Ujian kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran ke asosiasi profesional akan dilakukan dalam Bahasa Inggris.

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
c. Jasa Perpajakan (CPC863 / 8630)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui kemitraan yang terdaftar secara lokal dengan akuntan Malaysia atau perusahaan akuntan Malaysia dan keseluruhan kepentingan asing wajib tidak melebihi 30 persen. (4) Tidak terikat kecuali disebutkan dalam komitmen horizontal. Dalam kaitannya dengan 1(b) dua tenaga spesialis/ahli tambahan untuk masing-masing kantor akuntan publik. Dalam kaitannyan dengan 2(b), tempat tinggal diperlukan untuk pendaftaran	(1) Tidak ada, mengacu pada peraturan domestik (2) Tidak ada, mengacu pada peraturan domestik (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	(4) Uji kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran badan profesional akan dilakukan dalam Bahasa Inggris.

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
d. Jasa Arsitektur (CPC 8671)	(1) Tidak ada (2) Tidak ada (3) a) Jasa Arsitektur dapat dipasok hanya oleh orang perseorangan; b) Untuk praktik multi disiplin (Arsitektur, Rekayasa dan/atau Survei Kuantitas), kepemilikan asing sampai dengan maksimum 10 persen untuk usaha patungan oleh profesional yang terdaftar di negara asal. Jabatan direktur tidak diperbolehkan untuk orang asing. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horizontal. Dalam kaitannya dengan 2(b), hanya seorang arsitek yang menjadi konsultan dalam proyek kerjasama dengan tenaga arsitek profesional Malaysia untuk proyek yang sepenuhnya dibiayai oleh asing.	(1) Jasa arsitektur harus disahkan oleh arsitek berlisensi di Malaysia. (2) Jasa arsitektur harus disahkan oleh arsitek berlisensi di Malaysia. (3) a) Tidak ada b) Tidak terikat (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	(4) Uji kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran badan profesional akan dilakukan dalam Bahasa Inggris.

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
e. Jasa Perekayasaan (CPC 8672)	(1) Tidak ada	(1) Jasa perekayasaan harus disahkan oleh insinyur profesional yang terdaftar di Malaysia.	
	(2) Tidak ada	(2) Jasa perekayasaan harus disahkan oleh insinyur profesional yang terdaftar di Malaysia	
		(3) (a) Tidak ada	
	(3) a) Jasa Arsitektur dapat dipasok hanya oleh orang perseorangan;	(b) Tidak terikat	
	b) Untuk praktik multi disiplin (Arsitektur, Rekayasa dan/atau Survei Kuantitas), kepemilikan asing sampai dengan maksimum 10 persen untuk usaha patungan oleh profesional yang terdaftar di negara asal. Jabatan direktur tidak diperbolehkan untuk orang asing.		
	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal dan berkaitan dengan 2b), berdasarkan pendaftaran sementara untuk periode satu tahun tiap pendaftaran sementara.	(4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar.	(4) Uji kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran dengan badan profesi yang akan dilakukan dalam Bahasa Inggris.

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
f. Jasa Perekayasaan terpadu (CPC 8673)	(1) Tidak ada	(1) Jasa Perekayasaan terpadu harus disahkan oleh profesional terkait yang terdaftar di Malaysia	
	(2) Tidak ada	(2) Jasa Perekayasaan terpadu harus disahkan oleh profesional terkait yang terdaftar di Malaysia	
	(3) Hanya melalui suatu kantor perwakilan, kantor regional atau perusahaan patungan yang tergabung secara lokal dengan perseorangan atau perusahaan yang dikendalikan oleh perseorangan Malaysia atau keduanya untuk maksud kontrak jasa yang diberikan di Malaysia. Keseluruhan saham asing dalam perusahaan usaha patungan wajib tidak melebihi 30 persen. Pendirian perusahaan usaha patungan tersebut hanya untuk jangka waktu yang diperlukan untuk menyelesaikan kontrak jasa.	(3) Tidak ada	
	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal dan berkaitan dengan 2b), untuk periode sampai satu tahun atau untuk jangka waktu yang diperlukan untuk menyelesaikan kontrak jasa.	(4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	(4) Uji kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran badan profesional akan dilakukan dalam Bahasa Inggris

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
g. Jasa perencanaan perkotaan mencakup program jasa pengembangan terkait dengan penggunaan lahan, pemilihan lokasi, kontrol dan utilisasi, sistem jalan dan penggunaan lahan dengan maksud untuk menciptakan dan mengelola perencanaan perkotaan yang sistematis dan terkoordinir. (CPC 86741)	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat kecuali untuk: i. profesional independen yang mimiliki kontrak kerja dengan perusahaan perencanaan perkotaan yang terdaftar di Malaysia. Profesional independen harus memiliki kualifikasi yang diakui dan memperoleh izin sementara dari badan berwenang terkait. ii. Konsultan (dengan kualifikasi yang diakui dan terdaftar) untuk proyek yang didanai oleh publik dan bekerjasama dengan perusahaan perencanaan perkotaan Malaysia. iii. Persyaratan atau ketentuan lain sebagaimana diatur oleh peraturan terkait.	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	(4) Uji kualifikasi untuk menentukan kompetensi dan kemampuan memasok jasa untuk maksud pendaftaran badan profesional akan dilakukan dalam Bahasa Inggris

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa pertamanan meliputi penyediaan jasa konsultasi, perencanaan dan desain untuk pertamaanan yang estetis untuk lapangan golf dan taman hiburan (CPC 86742*)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan usaha patungan yang tergabung secara lokal dengan perseoranga Malaysia atau perusahaan yang dikendalikan orang Malaysia atau keduanya dan keseluruhan saham asing dalam perusahaan usaha patungan wajib tidak melebihi 30 persen (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
h. Jasa Kedokteran Spesialis meliputi kedokteran forensik, kedokteran nuklir, geriatris, bedah mikrovaskular, bedah otak, bedah kardiotoraks, bedah plastik, imunologi klinik dan onkologi klinik, traumatologi, anestesiologi, spesialis perawatan intensif, pskiatri anak dan kedokteran fisik. (CPC 93122)	(1) Tidak ada (2) Tidak ada (3) Jasa kedokteran spesialis hanya dapat diberikan oleh orang perseorangan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam 2(a) bagian horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada kecuali: Praktik kedokteran hanya dapat dilakukan di rumah sakit swasta dengan jumlah minimal 70 tempat tidur; Praktik kedokteran hanya dapat dilakukan di lokasi tertentu dan perubahan lokasi wajib mendapat persetujuan; dan praktik secara peroranganal maupun kelompok bersama tidak boleh dilakukan.	

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Komputer dan Jasa Terkait a. Jasa konsultasi terkait dengan pemasangan perangkat keras komputer (CPC 841) b. Jasa pemasangan perangkat lunak (CPC 842) c. Jasa Pemrosesan Data (CPC 843) d. Jasa basis data (CPC 844 / 84400)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang ditunjukkan dalam akses pasar	

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Penelitian dan Pengembangan Jasa penelitian dan pengembangan eksperimental mengenai ilmu sosial dan kemanusiaan (CPC 8520 kecuali 85203 dan 85204)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan usaha patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan orang Malaysia atau keduanya dan keseluruhan saham asing dalam perusahaan usaha patungan wajib tidak melebihi 49 persen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
E. Jasa Penyewaan/Leasing tanpa Operator Berkaitan dengan kapal tidak termasuk *cabotage* dan perdagangan lepas pantai (CPC 83103)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu kantor perwakilan, kantor wilayah atau perusahaan yang dikendalikan oleh Malaysia yang bertindak sebagai suatu agen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Berkaitan dengan pesawat udara (CPC 83104)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu kantor perwakilan, kantor wilayah atau perusahaan yang dikendalikan oleh Malaysia yang bertindak sebagai suatu agen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
Berkaitan dengan peralatan konstruksi dan pertambangan dan peralatan industri dan pabrik (CPC 83107*)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu kantor perwakilan, kantor wilayah atau perusahaan yang dikendalikan oleh Malaysia yang bertindak sebagai suatu agen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
F. Jasa Bisnis Lainnya	(1) Kehadiran komersial diperlukan	(1) Tidak terikat	
(a). Jasa Periklanan (CPC8711, 8712, 8719)	(2) Tidak ada	(2) Tidak ada	
	(3) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perseorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan keseluruhan saham asing di perusahaan patungan wajib tidak lebih daripada sebesar 30 persen Pengiklanan melalui media elektronik Pengiklanan harus memiliki setidaknya 80 persen muatan lokal dan dibuat di Malaysia	(3) Tidak ada	
	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam bagian horizontal	(4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
b. Jasa penelitian pasar dan jasa jajak pendapat (CPC 864)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan usaha patungan yang tergabung secara lokal dengan perseorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan kepemilikan saham Bumiputera sedikitnya lebih dari 30 persen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pengelolaan Konsultasi lain (CPC 86509) meliputi: Jasa pemberian saran, pembimbingan dan bantuan operasional mengenai pengelolaan pengiriman energi non-konvensional Jasa pemberian saran, pembimbingan dan bantuan operasional mengenai pengelolaan lingkungan hidup termasuk jasa penilaian resiko Jasa pemberian saran, pembimbingan, dalam bidang farmasi sebagai berikut: konsultasi produksi bahan baku dalam pembuatan obat-obatan dalam bentuk bahan mentah; Sistem baru pengantaran obat; Metoda baru-Bioteknologi untuk mempengaruhi proses dan produk sel-sel yang hidup; - Metoda yang baru dalam pengembangan obat-obatan dan metoda pembuatan obat-obatan dan vaksin; dan Produksi vaksin	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan pemegang saham Bumiputera dalam perusahaan usaha patungan paling sedikit 30 persen. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa pemberian saran, pembimbingan mengenai Jasa Jaringan Nilai Tambah Internasional, pengembangan telekomunikasi pedesaan dan pengembangan sumber daya manusia di bidang telekomunikasi			
e. Jasa Pengujian Teknis dan Analisis (CPC 8676 kecuali 86764)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan Bumiputera yang memiliki saham dalam perusahaan patungan dimaksud paling sedikit 30 persen. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
f./g. Jasa terkait dengan pertanian dan perikanan meliputi terbatas pada pemberian saran, pembimbingan, dalam hal pengelolaan hasil panen dan perikanan termasuk jasa bernilai tambah seperti teknik pengawetan dll. (CPC 881*, 882*)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan Bumiputera yang memiliki saham dalam perusahaan patungan dimaksud paling sedikit 30 persen. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
i. Jasa terkait dengan manufaktur (CPC 884, 885 kecuali 88442)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dan Bumiputera yang memiliki saham dalam perusahaan patungan dimaksud paling sedikit 30 persen. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
k. Jasa Penempatan Pelajar, meliputi promosi, penerimaan dan pemfasilitasian pelajar untuk belajar diluar Malaysia (CPC 87909)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
Jasa penterjemahan dan interpretasi (CPC 87905)	(1) Tidak ada (2) Tidak ada (3) Jasa penterjemahan dan interpretasi hanya boleh diberikan oleh orang perseorangan (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 2(a) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar. Jasa penterjemahan dan/atau interpretasi dari Bahasa Inggri ke Bahasa Melayu atau sebaliknya tidak dibilehkan.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
s. Jasa pengelolaan ruang pertemuan dan pameran meliputi penyediaan jasa perencanaan, pengorganisasian, pengelolaan dan pemasaran atau pertemuan-pertemuan dan kegiatan lain yang sejenis) (CPC 87909)	(1) Tidak ada (2) Tidak ada (3) a) Hanya melalui perusahaan patungan yang tergabung secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya yang memiliki saham dalam perusahaan patungan dimaksud maksimal 30 persen. b) Untuk ruang pertemuan yang memiliki kapasitas lebih dari 5000 kursi, kepemilikan saham asing dibatasi hingga 49% (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam 1 a) dan b) dan 2 a) dan c) dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) a) Tidak ada b) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pengoperasian Kantor Pusat (OHQ) Meliputi pengelolaan dan administrasi umum, perencanaan usaha, pengadaan barang mentah, dukungan teknis, pengawasan pemasaran dan perencanaan promosi penjualan, pelatihan dan pengelolaan personil, ketentuan perbendaharaan dan jasa pengelolaan dana serta penelitian dan pengembangan yang dilakukan oleh suatu perusahaan di Malaysia untuk kantor-kantornya dan perusahaan terkait di luar Malaysia. (CPC 87909)	(1) Tidak terikat karena tidak memungkinkan secara teknis (2) Tidak terikat karena tidak memungkinkan secara teknis (3) Suatu perusahaan yang dimiliki asing, suatu kantor wilayah dari perusahaan yang dimiliki asing yang menyalurkan jasa OHQ ke Malaysia, suatu kantor wilayah yang dimiliki asing yang didirikan di Malaysia dan suatu perusahaan yang dimiliki asing yang sudah bergabung di Malaysia dapat meminta kualifikasi sebagai suatu OHQ. (a). Menjalankan paling sedikit 3 kegiatan jasa OHQ; (b). Mempunyai suatu jaringan perusahaan yang cukup besar di luar Malaysia yang termasuk perusahaan induk atau kantor pusatnya dan perusahaan terkait; (c). Mempunyai suatu perusahaan asing yang baik dimana kebaikannya diukur dari aset dan tenaga kerja; (d). Mempunyai jaringan perusahaan yang besar diukur dari jumlah eksekutif, professional, teknisi dan tenaga kerja pendukung lainnya;	(1) Tidak terikat karena tidak memungkinkan secara teknis (2) Tidak terikat karena tidak memungkinkan secara teknis (3) Tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(e). Dapat membuat keputusan secara mandiri tanpa konsultasi dengan kantor pusatnya atau perusahaan induk yang berlokasi di luar Malaysia; (f). Dapat memberikan kontribusi kepada perekonomian Malaysia melalui : i) pemanfaatan jasa seperti jasa hukum, akuntansi dsb yang disediakan oleh tenaga kerja Malaysia; ii) menciptakan lapangan kerja bagi orang Malaysia; iii) memungkinkan adanya aliran dana masuk asing yang lebih besar (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
2. JASA KOMUNIKASI			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Telekomunikasi	(1) Tidak ada	(1) Tidak ada	
Telekomunikasi Dasar	(2) Tidak ada	(2) Tidak ada	
Berdasarkan peraturan domestik, Malaysia telah melakukan klasifikasi ulang pada sektor jasa komunikasi berdasarkan penyelenggaraan Fasilitas Jaringan (NFP), penyelenggaraan Jaringan (NSP), penyelenggaraan Jasa Aplikasi (ASP).	(3) Terkait dengan komponen NFP dan NSP dari jasa tersebut, hanya melalui akuisisi saham NFP(I), NSP(I) berizin yang masih berlaku. Terkait dengan ASP(I), melalui perusahaan patungan yang didirikan secara lokal dengan orang Malaysia atau perusahaan yang dikendalikan warga Malaysia; atau melalui akuisisi saham operator/perusahaan ASP(I) berizin yang masih berlaku. Untuk NFP(I) dan NSP(I), kepemilikan saham oleh asing hingga 30 persen dalam penyedia jasa ini diizinkan. Untuk ASP(I), kepemilikan saham oleh asing hingga 49 persen dalam penyedia jasa ini diizinkan.	(3) Tidak ada	
Jasa lokal dasar, Sambungan Langsung Jarak Jauh dan Sambungan Langsung Internasional; dipasok melalui jaringan transportasi telekomunikasi publik yang menggunakan teknologi jaringan apapun; fasilitas tanpa memperhatikan apakah sarana transportasi jasa tersebut melalui kabel atau nirkabel termasuk ke dalam tiga kategori tersebut di atas.			
Perizinan perorangan			
1. NFP (I)[1]			
2. NSP (I)[2]			
3. ASP (I)[3]			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	[Pengendalian pengelolaan perusahaan-perusahaan dimaksud wajib dipegang oleh orang Malaysia dan dalam hal Telekom Malaysia, kepemilikan saham asing diizinkan wajib tidak melebihi 30% secara keseluruhan yang tidak satu negara memegang lebih dari 5% kepemilikan dalam satu kurun waktu tertentu] (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Nilai-Tambah Jasa telekomunikasi yang ditingkatkan dengan jasa nilai tambah harus disediakan dari kanal atau jalur / sambungan yang diperoleh dari para penyelenggara jasa NFP(I) dan NSP(I) berizin dan juga termasuk ke dalam ketiga kategori di bawah ini Izin kelas 1. NFP (C)[4] 2. NSP (C)[5] 3. ASP (C)[6]	(1) Tidak ada (2) Tidak ada (3) Terkait dengan komponen NFP dan NSP jasa, hanya melalui akuisisi saham NFP(C), NSP(C) yang telah ada. Terkait dengan ASP, melalui perusahaan gabungan yang didirikan secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan warga Malaysia; atau melalui akuisisi saham operator/perusahaan ASP(C) berizin yang telah ada. Untuk NFP(C) dan NSP(C), kepemilikan saham oleh asing hingga 30 persen dalam penyedia jasa ini diizinkan. Untuk ASP(C), kepemilikan saham oleh asing hingga 49 persen dalam penyedia jasa ini diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Penjelasan 1) Sektor ini diatur oleh Undang Undang Komunikasi dan Multimedia 1998 dan aturan serta peraturan perundang-undangan turunannya. 2) Definisi sebagaimana dimaksud dalam Undang Undang Komunikasi dan Multimedia 1998 a. Fasilitas jaringan adalah segala unsur atau kombinasi unsur-unsur dari infrastruktur fisik yang terutama digunakan untuk, atau terkait dengan, penyelenggaraan jasa jaringan, tetapi tidak mencakup perangkat konsumen. Penyedia fasilitas jaringan adalah pemilik dari fasilitas jaringan apapun. b. Jasa jaringan adalah suatu jasa untuk melakukan komunikasi melalui perangkat yang menggunakan / tidak menggunakan pancaran gelombang elektromagnet. Penyedia jasa jaringan adalah seseorang yang menyediakan jasa jaringan. c. Jasa aplikasi adalah suatu jasa yang disediakan dengan menggunakan perangkat, tetapi tidak hanya menggunakan, satu atau lebih perangkat jasa jaringan. Penyedia jasa aplikasi adalah seseorang yang menyediakan jasa aplikasi. 3) Definisi sebagaimana dimaksud dalam (Amandemen) Peraturan Perundang-undangan (Perizinan) Komunikasi dan Multimedia 2001 a. Pemegang izin kelas penyedia fasilitas jaringan adalah seseorang yang terdaftar di dalam Komisi untuk menyediakan jasa jaringan sesuai dengan ketentuan Undang-Undang dan Peraturan ini. Pemegang izin penyedia fasilitas jaringan perorangan adalah izin perorangan yang diberikan kepada penyedia fasilitas jaringan sesuai dengan ketentuan Undang-Undang dan Peraturan ini. b. Pemegang izin kelas penyedia jasa jaringan adalah seseorang yang terdaftar di dalam Komisi untuk menyediakan jasa jaringan sesuai dengan ketentuan Undang-Undang dan Peraturan ini. Pemegang izin penyedia jasa jaringan perorangan adalah izin perorangan yang diberikan kepada penyedia jasa jaringan sesuai dengan ketentuan Undang-Undang dan Peraturan ini. c. Pemegang izin kelas penyedia jasa aplikasi adalah seseorang yang terdaftar di dalm Komisi untuk menyediakan jasa aplikasi sesuai dengan ketentuan Undang-Undang dan Peraturan ini. Pemegang izin penyedia jasa aplikasi peroranganal adalah izin perorangan yang diberikan kepada penyedia jasa aplikasi sesuai dengan ketentuan Undang-Undang dan Peraturan ini.			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
D. Jasa Audio-visual Jasa distribusi gambar hidup, rekaman video dan rekaman suara (CPC 96113)	(1) Kehadiran komersial dibutuhkan (2) Tidak ada (3) Hanya melalui perusahaan gabungan yang didirikan secara lokal dengan perorangan Malaysia atau perusahaan yang dikendalikan warga Malaysia atau keduanya dan jumlah keseluruhan kepemilikan saham oleh asing tidak boleh melebihi 30 persen (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam 1(a) dan (b) dan 2(a) dan (c) di dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
JASA KONSTRUKSI DAN YANG BERKAITAN DENGAN REKAYASA			
Pekerjaan Konstruksi (CPC 511, 512, 513, 514, 515, 516, 517)	(1) Tidak terikat karena kurangnya faktor teknis yang memungkinkan. (2) Tidak ada	(1) Tidak terikat karena kurangnya faktor teknis yang memungkinkan. (2) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) a) Hanya melalui kantor perwakilan, kantor wilayah, atau perusahaan patungan yang tergabung secara lokal dengan perseorangan Malaysia atau perusahaan-perusahaan yang dikendalikan oleh warga Malaysia atau keduanya dan keseluruhan kepemilikan saham asing dalam perusahaan patungan tersebut wajib tidak melebihi 30 persen. b) Perusahaan konstruksi asing yang tidak bergabung dengan suatu perusahaan lokal dapat melakukan proyek-proyek konstruksi berikut bersama kontraktor lokal, berdasarkan proyek per proyek: i. Proyek konstruksi yang sepenuhnya dibiayai oleh investasi asing dan/atau hibah; ii. Proyek konstruksi yang dibiayai oleh pinjaman dengan tender internasional sesuai dengan ketentuan pinjaman; iii. Proyek dengan investasi asing sama atau lebih dari 50 persen dimana tenaga ahli lokal tidak tersedia; iv. Proyek konstruksi yang dibiayai 100% oleh Malaysia jika tenaga ahli lokal tidak tersedia. Tunduk kepada ketentuan melakukan sub kontrak dengan sub kontraktor lokal (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(3) (a) Tidak ada (b) Tidak terikat (4) Tidak terikat kecuali untuk kategori-kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
JASA PENDIDIKAN			
C. Pendidikan Tinggi Jasa pendidikan tinggi lainnya yang disediakan oleh lembaga pendidikan tinggi dengan pendanaan swasta (tidak termasuk lembaga pendididkan tinggi swasta dengan keikutsertaan modal Pemerintah atau yang menerima bantuan dari pemerintah) (CPC 92390)	(1) Tidak terikat kecuali untuk mensyaratkan kehadiran komersial (2) Tidak ada (3) Hanya melalui usaha patungan dengan kepemilikan asing tidak melebihi 49% dan apabila diperlukan tunduk pada persyaratan test kebutuhan (4) Tidak terikat, kecuali sebagaimana disebutkan dalam 1(a) dan 2(c) komitmen horisontal dan ketentuan berikut : <u>Dosen dan tenaga ahli</u> a). 10 dosen dan/atau tenaga ahli tetapi tidak melebihi 20% daripada dosen yang dipekerjakan dalam lembaga pendidikan yang mempunyai kualifikasi yang diperlukan, pengetahuan, ijazah atau pengalaman. b) 2 orang profesional merupakan orang yang mempunyai kualifikasi profesi yang diperlukan, industri dan/atau yang dipekerjakan atas dasar keahlian mereka dalam suatu lembaga pendidikan.	(1) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (2) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (3) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (4) Tidak terikat kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	3) Tidak lebih dari 51% kepemilikaan asing akan dipertimbangkan sesuai dengan kriteria tambahan termasuk : a) kursus yang dipandang penting untuk mendapatkan tujuan pendidikan Malaysia b) Berpotensi untuk meningkatkan pendapatan eksport

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
E. Jasa pendidikan lainnya terbatas pada: Kursus Bahasa Kursus jangka pendek Kursus teknis dan keahlian Pengembangan kemampuan kogitif	(1) Tidak terikat kecuali untuk mensyaratkan kehadiran komersial (2) Tidak ada (3) Hanya melalui usaha patungan dengan kepemilikan asing tidak melebihi 49% dan apabila diperlukan tunduk pada persyaratan test kebutuhan (4) Tidak terikat, kecuali sebagaimana disebutkan dalam 1(a) dan 2(c) komitmen horisontal dan ketentuan berikut : <u>Dosen dan tenaga ahli</u> a). 10 dosen dan/atau tenaga ahli tetapi tidak melebihi 20% daripada dosen yang dipekerjakan dalam lembaga pendidikan yang mempunyai kualifikasi yang diperlukan, pengetahuan, ijazah atau pengalaman. b) 2 orang profesional merupakan orang yang mempunyai kualifikasi profesi yang diperlukan, industri dan/atau yang dipekerjakan atas dasar keahlian mereka dalam suatu lembaga pendidikan.	(1) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (2) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (3) Tidak terikat, termasuk untuk hibah dari negara bagian atau dari negara atau subsidi seperti tetapi tidak terbatas pada hibah lahan, keringanan pajak, bea siswa dan pinjaman terbatas pada lembaga pendidikan dengan keikutsertaan pemerintah atau warganegara/ penduduk tetap (4) Tidak terikat kecuali untuk kategori-kategori orang perseorangan yang mengacu pada akses pasar	
JASA KEUANGAN			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
JASA KEUANGAN, TERMASUK ASURANSI Komitmen Horizontal berlaku untuk Sektor Jasa Keuangan 1. Komitmen di sektor jasa keuangan adalah sesuai dengan Perjanjian Umum tentang Perdagangan Jasa dan Lampiran Jasa Keuangan. 2. Keterbatasan yang tercantum di bawah bagian semua sektor horisontal tidak berlaku bagi jasa keuangan, kecuali dinyatakan lain. 3. Dalam hal bank luar negeri, bank luar negeri investasi, bank komersial, bank dagang, perusahaan asuransi luar negeri dan reasuransi luar negeri, pialang asuransi luar negeri, manajer asuransi lepas pantai underwriting, manajer asuransi luar negeri, perusahaan asuransi, dan kantor perwakilan dari bank komersial dan bankpedagang, batasan berikut pada akses pasar dan perlakuan nasional berlaku di samping keterbatasan tertentu untuk aktivitas setiap layanan keuangan seperti yang ditentukan untuk setiap kegiatan dalam Jadwal ini.			
SEMUA JASA KEUANGAN	(3) Pembatasan investasi sebagaimana tercantum pada bagian horisontal semua sektor (4) Pembatasan pada bagian horisontal semua sektor akan berlaku bila ditunjukkan dalam setiap kegiatan.	(3) Pembatasan pada tanah dan harta tak gerak lainnya sebagaimana tercantum dalam bagian horisontal semua sektor. Tidak terikat untuk tindakan yang mempengaruhi jasa keuangan yang diberikan, untuk setiap Bumiputera atau untuk membantu pengembangan lembaga keuangan Bumiputera da lam mencapai tujuan dari Kebijakan Pembangunan Nasional (NDP). (4) Pembatasan pada bagian horisontal semua sektor akan berlaku bila ditunjukkan dalam setiap kegiatan	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
1. Bank luar negeri, bank luar negeri investasi, perusahaan asuransi langsung luar negeri, perusahaan reasuransi luar negeri, pialang asuransi luar negeri, manajer pendiri asuransi luar negeri dan manajer asuransi luar negeri.	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini. (3) Masuk terbatas ke Labuan. Masuk terbatas pada pembentukan cabang terdaftar atau anak perusahaan yang didirikan di Malaysia. (4) Tidak terikat, kecuali untuk orang perorangan sementara dalam hal pasokan melalui moda kehadiran komersial.	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (3) Tidak ada (4) Tidak terikat, kecuali untuk orang perorangan sementara dalam hal pasokan melalui moda kehadiran komersial	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
2. Bank komersial dan bank dagang	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (3) Ke-13 bank umum sepenuhnya milik asing diizinkan untuk tetap sepenuhnya dimiliki oleh pemegang saham yang ada. Tidak terikat untuk lisensi baru Masuk terbatas pada penyertaan modal oleh bank-bank asing milik Malaysia atau mengendalikan bank komersial dan bank dagang dan agregat kepemilikan saham asing dalam sebuah bank komersial atau bank pedagang tidak akan melebihi 30 persen. Kepemilikan Saham oleh satu orang secara perorangan atau bersama-sama dengan orang-orang terkait terbatas pada maksimum 20 persen. Sebuah bank komersial tidak diperbolehkan untuk memperoleh setiap saham pada bank komersial lain tetapi bisa memperoleh saham di satu bank pedagang. Sebuah bank pedagang tidak diperbolehkan untuk memperoleh saham apapun di sebuah bank komersial atau bank pedagang lain.	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (3) Tidak ada kecuali seperti yang ditunjukkan di bagian horisontal semua layanan keuangan dan dalam kegiatan masing-masing di bawah ini. Akuisisi oleh bank asing dari suatu agregat dari 5 persen atau lebih dari saham milik Malaysia atau mengendalikan bank komersial atau bank pedagang harus memenuhi kriteria berikut: (a) bank asing memiliki kemampuan untuk memfasilitasi perdagangan dan berkontribusi terhadap pembangunan ekonomi dan keuangan dari Malaysia; (b) negara dari bank asing memiliki perdagangan yang signifikan dan kepentingan investasi di Malaysia, dan (c) negara dari bank asing tidak memiliki perwakilan yang signifikan di industry perbankan Malaysia.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Orang lain tidak diizinkan untuk memperoleh 5 persen atau lebih dari saham di sebuah bank komersial atau bank dagang jika orang tersebut sudah memegang 5 persen atau lebih dari kepemilikan di lembaga keuangan lain berlisensi. Masuk juga diizinkan melalui pengaturan kantor perwakilan. Kantor perwakilan hanya dapat melakukan penelitian, pertukaran informasi dan layanan penghubung. (4) Terikat kecuali: (a)Kecuali ditentukan lain, kehadiran sementara perorangan ditawarkan ha nya dalam hal pasokan melalui moda kehadiran komersial. (b) Dua manajer senior dan lima spesialis atau ahli untuk masing-masing bank. Seorang manajer senior adalah orang pribadi yang memiliki pengetahuan kepemilikan dan otoritas penting untuk kontrol, pendirian dan pengoperasian layanan dari penyedia jasa keuangan. Spesialis atau ahli untuk masing-masing bank untuk daerah yang berkaitan dengan: (i) pembiayaan perdagangan; (ii) keuangan perusahaan; (iii) manajemen keuangan, dan (iv) teknologi informasi.	(4) Tidak terikat kecuali untuk kategori perorangan yang mengacu pada akses pasar.	
	(c) Untuk kantor perwakilan, dua warga negara asing. Hanya satu warga negara asing untuk dua posisi atas. (d) Masuk dibatasi dengan jangka waktu maksimum lima tahun.		

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
3. Perusahaan asuransi langsung	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (3) Cabang-cabang perusahaan asuransi asing ini harus berbadan hukum sesuai dengan Undang-Undang Asuransi 1996 dan kepemilikan saham asing tidak melebihi 51 persen diperbolehkan. Kepemilikan saham asing tidak melebihi 51 persen juga diizinkan untuk perusahaan asuransi pemegang saham asing yang berbadan hukum yang merupakan pemilik asli perusahaan tersebut. Diperoleh kepemilikan saham asing agregat dalam perusahaan tersebut tidak melebihi 51 persen. Tambahan baru terbatas pada ekuitas keikutsertaan oleh perusahaan asuransi asing dalam lokal dimasukkan perusahaan asuransi dan asing agregat tidak melebihi 30 persen. Tidak terikat untuk lisensi baru. Perusahaan asuransi tidak diperbolehkan untuk memperoleh lebih dari 5 persen bagian:	(1) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (2) Tidak terikat* kecuali ditentukan sebaliknya dalam jadwal ini (3) Tidak ada kecuali seperti yang ditunjukkan di bagian horizontal semua jasa keuangan dan dalam kegiatan masing-masing di bawah ini. Akuisisi oleh perusahaan asuransi asing dari agregat lebih dari 5 persen saham di sebuah perusahaan asuransi yang berbadan hukum harus memenuhi setidaknya salah satu kriteria berikut: (a) perusahaan asuransi asing memiliki kemampuan untuk memfasilitasi perdagangan dan berkontribusi terhadap pembangunan ekonomi dan keuangan dari Malaysia; (b) Negara perusahaan asuransi asing memiliki perdagangan yang signifikan dan kepentingan investasi di Malaysia; (c) Negara asal perusahaan asuransi asing tidak memiliki representasi yang signifikan di dalam industri asuransi Malaysia, atau	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(a) Dalam perusahaan asuransi lain di Malaysia yang berada pada kelas yang sama dari asuransi bisnis yang dijalankan olehnya, atau (b) Dalam sebuah perusahaan asuransi pialang Orang lain yang memegang lebih dari 5 persen saham di sebuah perusahaan asuransi tidak diizinkan untuk memperoleh kepemilikan saham lebih dari 5 persen pada: (a) perusahaan asuransi lain yang berada pada kelas yang sama dari bisnis asuransi yang dijalankan oleh perusahaan asuransi di mana orang tersebut adalah pemegang saham, atau (b) Sebuah perusahaan asuransi pialang (4) Tidak terikat kecuali sebagai berikut: (a) Kecuali ditentukan lain, kehadiran perorangan sementara ditawarkan hanya di suplai melalui moda kehadiran komersial. (b) Dua manajer senior dan tiga spesialis atau ahli untuk cabang perusahaan asuransi asing dan perusahaan asuransi Lokal.	(d)Perusahaan asuransi asing memiliki kemampuan untuk menyediakan keahlian teknis dan pengetahuan untuk memberikan kontribusi bagi pengembangan ekonomi dan keuangan di Malaysia. (4) Tidak terikat kecuali untuk kategori perorangan yang mengacu ke dalam akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Seorang manajer senior adalah orang pribadi yang memiliki pengetahuan kepemilikan dan otoritas penting untuk kontrol, pendirian dan pengoperasian layanan dari penyedia jasa keuangan. Lima spesialis atau ahli untuk setiap lembaga untuk daerah yang berkaitan dengan: (i) penjaminan atas jenis khusus bisnis umum; (ii) teknologi informasi, dan (iii) fungsi aktuaria . (c) Penambahan dibatasi sampai dengan maksimum dalam periode lima tahun		
A. JASA PERBANKAN DAN KEUANGAN LAINNYA, TERRMASUK ASURANSI Penerimaan deposito, dan dana lainnya dibayar dari masyarakat, grosir dan eceran.	(1) Meminta, iklan dan penerimaan deposito penerimaan deposito di Malaysia tidak diperbolehkan. (2) Tidak ada (3) Hanya diizinkan melalui bank umum, bank pedagang atau bank luar negeri. Bank luar negeri di Labuan diizinkan untuk menerima deposito mata uang asing. Bank investasi luar negeri di Labuan tidak diizinkan untuk menerima deposito. (4) Tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan	(1) Tidak ada (2) Tidak ada (3) Untuk bank umum, tidak terikat untuk percabangan (termasuk off-premises ATM) dan jaringan dengan ATM di Malaysia (4) Tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Pinjaman dari semua jenis, termasuk kredit konsumen, kredit hipotek dan pembiayaan transaksi komersial.	(1) Jasa keuangan terkait dengan pinjaman kepada penduduk dalam mata uang lebih dari setara RM 25 juta harus dilakukan bersama-sama dengan bank umum atau bank pedagang di Malaysia.	(1) Tidak ada	
	(2) Jasa keuangan terkait dengan pinjaman kepada penduduk dalam mata uang lebih dari setara RM 25 juta harus dilakukan bersama-sama dengan bank umum atau bank pedagang di Malaysia.	(2) Tidak ada	
	(3) Masuk sebagai non-bank untuk bisnis terjadwalkan terbatas pada: (a) lembaga keuangan asing melalui pembentukan perusahaan patungan yang berbadan hukum dan beragregat kepemilikan saham asing di perusahaan tersebut tidak akan melebihi 30 persen, atau (b) Sebuah kantor perwakilan. Kantor perwakilan hanya dapat melakukan penelitian dan layanan penghubung. Penyediaan jasa anjak piutang oleh bank komersial membutuhkan pengaturan darisebuah entitas yang terpisah dan kepemilikan saham oleh bank asing yang dikendalikankomersial tidak akan melebihi 30 persen.	(3) Lembaga perbankan asing yang dikendalikan di Malaysia diperbolehkan untukmemberikan fasilitas kredit (termasuk anjak piutang dan usaha sewa guna) sampai dengan maksimum 50 persen dari jumlah fasilitas pinjaman yang diperoleh oleh non-residen perusahaan yang dikendalikan dari lembaga perbankan Untuk bank komersial, terikat untuk percabangan (termasuk off-premises ATM) dan jaringan dengan ATM di Malaysia	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Penyediaan jasa factoring oleh bank komersial memerlukan pengaturan sebuah entitas terpisah dan pemegang saham oleh bank umum pengontrol asing tidak melebihi 30 persen Bank pedagang tidak diperkenankan untuk memberikan kredit konsumen dan kredit rumah. Hanya bank-bank komersial diizinkan untuk menyediakan fasilitas cerukan. Bank luar negeri dan bank investasi luar negeri yang diizinkan untuk meminjamka ndalam mata uang asing saja.		
	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali satu negara asing untuk posisi manajemen yang tidak posisi CEO, untuk pendirian masing-masing. Untuk kantor perwakilan dari usaha terjadwalkan, dua warga negara asing dikenakan hanya satu warga negara asing untuk dua posisis atas. Entri harus dibatasi dengan jangka waktu maksimum lima tahun.	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian semua layanankeuangan horisontal. Untuk non-bank, tidak terikat kecuali untuk kategori perorangan yang mengacu dalam akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Sewa Keuangan (Financial Leasing)	(1) Jasa Sewa Keuangan kepada penduduk dalam mata uang apapun harus dilakukan bersama-sama dengan perusahaan penyedia jasa Sewa Keuangan atau bank dagang di Malaysia. (2) Jasa penyewaan kepada penduduk dalam mata uang apapun harus dilakukan bersama-sama dengan perusahaan penyewaan atau bank dagang di Malaysia. (3) Penyediaan jasa sewa keuangan oleh bank komersial mensyaratkan pendirian sebuah entitas yang terpisah dan kepemilikan saham oleh bank asing yang dikendalikan komersial tidak melebihi 49 persen. Akses masuk sebagai perusahaan keuangan non-bank terbatas pada: (a) lembaga keuangan asing melalui pembentukan perusahaan patungan yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tersebut tidak melebihi 49 persen, atau (b) kantor perwakilan. Kantor perwakilan hanya dapat melakukan penelitian dan layanan penghubung.	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Akses masuk diperbolehkan melalui pembentukan cabang atau anak perusahaan di Labuan oleh perusahaan penyewaan asing yang bereputasi. Entitas luar negeri tersebut hanya dapat bertransaksi dalam mata uang asing. Bank luar negeri dan bank investasi luar negeri yang diizinkan untuk menjalankan usaha penyewaan keuangan dalam mata uang asing saja. (4) Tidak terikat kecuali dua warga negara asing, satu untuk pos manajemen yang bukan pos CEO dan satu pos teknis, untuk masing-masing pendirian. Untuk kantor perwakilan, dua warga asing tunduk pada satu negara asing untuk dua pos atas. Akses masuk harus dibatasi dengan jangka waktu maksimum lima tahun. Untuk perusahaan sewa keuangan asing, tidak terikat kecuali kehadiran perorangan dalam hal penyedia jasa melalui moda kehadiran komersial.	(4) Tidak terikat kecuali untuk kategori perorangan yang mengacu pada akses pasar. Untuk sewa perusahaan luar negeri, tidak terikat kecuali kehadiran perorangan sementara dalam hal pasokan melalui moda kehadiran komersial.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Semua jasa transmisi pembayaran dan uang, yaitu kredit dan kartu debit, travel cek dan *bankers drat*	(1) Sistem pemindahan data elektronik membutuhkan persetujuan.	(1) Tidak ada	
	(2) Tidak ada	(2) Tidak ada	
	(3) Bank luar negeri diizinkan untuk memperluas jasa pembayaran dan uang transmisi hanya kepada non-penduduk. Hanya bank-bank komersial yang diizinkan untuk menerbitkan kartu kredit, kartu debit atau menyediakan jasa memeriksa rekening. Penjualan atau pembelian valuta asing dan pembelian cek perjalanan selain oleh bank komersial memerlukan lisensi penukaran uang. Masuk terbatas pada pembentukan perusahaan patungan yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tidak melebihi 30 persen.	(3) Untuk bank umum, terikat untuk percabangan (termasuk off-premises ATM) dan jaringan ATM di Malaysia. Percabangan (termasuk dispenser) diizinkan bagi perusahaan travel cek dengan kepemilikan saham asing tidak melebihi 30 persen.	
	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali satu negara asing untuk pos manajemen yang bukan pos CEO, untuk masing-masing pendirian. Entri harus dibatasi dengan jangka waktu maksimum lima tahun	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali untuk kategori perorangan yang mengacu pada akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Kartu Kredit	(1) Tidak ada (2) Tidak ada (3) Entri terbatas pada pembentukan sebuah perusahaan yang didirikan di Malaysia. Persetujuan Bank sentral diperlukan (4) Tidak terikat kecuali dua manajer senior untuk masing-masing pendirian. Entri akan dibatasi untuk jangka waktu maksimum lima tahun	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali untuk kategori perorangan yang dimaksud dalam akses pasar	
Penjaminan dan Komitmen	(1) Tidak ada kecuali bank didirikan di Malaysia dapat diberikan hak penolakan pertama (2) Tidak ada kecuali bank didirikan di Malaysia dapat diberikan hak penolakan pertama (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam semua jasa keuangan dan bagian horizontal semua sektor	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam semua jasa keuangan dan bagian horizontal semua sektor	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Uang dan jasa perantaraan devisa	(1) Jasa pialang, yang melibatkan Ringgit Malaysia dan instrumen keuangan yang diterbitkan di Malaysia harus dilakukan melalui dealer resmi dan uang dan pialang valuta asing didirikan di Malaysia.	(1) tidak ada	
	(2) Jasa pialang, yang melibatkan Ringgit Malaysia dan instrumen keuangan yang diterbitkan di Malaysia harus dilakukan melalui dealer resmi dan uang dan pialang valuta asing didirikan di Malaysia.	(2) tidak ada	
	(3) Entri terbatas pada: (a) penyertaan modal pada lembaga yang ada dan agregat kepemilikan saham asing dalam lembaga-lembaga tersebut tidak melebihi 30 persen, atau (b) pembentukan cabang atau anak perusahaan, oleh uang dan broker valuta asing, terdaftar atau dimasukkan di Labuan Uang dan jasa pialang valuta asing oleh entitas luar negeri terbatas pada mata uang asing saja	(3) tidak ada	
	(4) tidak terikat Untuk uang luar negeri dan broker valuta asing, tidak terikat kecuali adanya perorangan sementara dalam hal pasokan melalui moda kehadiran komersial	(4) tidak terikat Untuk uang luar negeri dan broker valuta asing, tidak terikat kecuali adanya perorangan sementara dalam hal pasokan melalui moda kehadiran komersial	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Perdagangan untuk kepentingan sendiri atau rekening nasabah di bawah ini: - Instrumen pasar uang - valuta asing; - Saham yang dapat dipindah tangankan - valuta dan instrumen suku bunga - produk Derivatif, termasuk kontrak berjangka dan opsi - Instrument yang dinegosiasikan lainnya, termasuk logam mulia (bullion)	(1) Transaksi terbatas pada kontrak yang diperdagangkan di bursa tertentu di luar negeri (2) Tidak ada (3) Transaksi dengan bank luar negeri dan bank investasi luar negeri di Labuan harus dilakukan dalam mata uang asing, kecuali untuk penjualan atau pembelian mata uang dengan bank yang berwenang di Malaysia. Transaksi dengan bank luar negeri dan bank investasi luar negeri di Labuan untuk kepentingan sendiri hanya terbatas pada instrument yang dibuat dan dikeluarkan oleh perusahaan luar negeri di Labuan, dan perusahaan asing di luar negeri. Perdagangan untuk rekening nasabah oleh bank luar negeri, bank investasi luar negeri dan perusahaan luar negeri di Labuan terbatas pada non-residen pelanggan dan dalam instrumen dibuat dan dikeluarkan oleh perusahaan lluar negeri di Labuan dan perusahaan asing di luar negeri.	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Perdagangan saham pada perusahaan-perusahaan Malaysia oleh bank luar negeri, bank investasi luar negeri dan perusahaan luar negeri di Labuan terbatas pada non-penduduk pelanggan yang tidak terdaftar atau perusahaan luar negeri yang didirikan di Labuan. Hanya bank umum, bank luar negeri dan bank investasi luar negri yang diizinkan untuk perdagangan dalam mata uang asing. Perdagangan dan berurusan dalam surat berharga dan berjangka keuangan dan produk turunannya selain oleh lembaga keuangan yang ditunjuk memerlukan pembentukan perusahaan patungan yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tersebut tidak melebihi 30 persen. Perdagangan untuk kepentingan sendiri dan akun pelanggan yang diluar Malaysia dapat dialihkan kepada perusahaan anggota bursa untuk eksekusi oleh sebuah perusahaan pedagang saham asing yang tergabung dalam subjek Malaysia untuk semua persyaratan dan kondisi yang sedang diselesaikan.	(1)	
	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor.	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa yang berkaitan dengan penerbitan semua jenis surat berharga dan penempatan sebagai agen (baik umum atau pribadi)(tidak termasuk lembaga penerbitan dan pemeringkat)	(1) Keikutsertaan dalam penerbitan dan jasa yang berkaitan dengan perizinan tersebut membutuhkan perizinan.	(1) Tidak ada	
	(2) Keikutsertaan dalam penerbitan dan jasa yang berkaitan dengan masalah tersebut membutuhkan perizinan.	(2) Tidak ada	
	(3) Keikutsertaan bank luar negeri dan bank investasi luar negeri di Labuan terbatas pada non-residen pelanggan dan untuk penerbitan sekuritas di luar Malaysia. Hanya bank dagang yang diperbolehkan untuk menyampaikan kepada Securities Commission untuk penerbitan baru. Keikutsertaan non-bank mensyaratkan pendirian perusahaan patungan lokal setempat yang berbadan hukum dan agregasi kepemilikan saham asing di perusahaan tersebut tidak melebihi 30 persen. Tidak terikat untuk penunjukan sebagai dealer utama	(3) Tidak ada	
	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor.	(4) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Penjaminan	(1) Kehadiran komersil disyaratkan	(1) Tidak terikat	
	(2) Perizinan disyaratkan	(2) Tidak ada	
	(3) Untuk non-bank, hanya dealer berlisensi yang diizinkan untuk melakukan penjaminan. Akses masuk terbatas pada pendirian perusahaan patungan lokal yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tersebut tidak melebihi 30 persen. Bank-bank komersial hanya diizinkan untuk melakukan penjaminan atas obligasi perusahaan swasta. Bank luar negeri dan bank investasi luar negeri yang diizinkan untuk menanggung efek dalam mata uang asing dibuat dan dikeluarkan oleh perusahaan luar negeri di Labuan dan perusahaan asing di luar negeri.	(3) Tidak ada	
	(4) Untuk bank umum, bank dagang, bank luar negeri dan bank investasi luar negeri, tidak terikat kecuali seperti yang ditunjukkan di bagian horizontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor	(4) Untuk bank umum, bank dagang, bank luar negeri dan bank investasi luar negeri, tidak terikat kecuali seperti yang ditunjukkan di bagian horizontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Manajemen aset sebagai berikut:	(1) kehadiran komersil diperlukan	(1) Tidak ada	
- manajemen Tunai atau portofolio	(2) tidak ada	(2) Tidak ada	
- Semua bentuk manajemen investasi kolektif.	(3) Jasa Kustodial dan penyimpanan terbatas pada surat berharga berbasis scrip. Manajemen aset oleh bank luar negeri, bank investasi luar negeri dan perusahaan luar negeri terbatas pada non-residen pelanggan dan aktiva dalam mata uang asing. Manajemen aset oleh bank luar negeri, bank investasi luar negeri dan perusahaan luar negeri di Malaysia ekuitas atau ekuitas terkait investasi terbatas pada non-penduduk pembeli selain perusahaan luar negeri didirikan di Labuan di mana penduduk memiliki saham. Entri sebagai non-bank, selain Perusahaan Pengelola Dana Asing (FFMC) dibatasi untuk pembentukan perusahaan patungan yang berbadan hukum dan agregat kepemilikan saham dalam perusahaan tersebut tidak melebihi 30 persen.	(3) Tidak ada	
- jasa Kustodial dan penyimpanan			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Penyediaan layanan manajemen aset oleh bank komersial membutuhkan pembentukan sebuah entitas yang terpisah dan kepemilikan saham oleh bank komersial asing yang dikendalikan tidak melebihi 30 persen. Masuk sebagai sebuah FFMC terbatas pada pembentukan sebuah perusahaan yang didirikan secara lokal dengan lebih dari 50 persen kepemilikan saham asing di perusahaan dan membutuhkan persetujuan dari Komisi Sekuritas. Sumber dana local bernilai setidaknya RM10 juta terbatas FFMCs dimana agregat kepemilikan saham asing tidak lebih dari 70 persen dan perusahaan mengelola atau telah dilakukan untuk mengelola dana yang bersumber dari luar Malaysia dengan jumlah minimal USD100 juta. Sumber dana lokal terbatas pada dana institusi dan skema investasi kolektif selain kepercayaan unit. Hanya sepuluh FFMCs yang memiliki maksimum kepemilikan saham asing dari 70 persen yang dapat mengelola dana dari kepercayaan unit lokal terhadap persetujuan Komisi Sekuritas.		
	(4) Untuk bank umum dan bank pedagang, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sector	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal semua jasa keuangan. Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa penasehat, intermediasi dan jasa pendukung keuangan lainnya, termasuk referensi dan analisis kredit, pemberian nasihat investasi atas akuisisi, strategi dan restrukturisasi perusahaan.	(1) Pemberian nasihat investasi dan portofolio mensyaratkan kehadiran komersial. Jasa selain nasihat investasi dan portofolio kepada penduduk harus dilakukan bersama-sama dengan bank umum atau bank pedagang di Malaysia.	(1) Tidak ada	
	(2) Jasa selain saran investasi dan portofolio kepada penduduk harus dilakukan bersama-sama dengan bank umum atau bank pedagang di Malaysia	(2) Tidak ada	
	(3) Akses Masuk sebagai non-bank terbatas pada: (a) Pendirian perusahaan patungan lokal yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tersebut tidak melebihi 30 persen, atau (b) kantor perwakilan. Kantor perwakilan (termasuk bank umum, bank pedagang dan perusahaan efek) diizinkan untuk melakukan penelitian, informasi dan layanan penghubung saja. Kantor perwakilan perusahaan efek tidak diizinkan untuk menerbitkan dan mengedarkan karya penelitian di Malaysia. Bank luar negeri, bank luar negeri investasi dan perusahaan luar negeri di Labuan hanya dapat memberikan layanan kepada bukan penduduk pelanggan.	(3) Tidak ada	
	(4) Untuk bank, salah satu spesialis atau ahli. Untuk non-bank, seorang manajer senior dan satu spesialis atau ahli.	(4) Untuk bank, tidak terikat kecuali seperti yang ditunjukkan di bagian horisontal.semua jasa keuangan.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Untuk kantor perwakilan, tiga warga negara asing dikenakan hanya satu warga negara asing untuk dua posting atas dan dua lainnya untuk posting tingkat manajerial. Entri harus dibatasi dengan jangka waktu maksimum lima tahun	Untuk non-bank, tidak terikat kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor.	
Kantor pusat operasional (OHQ) untuk sector keuangan (Menyediakan layanan untuk lembaga perbankan komersial dan investasi dalam kegiatan yang berkaitan dengan pekerjaan yang dilakukan di Malaysia untuk kantor dan perusahaan terkait di luar Malaysia, yang berkaitan dengan manajemen umum dan administrasi, perencanaan bisnis, dukungan teknis, kontrol pemasaran dan promosi penjualan perencanaan, pelatihan dan manajemen personil, penyediaan treasury dan jasa pengelolaan dana dan penelitian dan pengembangan).	(1) Tidak terikat (2) Tidak terikat (3) Hanya melalui sebuah perusahaan sepenuhnya milik asing yang berbadan hukum. Sebuah perusahaan milik asing, kantor regional perusahaan milik asing yang mentransfer layanan OHQ ke Malaysia, kantor regional perusahaan milik asing didirikan di Malaysia, dan perusahaan milik asing yang sudah didirikan di Malaysia, mungkin berusaha untuk memenuhi syarat sebagai sebuah OHQ. (d) Memiliki jaringan perusahaan dengan sejumlah besar eksekutif yang berkualitas, profesional, teknis dan personil pendukung lainnya; (e) Dapat membuat keputusan secara independen tanpa konsultasi dengan kantor pusat atau perusahaan induk di luar Malaysia; (f) Mampu memberikan kontribusi bagi perekonomian Malaysia oleh: (i) Menggunakan layanan seperti hukum, akuntansi dll yang disediakan oleh Malaysia;	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(ii) Menciptakan kesempatan kerja bagi Malaysia; (iii) Mengaktifkan arus masuk yang lebih besar dari dana asing. (4) Salah satu spesialis atau pakar per mata kuliah organisasi untuk kondisi berikut: (a) orang tersebut harus memiliki pengetahuan pada tingkat lanjutan keahlian dan yang memiliki pengetahuan eksklusif jasa produk baru organisasi dan teknologi, peralatan penelitian dan teknik atau manajemen. (b) Entri harus dibatasi maksimal lima tahun dan dapat diperpanjang.	(4) Tidak ada	
Jasa Efek pialang yang terdiri dari: - Pialang jasa; - Referensi kreditdan analisis; - Investasi manajemen portofolio dan saran; dan - Riset pasar	(1) Perdagangan di bursa saham Malaysia harus ditransaksikan melalui perusahaan yang didirikan di Malaysia yang dikeikutsertaankan oleh organisasi pertukaran. Promosi di Malaysia atas saham Malaysia membutuhkan persetujuan. Penyediaan jasa penasihat investasi dan jasa referensi kredit kepada penduduk membutuhkan kehadiran komersial.	(1) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(2) Perdagangan di bursa saham Malaysia harus ditransaksikan melalui perusahaan yang didirikan di Malaysia yang dikeikutsertaankan oleh organisasi pertukaran	(2) Tidak ada	
	(3) Entri terbatas pada saham asing diakui perusahaan pialang melalui: (a) Penyertaan pada perusahaan perantara perdagangan efek yang ada, atau (b) Pembentukan perusahaan patungan yang berbadan hokum dengan perusahaan perantara perdagangan efek Malaysia. Dan agregat kepemilikan saham asing di perusahaan tersebut tidak akan melebihi 49 persen Sebuah perusahaan perdagangan saham asing tidak diperbolehkan memiliki saham disatu perusahaan perantara perdagangan efek saja. Masuknya perusahaan perantara perdagangan efek asing juga diizinkan melalui kantor perwakilan. Kantor perwakilan yang diizinkan untuk melakukan penelitian, informasi dan layanan penghubung saja. Kantor perwakilan tidak diizinkan untuk menerbitkan dan mengedarkan karya penelitian di Malaysia	(3) Tidak ada	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Lisensi baru disesuaikan dengan kondisi, termasuk lokasi geografis, kuota numeric dan kondisi lain yang akan ditentukan. (4) Tidak terikat untuk sebuah perusahaan perantara perdagangan efek, kecuali seperti yang ditunjukkan pada bagian horisontal semua sektor. Untuk kantor perwakilan, dua warga negara asing dikenakan hanya satu warga negara asing untuk dua posting atas. Entri harus dibatasi dengan jangka waktu maksimum lima tahun.	(4) Tidak terikat kecuali untuk kategori perorangan yang mengacu pada akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa komoditi pialang berjangka	(1) Perdagangan di bursa komoditas berjangka Malaysia harus dilakukan melalui perusahaan yang didirikan di Malaysia yang menjadi peserta perdagangan bursa tersebut	(1) Tidak ada	
	(2) Perdagangan di bursa komoditas berjangka Malaysia harus dilakukan melalui perusahaan yang didirikan di Malaysia yang menjadi peserta perdagangan bursa tersebut	(2) Tidak ada	
	(3) Entri terbatas pada: (a) Pendirian perusahaan patungan yang berbadan hukum dan agregat kepemilikan saham asing di perusahaan tersebut dibatasi hingga 30 persen atau persentase yang lebih tinggi yang ditetapkan oleh instansi yang berwenang, atau (b) Sebuah kantor perwakilan. Kantor perwakilan yang diizinkan untuk melakukan penelitian, informasi dan layanan penghubung saja. Total anggota bursa akan didasarkan pada kebutuhan ekonomi.	(3) Tidak ada	
	(4) Tidak terikat kecuali satu negara asing untuk posting manajemen per perusahaan, sesuai dengan uji pasar	(4) Tidak terikat kecuali untuk kategori perorangan yang mengacu pada akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. JASA ASURANSI Asuransi Langsung (non-jiwa)	(1) Pengumpulan dan iklan di Malaysia tidak diperbolehkan. Penempatan langsung di luar negeri dari asuransi: (a) barang bergerak atau tidak bergerak yang berlokasi di Malaysia, termasuk kapal atau pesawat terbang yang terdaftar di Malaysia, dan (b) kewajiban warga kepada pihak ketiga memerlukan persetujuan. Persetujuan akan diberikan jika asuransi tersebut tidak tersedia dari perusahaan asuransi langsung di Malaysia	(1) Tidak ada	
	(2) Penempatan langsung di luar negeri dari asuransi: (a) barang bergerak atau tidak bergerak yang berlokasi di Malaysia, termasuk kapal atau pesawat terbang yang terdaftar di Malaysia, dan (b) kewajiban warga kepada pihak ketiga memerlukan persetujuan. Persetujuan akan diberikan jika asuransi tersebut tidak tersedia dari perusahaan asuransi langsung di Malaysia	(2) Tidak ada	
	(3) Hanya diizinkan melalui perusahaan asuransi langsung. Perusahaan-perusahaan asuransi langsung lepas pantai di Labuan tidak diizinkan untuk menerima asuransi langsung untuk polis asuransi warga Malaysia.	(3) Pembentukan kantor cabang diizinkan bagi perusahaan-perusahaan asuransi langsung dengan keseluruhan saham asing kurang dari 50 persen. Perusahaan-perusahaan asuransi langsung diizinkan untuk mengelola jaringan cabang yang sudah ada. Tidak terikat untuk asisten khusus untuk perusahaan-perusahaan asuransing yang dimiliki oleh warga Malaysia untuk meningkatkan pengembangannya.	
	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam jasa keuangan bagian horizontal.	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam jasa keuangan bagian horizontal.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Asuransi Langsung (jiwa)	(1) Tidak terikat (2) Tidak terikat (3) Hanya diizinkan melalui perusahaan-perusahaan asuransi langsung. Usaha asuransi terkait investasi dan produk asuransi jiwa baru yang disediakan oleh perusahaan-perusahaan asuransi langsung memerlukan perizinan. Perusahaan-perusahaan asuransi langsung di Labuan tidak diizinkan untuk menanggung asuransi penduduk. Pembatasan ini tidak berlaku untuk asuransi jiwa dari penduduk bernilai tinggi. (4) Tidak terikat kecuali sebagaima ditunjukkan daam semua jasa keuangan bagian horizontal.	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada. Pembentukan kantor kantor cabang diizinkan bagi perusahaan-perusahaan asuransi langsung dengan keseluruhan saham asing kurang dari 50 persen. Perusahaan-perusahaan asuransi langsung diizinkan untuk mengelola jaringan cabang yang sudah ada. Tidak terikat untuk asisten khusus untuk perusahaan-perusahaan asuransing yang dimiliki oleh warga Malaysia untuk meningkatkan pengembangannya. (4) Tidak terikat kecuali sebagaima ditunjukkan daam semua jasa keuangan bagian horizontal.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Reasuransi dan retrosesi (non-jiwa)	(1) Reasuransi keluar diperbolehkan hanya jika kapasitas lokal tidak tersedia.	(1) Penyerahan sukarela hingga 30 persen dari masing-masih tingkat usaha reasuransi non-jiwa kepada Malaysian Reinsirance Berhad. Tidak terikat untuk insentif pajak untuk meningkatkan reasuransi di Malaysia.	
	(2) Reasuransi keluar diperbolehkan hanya jika kapasitas lokal tidak tersedia.	(2) Penyerahan sukarela hingga 30 persen dari masing-masih tingkat usaha reasuransi non-jiwa kepada Malaysian Reinsirance Berhad. Tidak terikat untuk insentif pajak untuk meningkatkan reasuransi di Malaysia.	
	(3) Kewajiban bagi semua perusahaan asuransi selain daripada perusahaan-perusahaan asuransi langsung lepas pantai dan reasuransi lepas pantai untuk mengoptimalkan kapasitan retensi nasional sebelum memberikan reasuransi ke luar. Tidak terikat untuk semua lisensi. Keseluruhan saham asing di Malaysian Reinsurance Berhad wajib ridak melebihi 30 persen. Tempat masuk bagi perusahaan reasuransi lepas pantai terbatas hanya di Labuan.	(3) Tidak terikat untuk langkah-langkah pemberian posisi khusus kepada Malaysian Reinsurance Berhad.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(4) Tidak terikat kecuali untuk: a) Dua manajer senior dan tiga spesialis atau tenaga ahli untuk masing-masing institusi diperbolehkan. Seorang manajer senior adalah seseorang yang memiiki pengetahuan dan penguasaan mendasar dalam hal pendirian, kontrol dan operasional jasa keuangan yang dimiliki oleh penyedia jasa. Spesialis atau tenaga ahli adalah seseorang yang memiliki pengetahuan atau keahlian berkaitan dengan produk dan jasa baru, teknik atau manajemen penyedia jasa keuangan. b) Masa tinggal dibatasi hingga periode maksimal lima tahun. Untuk perusahaan-perusahaan reasuransi lepas pantai, tidak terikat kecuali sebagaimana ditunjukkan dalam semua jasa keuangan bagian horizontal.	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam semua jasa keuangan bagian horizontal. Untuk perusahaan-perusahaan reasuransi lepas pantai, tidak terikat kecuali sebagaimana ditunjukkan dalam semua jasa keuangan bagian horizontal.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : **1) Pasokan lintas batas** **2) Konsumsi di luar negeri** **3) Kehadiran komersial** **4) Kehadiran orang perseorangan**

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Reasuransi dan retrosesi (jiwa)	(1) Reasuransi keluar diperbolehkan hanya jika kapasitas lokal tidak tersedia. (2) Reasuransi keluar diperbolehkan hanya jika kapasitas lokal tidak tersedia. (3) Kapasitas retensi nasional diperlukan untuk dioptimalkan sebelum reasuransi keluar oleh: a) Perusahaan-perusahaan asuransi jiwa langsung dan reasuransi jiwa di Malasia; dan b) Perusahaan-perusahaan asuransi jiwa langsung lepas pantai yang siizinkan untuk mengangsuransikan atau mereasuransukan asuransi jiiwa penduduk dengan nilai tingg. Tidak terikat untuk lisensi baru. Lokasi masuk sebagai perusahaan reasuransi lepas pantai ditetapkan hanya di Labuan. (4) Tidak terikat kecuali untuk: a) Dua manajer senior dan tiga spesialis atau tenaga ahli untuk masing-masing institusi diperbolehkan. Seorang manajer senior adalah seseorang yang memiiki pengetahuan dan penguasaan mendasar dalam hal pendirian, kontrol dan operasional jasa keuangan yang dimiliki oleh penyedia jasa. Spesialis atau tenaga ahli adalah seseorang yang memiliki pengetahuan atau keahlian berkaitan dengan produk dan jasa baru, teknik atau manajemen penyedia jasa keuangan. b) Perpindahan manajer senior, spesialis atau tenaga ahli dapat melalui intra-corporate transfers atau sebaliknya. c) Masa tinggal wajib dibatasi hingga maksimal periode lima tahun. Untuk perusahaan-perusahaan reasuransi lepas pantai, tidak terikat kecual sebagaimana ditunjukkan dalam dalam semua jasa keuangan bagian horizontal	(1) Tidak terikat untuk insentif pajak dengan tujuan untuk mempromosikan reasuransi di Malaysia. (2) Tidak terikat untuk insentif pajak dengan tujuan untuk mempromosikan reasuransi di Malaysia. (3) Tidak ada (4) Tidak terikat kecuali sebagaima ditunjukkan dalam semua jasa keuangan bagian horizontal. Untuk perusahaan-perusahaan reasuransi lepas pantai, tidak terikat sebagaimana ditunjukkan dalam semua jasa keuangan bagian horizontal.	

www.djpp.kemenkumham.go.id

MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Perantara asuransi – broker asuransi (tidak termasuk keagenan)	(1) Jasa perantara asuransi langsung hanya dapat disediakan untuk perusahaan-perusahaan lepas pantai di Labuan. Perantara reasuransi diizinkan.	(1) Tidak ada	
	(2) Jasa perantara asuransi langsung hanya dapat disediakan untuk perusahaan-perusahaan lepas pantai di Labuan. Perantara reasuransi diizinkan.	(2) Tidak ada	
	(3) Tidak terikat untuk perantara asuransi di daratan. Seorang manajer penangungjawab asuransi lepas pantai tidak diizinkan untuk layanan kepada perusahaan asuransi lepas pantai selain di Labuan. Seorang manajer asuransi lepas pantai diizinkan untuk menyediakan layanan manajemen asuransi kepada orang yang bukan penduduk.	(3) Tidak ada	
	(4) Tidak terikat kecuali sebagaimana ditunjukkan pada semua jasa keuangan bagian horizontal.	(4) Tidak terikat kecuali sebagaimana ditunjukkan pada semua jasa keuangan bagian horizontal.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Intermediasi asuransi - Underwriting asuransi dan manajemen asuransi	(1) Underwriting asuransi dan manajemen asuransi tidak diizinkan	(1) Tidak ada	
	(2) Underwriting asuransi dan manajemen asuransi tidak diizinkan	(2) Tidak ada	
	(3) Tidak terikat untuk underwriting asuransi dan manajemen asuransi di daratan. Manajer underwriting asuransi lepas pantai tidak diizinkan menyediakan jasa kepada siapapin kecuali perusahaan asuransi lepas pantai di Labuan. Manajer asuransi lepas pantai diizinkan untuk menyediakan jasa manajemen asuransi kepada perorangan selain penduduk.	(3) Tidak ada	
	(4) Tidak terikat, kecuali sebagaimana ditunjukkan di dalam semua bagian horisontal jasa keuangan.	(4) Tidak terikat, kecuali sebagaimana ditunjukkan di dalam semua bagian horisontal jasa keuangan.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa-jasa tambahan untuk asuransi, sebagaimana berikut:	(1) Jasa-jasa aktuaria hanya dapat disediakan untuk perusahaan-perusahaan asuransi lepas pantai dan perusahaan-perusahaan reasuransi di Labuan.	(1) Tidak ada	
a) Konsultasi (tidak termasuk jasa keagenan asuransi untuk asuransi industri) b) Penilaian risiko aktuaria c) Manajemen risiko d) Penyesuaian kerugian maritim	(2) Tidak ada (3) Terbatas untuk pendirian: a) Perusahaan-perusahaan yang tergabung secara lokal; b) Cabang-cabang; atau c) Kemitraan.	(2) Tidak ada (3) Tidak ada	
	(4) Tidak terikat kecuali untuk kehadiran sementara orang perseorangan dalam rangka suplai melalui mda kehadiran komersial	(4) Tidak terikat kecuali untuk kehadiran sementara orang perseorangan dalam rangka suplai melalui mda kehadiran komersial	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
8. JASA SOSIAL DAN YANG TERKAIT DENGAN KESEHATAN			
A. Jasa rumah sakit Jasa rumah sakit swasta (CPC 93110*)	(1) Tidak ada (2) Tidak ada (3) Uji Kebutuhan Ekonomi; Hanya melalui suatu perusahaan patungan yang digabungkan secara lokal dengan perseorangan Malaysia atau perusahaan yang dikendalikan Malaysia atau keduanya dan keseluruhan jumlah kepemilikan saham asing dalam perusahaan patungan tersebut wajib tidak melebihi 40%; dan Perusahaan patungan wajib mengoperasionalkan suatu rumah sakit dengan minimum 100 tempat tidur. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Pendirian klinik rawat jalan afiliasi dari rumah sakit tersebut tidak diizinkan. (4) Tidak terikat kecuali untuk kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar	
JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa hotel, resor pariwisata dan restoran Meliputi pengelolaan dan pengoperasian hotel atau resor, termasuk tempat-tempat yang tidak memerlukan kepemilikan properti (CPC 641, 642, 643)	(1) Tidak ada (2) Tidak ada (3) a) Masuknya kegiatan-kegiatan jasa berdasarkan CPC 641, 642, 643 diizinkan hanya melalui perusahaan patungan yang digabungkan secara lokal dengan pihak perorangan Malaysia atau perusahaan-perusahaan yang dikendalikan orang Malaysia atau keduanya dan keseluruhan saham asing dalam dalam perusahaan patungan tersebuy wajib tidak melebihi 30 persen. b) Untuk CPC 64110 yang hanya mencakup pendirian hotel bintang 4 dan 5, keseluruhan kepemilikan saham asing dalam perusahaan patungan tersebut diizinkan sampai dengan sebesar 49%. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam 1 (a) dan (b) dan 2 (a) dan (c) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) a) Tidak ada b) Tidak ada (4) Tidak terikat kecuali untuk kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Agen Perjalanan dan Penyelenggara Tur (CPC 7471)	(1) Tidak ada (2) Tidak ada (3) a) Hanya melalui suatu perusahaan patungan yang digabungkan dengan perorangan Malaysia atau perusahaan patungan yang digabungkan secara lokal dengan pihak perorangan Malaysia atau perusahaan-perusahaan yang dikendalikan orang Malaysia atau keduanya dan keseluruhan saham asing dalam dalam perusahaan patungan tersebuy wajib tidak melebihi 30 persen Pendirian kantor lainnya, memerlukan izin tambahan b) Hanya untuk perjalanan dalam negeri, keseluruhan kepemilikan saham asing dalam perusahaan patungan diizinkan sampai dengan sebesar 49 %. (4) Tidak terikat, kecuali sebagaimana ditunjukkan pada 1(a) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali untuk kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pemandu Turis (CPC 7471)	(1) Tidak ada (2) Tidak ada (3) Jasa pemandu turis hanya dapat disediakan oleh orang perseorangan (4) Tidak terikat, kecuali sebagaimana ditunjukkan pada 2(a) dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali untuk kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
JASA-JASA REKREASI, BUDAYA DAN OLAHRAGA			
Jasa hiburan lainnya (CPC 96191,96192,96194) (Taman Hiburan – suatu kawasan atau pusat hiburan rekreasi berbasis keluarga yang dapat terdiri dari perlengkapan kendaraan, simulasi mekanis dan/atau berteknologi tinggi dengan berbagai macam fasilitas hiburan yang dibangun di sekeliling suatu taman atau beberapa taman. Kegiatan-kegiatan yang akan ditawarkan memuat elemen-elemen hiburandan petualangan. Konsep taman dimaksud dapat berupa baik di luar ruangan atau di dalam ruangan atau kombinasi keduanya)	(1) Tidak terikat karena kurang memungkinkannya faktor teknis (2) Tidak ada (3) (a)Jasa hiburan hanya dapat dipasok hanya oleh orang perseorangan (b) Untuk Taman Hiburan (bagian dari CPC 96194), usaha patungan dengan perseorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya dengan keseluruhan kepemilikan saham asing dalam perusahaan patungan tersebut tidak melebihi dari sebesar 49 persen (4) Tidak terikat kecuali sebagaimana ditunjukan dalam 2(a) bagian horisontal	(1) Tidak terikat karena kurang memungkinkannya faktor teknis (2) Tidak ada (3) a) Tidak ada b) Tidak ada (4) Tidak terikat, kecuali untuk kategori-kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar Keikutsertaan penghibur/ artis Malaysia mungkin diperlukan berdasarkan pedoman dari Kementerian terkait.	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : **1) Pasokan lintas batas** **2) Konsumsi di luar negeri** **3) Kehadiran komersial** **4) Kehadiran orang perseorangan**

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa pengelolaan acara olahraga (CPC 96411,96412)	(1) Tidak terikat karena kurang memungkinkannya faktor teknis (2) Tidak ada (3) Hanya melalui suatu perusahaan yang dikendalikan oleh orang Malaysia yang bertindak sebagai sponsor lokal (4) Tidak terikat kecuali sebagaimana ditunjukan dalam 2(a) bagian horisontal	(1) Tidak terikat karena kurang memungkinkannya faktor teknis (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali untuk kategori orang perseorangan sebagaimana dirujuk berdasarkan akses pasar	
Jasa Angkutan			

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : **1) Pasokan lintas batas** **2) Konsumsi di luar negeri** **3) Kehadiran komersial** **4) Kehadiran orang perseorangan**

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa Angkutan Laut Jasa Angkutan Laut Internasional tidak termasuk *cabotage*, kargo pemerintah 7211: Angkutan penumpang 7212: Angkutan barang (CPC 7211, 7212)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu kantor perwakilan, kantor wilayah atau perusahaan patungan yang digabungkan secara lokal dengan perseorangan Malaysia atau perusahaan-perusahaan yang dikendalikan oleh warga Malaysia atau keduanya dan keseluruhan kepemilikan saham asing dalam perusahaan patungan wajib tidak melebihi dari sebesar 40 persen Kapal-kapal terdaftar di Malaysia Untuk mendaftarkan suatu kapal di Malaysia, ketentuan-ketentuan berikut ini harus dipenuhi: 1)Pemilik dari kapal tersebut harus merupakan warga negara Malaysia atau perusahaan yang tergabung di Malaysia; 2) Mayoritas kepemilikan saham akan dipegang oleh orang Malaysia; 3) Mayoritas dewan direktur merupakan orang Malaysia; dan 4) Kantor pusat usaha berada di Malaysia. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	Jasa-jasa di pelabuhan berikut ini disediakan bagi para pemasok angkutan laut internasional berdasarkan syarat-syarat dan ketentuan yang wajar dan tidak diskriminatif: 1. Kapal Pandu 2. Bantuan penderekan dan penarikan. 3. Penyediaan, pengisian bahan bakar dan pengisian air. 4. Pengumpulan sampah dan pembuangan limbah berat. 5. Jasa Syah Bandar 6. Bantuan navigasi 7. Layanan operasional berbasis pantai yang penting untuk pengoperasian kapal, termasuk pasokan telekomunikasi, air dan

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
c. Jasa Penyewaan/Sewa beli kapal-kapal yang sedang berlayar dengan operator untuk pengapalan internasional (CPC 72130) Tidak termasuk untuk *cabotage* dan perdagangan lepas pantai	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terkait kecuali sebagaimana ditunjukkan dalam bagian horisontal. Awak kapal diizinkan untuk turun dari kapal hanya selama penambatan sesuai dengan peraturan domestik yang berlaku	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian horizontal.	
Jasa Penyewaan/Sewa beli berkenaan dengan kapal-kapal tanpa operator (Piagam *Bareboat*) untuk pengapalan internasional (CPC 83103) Tidak termasuk untuk *cabotage* dan perdagangan lepas pantai	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terkait kecuali sebagaimana ditunjukkan dalam bagian horisontal. Awak kapal diizinkan untuk turun dari kapal hanya selama penambatan sesuai dengan peraturan domestik yang berlaku	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal.	
Jasa-jasa agen kelautan yang mencakup pemasaran dan penjualan pengangkutan laut dan jasa-jasa yang terkait serta bertindak atas nama perusahaan-perusahaan yang menyelenggarakan pemanggilan kapal atau mengambil alih kargo-kargo apabila diperlukan. (CPC 748*)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa-jasa Kapal untuk Penyelamatan dan Pengangkatan (tidak berlaku di pelabuhan) (CPC 74540) (Jasa-jasa kapal penyelamat yang disediakan di samudera dan laut. Jasa-jasa tersebut terdiri dari memperbaiki kapal rusak dan tenggelam \ beserta kargo-kargonya, termasuk menaikkan kapal yang tenggelam, membalikkan kapal-kapal yang terbalik dan mengangkat kembali kapal-kapal yang terdampar)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horizontal	

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : **1) Pasokan lintas batas** **2) Konsumsi di luar negeri** **3) Kehadiran komersial** **4) Kehadiran orang perseorangan**

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa-jasa Penerus Pengiriman Barang melalui laut (CPC 7480) (Terdiri dari menyelenggarakan dan memantau pengoperasian penggapalan atas nama para pengapal, melalui pengadaan angkutan dan layanan-layanan terkait, perbaikan dokumentasi dan penyediaan informasi usaha)	(1) Tidak ada (2) Tidak ada (3) Hanya melalui suatu kantor perwakilan, kantor wilayah atau perusahaan usaha patungan yang digabungkan secara lokal dengan perseorangan Malaysia atau perusahaan yang dikendalikan oleh orang Malaysia atau keduanya. Saham asing diizinkan sampai sebesar 49 persen (4) Tidak terikat, kecuali sebagaimana ditunjukkandalam bagian horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian horisontal.	

LAMPIRAN I
Lampiran untuk Komitmen Tambahan (Jasa Telekomunikasi)

Prinsip	Persyaratan Prosedural
4. Perlindungan Persaingan	Badan Pengatur harus mengambil kebijakan untuk: - Menjaga persaingan yang adil di antara operator jaringan. - Melindungi kepentingan konsumen.
2. *Universal Service Obligation*	Memastikan bahwa jaringan operator berkontribusi untuk *Universal Service Obligation* terutama perluasan jasa ke dalam wilayah pinggiran dan wilayah tertinggal seperti yang ditetapkan dalam ijinnya.
5. Kriteria perijinan tersedia untuk	Untuk memberikan saran kepada operator jaringan lainnya mengenai status perijinan dari setiap

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masyarakat	jaringan operator termasuk syarat dan ketentuan terkait dengan ijin operator yang mengatur hak pemegang ijin untuk interkoneksi dengan operator.
6. Regulator mandiri	Untuk menjalankan fungsi-fungsinya berkaitan dengan mengacu pada melaksanakan operator telekomunikasi dan menjalankan jasa telekomunikasi di Malaysia seperti yang telah tercantum pada Bagian 3B Undang-Undang Telekomunikasi;
5. Pengaturan interkoneksi	Untuk memastikan bahwa prinsip-prinsip berikut terkait dengan pengaturan interkoneksi melekat pada: - Interkoneksi dan akses antara operator jaringan wajib atas dasar kesamaan dan non-diskriminasi; - pembebanan biaya untuk fasilitas dan jasa interkoneksi yang disediakan oleh jaringan operator wajib adil dan setara; - kualitas teknis dari fasilitas dan jasa interkoneksi yang diberikan oleh jaringan operator wajib tidak kurang berkualitas teknik dari jasa fasilitas dan interkoneksinya wajib tidak kurang dari yang disediakan di dalam jaringan mereka sendiri; - operator jaringan domestik pada setiap segmen pasar wajib tidak menyalahgunakan kekuatan pasarnya untuk membatasi akses pada fasilitas penting hanya untuk interkoneksi; - operator jaringan yang menyediakan akses koneksi ke pelanggan wajib diijinkan untuk memberitahukannya (pelanggan); - tidak ada subsidi silang yang diperbolehkan diantara perusahaan penyedia jasa telekomunikasi di mana satu perusahaan tersebut harus menanggung bagian beban *Universal Service Obligation* yang tidak seimbang dimana bagian tersebut tidak proporsional terhadap pangsa pasarnya.

MALAYSIA –DAFTAR PENGECUALIAN MFN

Untuk Komitmen Paket Ketujuh dalam Persetujuan Kerangka Kerja ASEAN di Bidang Jasa

Sektor atau Subsektor	Deskripsi kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Negara yang memberlakukan kebijakan dimaksud	Jangka waktu yang diinginkan	Kondisi yang melandasi pengecualian
Semua sektor	Liberalisasi atas kebijakan yang berdampak terhadap pergerakan tenaga kerja semi-terampil dan tidak terampil asing ke Malaysia akan dijalankan dengan	Semua negara	Tidak ditentukan	Kebijakan diperlukan untuk : - mempertahankan pengaturan sesuai perjanjian bilateral yang ada; dan

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MALAYSIA - JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

	cara yang berbeda berdasarkan alasan-alasan tertentu seperti kedekatan, bersebelahan atau wilayah, keserasian agama dan/atau budaya			- memastikan bahwa perpindahan tenaga kerja semi-terampil dan tidak terampil asing berkontribusi terhadap stabilitas sosial dan keserasian lingkungan industri di Malaysia
Semua Sektor	Liberalisasi atas kebijakan yang ada atau kebijakan mendatang yang membatasi keikutsertaan atau kepentingan modal asing atau perusahaan dan kegiatan usaha di Malaysia wajib dijalankan dalam suatu cara yang istimewa dan dibedakan	Semua negara	Tidak ditentukan	Kebijakan akan diberlakukan dengan cara yang berbeda kepada para penanaman modal yang sesuai dengan persyaratan pembangunan tertentu Malaysia dengan kemampuan dan fasilitas yang disediakan oleh perusahaan asing dan negara asal mereka. Tujuannya adalah untuk memaksimalkan keuntungan ekonomi dari keikutsertaan asing dalam perekonomian Malaysia.
Jasa Periklanan	Pembatasan 20% konten asing dikecualikan untuk negara-negara berikut	Brunei Darussalam Indonesia Filipina Singapura Thailan	5 tahun	Kebijakan ini diperlukan untuk meningkatkan program pariwisata intra-ASEAN.

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PERSETUJUAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

MYANMAR

Jadwal Komitmen Khusus

AC-TIS/SC2/MYA

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
I. Komitmen Horizontal			
Semua Sektor; untuk penyedia jasa dari pihak ketiga yang merupakan perorangan dari pihak tersebut tetapi tidak memiliki kewarganegaraan yang sama dengan pihak dimaksud: tidak terikat			
Semua Sektor	(1) Sebagaimana diuraikan oleh masing-masing sektor (2) Sebagaimana diuraikan oleh masing-masing sektor (3) (a) keberadaan komersial dari penyedia dan/atau penyuplai jasa asing diperbolehkan sesuai dengan Undang-undang Perusahaan Myanmar 1914, Undang-undang Kemitraan 1932, Undang-undang Perusahaan Khusus (1950), Undang-undang Investasi Asing Persatuan Myanmar (1988), Undang-undang Investasi Warga Negara Persatuan Myanmar (1994). Menurut undang-undang tersebut: (i) 100% investasi asing, atau Usaha patungan dengan warga negara atau perusahaan Myanmar dengan minimal kepemilikan modal 35% diperbolehkan. Bentuk dari usaha tersebut dapat berupa kemitraan atau perseroan terbatas	(1) Sebagaimana diuraikan oleh masing-masing sektor (2) Sebagaimana diuraikan oleh masing-masing sektor (3) (a) menurutnotifikasi no 41/2010 tanggal 10 Maret 2010 yang dikeluarkanKementerianKeuangandanPemasukan, jenispembayarankepada orang asingberikuttundukkepadapajak yang dapatditahansebagaiberikut: **<u>Klasifikasipendapatan Orang AsingbukanPendudukTetap</u>** - Bunga 15% - Royalti yang dibayarkanuntukpenggunaanlisensi, merkdagang, hak paten, dst. 30% - Pembayaran dari Organisasi pemerintah, Komite Pembangunan, Kelopmok Masyarakat, Usaha patungan, perusahaan, organisasi yang dibentuk dan terdaftar dalam undang-undang yang berlaku, untuk membeli barang dan menerima pelaksanaan pekerjaan di bawah kontrak atau persetujuan atau izin apapun 3,5% - Pembayaran yang dibuatpengusahaasingatauperusahaanasingdaripelaksan	

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	atau kantor cabang/perwakilan Sesuai dengan Undang-undang Perusahaan Myanmar (1994) Investasi yang diharapkan dapat ditolak tergantung implikasi seperti keamanan risiko pengaturan keuangan yang terlibat dan pemenuhan dengan kondisi saat ini. (b) penggabungan suatu perusahaan, tidak termasuk perusahaan milik negara dilakukan berdasarkan Undang-undang Perusahaan Myanmar 1914. Persyaratan kepemilikan modal minimal untuk perusahaan dan cabang adalah sebagai berikut: - perusahaan jasa: senilai dengan 300.000 Kyat dalam US$ - Perusahaan Industri: senilai 1.000.000 Kyat dalam US$ Berdasarkan Undang-undang ini: Jika investasi melibatkan perusahaan milik negara, penggabungan harus berdasarkan Undang-undang Perusahaan Myanmar 1914, Aturan Perusahaan Myanmar 1940, Undang-undang Perusahaan Khusus (1950), Undang-undang Perusahaan Khusus (amandemen) 1955, 1959. (c) menurut Undang-undang Nasionalisasi Tanah 1953 dan	aanpekerjaandanpembelianbarangsecara local di bawahkontrakataupersetujuanatauizin 3,5% Menurutnotifikasinomor 115/2006 yang dikeluarkanolehKementerianKeuangandanPemasukan, pajakpenghasilanuntuk orang asingharusdibayarkandalammatauangasingpada tariff 35% darinilaimatauangasingtersebut. Bagaimanapun, jikapenghasilan di bawah rata-rata penghasilan professional, penghasilan yang dirahasiakansumbernyadanpenghasilandarisumberlain, pajakpenghasilandihitungdaritarifrelevan yang disebutkan di atas-yang berkisarpada 5-40% melebihijumlah yang dihitungpada 35%, kemudianjumlahpenghasilan yang lebihbesarharusdibayarkan. <u>Pajak</u> Menurutbagian 3 (k) dariundang-undangpajakpenghasilan, disebutkanbahwawargaasingpenduduktetapsebagaiberikut: (i) Untukindividuperorangan, orang asing yang tinggal di Myanmar tidakkurangdari 183 hariselamatahunpenghasilan (ii) Untukperusahaan, perusahaan yang didirikanberdasarkanUndang-undang Perusahaan Myanmar atauUndang-undang yang berlakulainnyasecaramenyeluruhatausebagiandenganpemilik modal asing (iii) Untukperkumpulanperoranganselainperusahaan, perkumpulandidirikanseluruhnyaatausebagiandengan orang asing, dan di manakendali, pengelolaandanpembuatankeputusandilakukandanterletakseluruhnya di Persatuan Myanmar - Untuk kasus ini, pekerja asing dan pegawai-pegawainya yang bekerja sekurang-kurangnya 183 hari di Myanmar dan perusahaan asing yang didirikan di Myanmar dapat	

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	Undang-undang Pelarangan Pemindahan Harta Tak Bergerak (1987), organisasi dan orang asing tidak diperbolehkan memiliki tanah di Myanmar. Negara adalah satu-satunya pemilik dari keseluruhan tanah. Tanah dapat disewakan untuk jangka panjang, tergantung dari jenis usaha dan jumlah investasi. (d) Sesuai Undang-undang Investasi Asing, Undang-undang Imigrasi (Ketentuan Darurat) 1947, Undang-undang Orang Asing 1864), Pendaftaran Orang Asing 1940, Ketentuan dan Peraturan Pendaftaran Orang Asing 1948, untuk level manajemen diperbolehkan untuk tinggal sampai dengan satu tahun dan dapat diperpanjang sesuai perizininan dari instansi yang berwenang. (e) menurut bagian 3 dari Perusahaan Ekonomi Milik Negara, dua belas kegiatan ekonomi tidak diperbolehkan. Akan tetapi aktivitas-aktivitas tersebut dapat diizinkan oleh Kabinet, dengan notifikasi yang sesuai dengan bagian 4 dari Undang-Undang yang sama. (f) Semua perusahaan asing dan pekerja asing harus memiliki:	dianggap sebagai penduduk asing. Notifikasi Kementerian Keuangan dan Pemasukan yang saat ini berlaku nomor 124/2006 mengatur bahwa pajak penghasilan untuk penduduk asing yang mendapatkan penghasilan dalam mata uang asing di bawah gaji kepala harus dibayar 15% dalam nilai mata uang asing tersebut. Bagaimanapun, pemasukan penduduk asing yang menangani perusahaan seperti perusahaan-perusahaan yang didirikan di Myanmar harus dihitung sesuai dengan panduan aturan 5-B dari aturan pajak penghasilan dan dibayar dalam mata uang asing. Tarif Pajak perusahaan adalah sebesar 30% - Penasihat hukum dapat memberikan jasa di Myanmar tetapi tidak dibenarkan untuk beracara di Pengadilan Myanmar (4) - Semua ekspatriat yang bekerja di perusahaan patungan, kantor perwakilan atau jenis-jenis entitas lainnya dan/atau penyedia jasa individu harus disetujui oleh otoritas yang berwenang. - Semua ekspatriat yang memasuki Myanmar harus mematuhi Undang-undang Imigrasi Myanmar (Aturan Darurat) 1947, Undang-undang Warga Asing 1864, Peraturan Pendaftaran Orang Asing 1948 dan Aturan, peraturan dan prosedur imigrasi Myanmar. - Penyedia jasa individual yang bekerja dengan izin dari otoritas terkait harus mendaftarkan diri mereka kepada	

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	Visa Bisnis Masa tinggal berlaku 70 hari Untuk perpanjangan masa tinggal: - Sampai dengan 3 bulan** US$ 36 - Lebih dari 3 bulan sampai dengan 1 tahun** US$ 90 [** dengan rekomendasi dari Kementerian terkait, formulir aplikasi, paspor (asli & salinan), formulir tinggal, foto terbaru (2), FRC, Kartu Pendaftaran Perusahaan, Izin Ekspor dan Impor] (kalimat: sesuai dengan izin dari BadanPenerbit Visa, KementerianImigrasisebagaimana yang sudahdiwajibkan) Pajak Di bawahUndang-undangInvestasiAsingBagian 21, untuktujuanmempromosikaninvestasiasing, Komisiharusmemberikanpengecualiandan/ataupembebasanpajak (4) Departemen tenaga kerja di bawah Kementerian Tenaga Kerja melakukan pendaftaran tenaga kerja asing yang telah diberikan izin bekerja oleh Komisi Penanaman Modal Myanmar. Durasi pendaftaran adalah 6 bulan dan biaya pendaftaran adalah 5 FEC per orang	Departemen Tenaga Kerja, Kementerian Tenaga Kerja - Departemen Tenaga Kerja, di bawah Kementerian Tenaga Kerja melakukan pendaftaran untuk pekerja asing yang telah diberikan izin bekerja oleh Komisi Penanaman Modal Myanmar - Mengenai pengakuan sertifikat pendidikan dan standar teknis, Myanmar hanya mengakui faktor ekuivalen tergantung dari silabus, isi, volume, jangka waktu dalam bahasa Inggris dari setiap negara.	

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Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Tipe Visa dan Aturan untuk Perpanjangan Masa Tinggal

No. Seri	Jenis Visa	Masa Berlakunya Visa	Masa perpanjangan izin tinggal	Biaya Perpanjangan Masa Tinggal	Dokumen yang diperlukan	Kementerian/Badan yang mengeluarkan perpanjangan izin tinggal	aturan
1	Visa wisata	28 hari	14 hari	US$ 36	- Rekomendasi Kementerian terkait - Formulir aplikasi - Paspor (asli dan salinan) - Formulir tinggal - Foto terbaru (2)	Badan Konfirmasi Visa	Sesuai dengan perizinan Badan Konfirmasi Visa, Kementerian Imigrasi yang telah dikeluarkan

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2	Visa bisnis	70 hari	- Sampai dengan 3 bulan - 3 bulan sampai dengan 1 tahun	US$ 36 US$ 90	- Rekomendasi Kementerian terkait - Formulir aplikasi - Paspor (asli dan salinan) - Formulir tinggal - Foto terbaru (2) - FRC - Kartu Pendaftaran Perusahaan - Izin Ekspor & Impor		
3	Visa transit	24 jam	-	-	-		
4	Visa sosial	28 hari	- Sampai dengan 3 bulan - 3 bulan sampai dengan 1 tahun	US$ 36 US$ 90	- Kartu Pendaftaran Nasional (asli dan salinan) - Rekomendasi petugas imigrasi kota terkait - Paspor (asli dan salinan) - Formulir tinggal - Foto terbaru (2) - FRC	Badan Konfirmasi Visa	Sesuai dengan perizinan Badan Konfirmasi Visa, Kementerian Imigrasi yang telah dikeluarkan

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

5	Visa GOC/DGOC	Sesuai masa penugasan	Sesuai masa penugasan	Gratis	- Rekomendasi Kementerian Luar Negeri - Salinan Formulir aplikasi dari Kedutaan Besar - Paspor (asli dan salinan) - Formulir tinggal - Foto terbaru (2)	Badan Konfirmasi Visa	Sesuai dengan perizinan Badan Konfirmasi Visa, Kementerian Imigrasi yang telah dikeluarkan
6	SRV/MJSRV	6 bulan	6 bulan 1 tahun	US$ 54 US$ 180	- Rekomendasi Kementerian Luar Negeri atau Kementerian lain yang terkait - Salinan Formulir aplikasi dari organisasi terkait - Paspor (asli dan salinan) - Formulir tinggal - Foto terbaru (2)	Badan Konfirmasi Visa	Sesuai dengan perizinan Badan Konfirmasi Visa, Kementerian Imigrasi yang telah dikeluarkan

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
I. Komitmen Spesifik Sektor			
Jasa Transportasi Udara			
1. Jasa Perbaikan dan Pemeliharaan Pesawat	(1) Tidak ada (2) Tidak ada (3) Sebagaimana diuraikan di komitmen horizontal (4) Sebagaimana diuraikan di komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Sebagaimana diuraikan di komitmen horizontal (4) Sebagaimana diuraikan di komitmen horizontal	
2. Penjualan dan Pemasaran Jasa Transportasi Udara	(1) Tidak ada (2) Tidak ada (3) Sebagaimana diuraikan di komitmen horizontal (4) Sebagaimana diuraikan di komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Sebagaimana diuraikan di komitmen horizontal (4) Sebagaimana diuraikan di komitmen horizontal	

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
3. Jasa Sistem Reservasi Komputer	(1) Tidak ada, kecuali jasa tersebut harus menggunakan jaringan telekomunikasi publik yang berada di bawah otoritas telekomunikasi nasional sesuai aturan dan regulasi yang berlaku (2) Tunduk pada pengaturan komersial dengan operator terdaftar (3) Tidak terikat (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
JASA BISNIS			
1. Jasa akuntansi, audit dan pembukuan (CPC 862)	(1) Tidak ada (2) Tidak ada (3) Usaha patungan atau kemitraan dengan akuntan	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukan dalam akses pasar	AkuntanpraktisiasingmemegangSertifikatAkuntansia tau gelaryang diberikan olehnegaraasing manapun dandiakui olehdewan AkuntansiMyanmar. Diaterdaftardalam daftarpraktisiakuntanyang dikelolaolehnegaranya. Tunduk pada persyaratanlisensiMAC.

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	publik Myanmar yang tedaftar secara lokal dianjurkan setelah memenuhi persyaratan yang ditentukan oleh Undang-Undang Penanaman Modal Asing, dengan ketentuan mitra asing harus berkompeten dan terdaftar sebagai Akuntan Publik Praktik di negaranya Sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak ada untuk jasa akuntansi, pembukuan dan audit	(4) Seperti ditunjukan dalam akses pasar	
2. JasaPerekayasaan (CPC 8672)	(1) Tidak terikat karena tidak memungkinkan secara teknis (2) Tidak ada (3) sebagaimana	(1) Tidak ada (2) Tidak ada (3) sebagaimana ditunjukkan pada komitmen horizontal	

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	ditunjukkan pada komitmen horizontal (4) sebagaimana ditunjukkan pada komitmen horizontal	(4) sebagaimana ditunjukkan pada komitmen horizontal	
3. Jasa Penterjemahan dan interpretasi (CPC 87905)	(1) tidak ada (2) tidak ada (3) tidak terikat (4) tidak terikat	(1) tidak ada (2) tidak ada (3) tidak terikat (4) tidak terikat	
4. Penyewaan dan leasing peralatan studio rekaman (CPC 83109)	(1) tidak ada (2) tidak ada (3) tidak terikat (4) tidak terikat	(1) tidak ada (2) tidak ada (3) tidak terikat (4) tidak terikat	
5. Jasa Periklanan (CPC 871)	(1) tidak terikat (2) tidak ada (3) tidak terikat (4) tidak terikat	(1) tidak terikat (2) tidak ada (3) tidak terikat (4) tidak terikat	
6. Percetakan dan Penerbitan (CPC 89)	(1) tidak terikat (2) tidak ada	(1) tidak terikat (2) tidak ada	

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) tidak terikat (4) tidak terikat	(3) tidak terikat (4) tidak terikat	
JASA KONSTRUKSI			
Pekerjaan Konstruksi Untuk Rekayasa Sipil(CPC 513)	(1) Tidakterikat* (2) Tidakada (3) Sebagaimana ditunjukkan dalam komitmen horizontal (4) Sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidakterikat* (2) Tidakada (3) Sebagaimana ditunjukkan dalam komitmen horizontal (4) Sebagaimana ditunjukkan dalam komitmen horizontal	
JASA KEUANGAN			
1. Jasa Aktuaria	(1) Tidak ada (2) Tidak ada	(1) (a). Menurut undang-undang dan peraturan yang berlaku seperti: Undang-undang Asuransi Myanmar 1993 dan Undang-undang Usaha Asuransi 1996, dsb. (b). Sebagaimana ditunjukkan pada komitmen horizontal. (2) (a). Menurut undang-undang dan peraturan yang berlaku	

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) Tidak terikat. (4) Tidak terikat	seperti: Undang-undang Asuransi Myanmar 1993 dan Undang-undang Usaha Asuransi 1996, dsb (b). Sebagaimana ditunjukkan pada komitmen horizontal. (3) Tidak terikat (4) Tidak terikat.	
2. Jasa Penyesuaian rata-rata dan rugi (CPC 8143)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan di komitmen horizontal. (4) Sebagaimana ditunjukkan di komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan di komitmen horizontal. (4) Sebagaimana ditunjukkan di komitmen horizontal	
3. Jasa kantor perwakilan bank asing	(1) Tidak terikat (2) Tidak terikat (3) – bank asing diperbolehkan untuk membuka kantor perwakilan di Myanmar	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat	

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	- Sebagaimana ditunjukkan di komitmen horizontal (4) Tidak terikat		
JASA KESEHATAN			
1. Jasa kedokteran gigi (CPC 93123)	(1) Tidak ada (2) Tidak ada (3) Kehadiran komersial dari pemasok jasa asing diizinkan sesuai dengan Undang-Undang terkait Jasa Pelayanan Kesehatan Swasta, 2007. Berdasarkan Undang-undang Penanaman Modal Asing Uni Myanmar 1988, usaha patungan dengan warga negara atau perusahaan	(1) Tidak ada (2) Tidak ada (3) Kehadiran komersial pemasok jasa asing diizinkan sesuai dengan Undang-Undang terkait dengan Jasa Kesehatan Swasta, 2007. Berdasarkan Undang-Undang Penanaman Modal Asing Uni Myanmar 1988, usaha patungan dengan warga negara atau perusahaan Myanmar dengan modal asing sebesar 51% diizinkan. Sebagaimana ditunjukan dalam komitmen horizontal (4) Tidak terikat	

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	Myanmar dengan modal asing sebesar 51% diizinkan. Sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak terikat		
2. Jasa persalinandan yang terkait denganjasa persalinan, jasa keperawatan, fisioterapi, dan tenaga paramedik (CPC 93191)	(1) Tidak ada (2) Tidak ada (3) Kehadiran komersial dari pemasok jasa asing diizinkan sesuai dengan Undang-Undang terkait Jasa Pelayanan Kesehatan Swasta, 2007. Di bawah Undang-undang Penanaman Modal Asing Uni Myanmar 1988,	(1) Tidak ada (2) Tidak ada (3) Kehadiran komersial dari pemasok jasa asing diizinkan sesuai dengan Undang-Undang terkait Jasa Pelayanan Kesehatan Swasta, 2007. Di bawah Undang-undang Penanaman Modal Asing Uni Myanmar 1988, usaha patungan dengan warga negara atau perusahaan Myanmar dengan modal asing sebesar 51% diizinkan. Sebagaimana	

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	usaha patungan dengan warga negara atau perusahaan Myanmar dengan modal asing sebesar 51% diizinkan. Sebagaimana ditunjukkandalam komitmen horizontal (4) Tidak terikat	ditunjukkandalam komitmen horizontal (4) Tidak terikat	
Jasa Transportasi Laut			
Jasa penyimpanan dan pergudangan (CPC 742)	(1) Tidak terikat karena tidak memungkinkan secara teknis (2) Tidak ada (3) Sebagaimana ditunjukkanditunjukkan pada komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Sebagaimana ditunjukkan pada komitmen horizontal (4) Sebagaimana ditunjukkan pada komitmen horizontal	

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(4) Sebagaimana ditunjukkan pada komitmen horizontal		
Angkutan Penumpang Internasional (tidak termasuk *Cabotage*) (CPC 7211)	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
Angkutan Barang Internasional (tidak termasuk *cabotage*) (CPC 7212)	(1) Tidak ada (2) Tidak ada (3) Sebagaimana ditunjukkan pada komitmen horizontal (4) Sebagaimana ditunjukkan pada komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
Jasa penanganan kargo laut	(1) Tidak terikat karena tidak memungkinkan secara teknis (2) Tidak ada	(1) Tidak terikat (2) Tidak ada (3) Sebagaimana ditunjukkan pada	

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) Sebagaimana ditunjukkan pada komitmen horizontal (4) Sebagaimana ditunjukkan pada komitmen horizontal	komitmen horizontal (4) Sebagaimana ditunjukkan pada komitmen horizontal	
JASA TELEKOMUNIKASI			
Jasa Telekomunikasi (CPC 7523) 1. Jasa Teleks(CPC 7523**) 2. Jasa Telegraf (CPC 7522)	(1) Tidak ada* (2) Tidak ada* (3) sebagaimana ditunjukkan di komitmen horizontal (4) sebagaimana ditunjukkan di komitmen horizontal.	(1) Tidak ada* (2) Tidak ada* (3) sebagaimana ditunjukkan di komitmen horizontal (4) sebagaimana ditunjukkan di komitmen horizontal.	*Tunduk pada ketentuan peraturan perundang-undangan yang berlaku
3. Jasa Surat Elektronik(CPC 7523**) 4. Jasa Surat	(1) (a) tunduk pada ketentuan dari peraturan perundang-	(1) Tidak terikat	*Tunduk pada ketentuan peraturan perundang-undangan yang berlaku

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MYANMAR – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
Suara (CPC 7523**) 5. Pertukaran Data Elektronik (EDI) (CPC 7523**) 6. Penelusuran informasi dan basis data secara online (CPC 7523**) 7. Kode dan Konversi Protokol (CPC 7523**) 8. Pemrosesan informasi dan/atau data secara online (CPC 7523**)	undangan yang berlaku (b) tunduk hanya pada penggunaan *national gateway* (2) Tidak ada* (3) sebagaimana ditunjukkan di komitmen horizontal. (4) sebagaimana ditunjukkandi komitmen horizontal.	(2) Tidak ada* (3) sebagaimana ditunjukkan di komitmen horizontal (4) sebagaimana ditunjukkandi komitmen horizontal.	
9. Jasaproduksi gambar bergerak dan *video* pita (CPC 96121)	(1) Tidakterikat (2) Tidakada (3) sebagaimana ditunjukkandi komitmen horizontal. (4) sebagaimana ditunjukkandi	(1) Tidakterikat (2) Tidakada (3) Tidak terikat. (4) sebagaimanaditunjukkandikomitmen horizontal	

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Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	komitmen horizontal		
10. Jasa Tempat Pertunjukan Film dan Jasa Proyeksi Gambar Bergerak (CPC 9615)	(1) Tidakterikat (2) Tidakada (3) Tidak terikat. (4) Tidak terikat	(1) Tidakterikat (2) Tidakada (3) Tidak terikat. (4) Tidak terikat	
JASA PARIWISATA DAN YANG TERKAIT DENGAN PERJALANAN			
Hotel (CPC 641-643)	(1) Tidakada (2) Tidakada (3) Tidak ada (4) Tidak ada	(1) Tidakada (2) Tidakada (3) Tidak terikat (4) Tidak Terikat	
Jasa Agen Perjalanan dan Penyelenggara Tur (CPC 7471)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	

Catatan: Untuk pemasok jasa dari *party*yang lainyang merupakan Orang Perseorangan dari Party tersebut tetapi bukan warga negara *Party*tersebut pada moda 1,2,3,4: tidak terikat

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FILIPINA

Jadwal Komitmen Khusus

AC-TIS/SC2/PHI

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
I. Komitmen Horizontal			
SEMUA SEKTOR TERMASUK DALAM JADWAL INI	3) Dalam kegiatan-kegiatan yang dilindungi secara jelas oleh Hukum untuk kewarganegaraan Filipina (seperti modal asing hanya terbatas pada saham minoritas): Keikutsertaan para penanam modal asing pada badan-badan pengurus dari setiap perusahaan yang terlibat dalam kegiatan-kegiatan yang secara jelas dilindungi oleh hukum bagi warga negara Filipina dimana pembagian modal asing bagi entitas-entitas dimaksud dibatasi secara proporsional. Semua pejabat eksekutif dan pengelola harus merupakan warga negara Filipina. Penguasaan Tanah Semua tanah untuk kepentingan umum dikuasai oleh Negara. Hanya warga negara Filipina atau korporasi atau asosiasi yang modalnya setidak-tidaknya 60 persen dimiliki oleh warga negara dimaksud dapat memiliki tanah selain daripada tanah-tanah publik dan dapat memiliki tanah publik itu melalui sewa beli.	3) Akses Kredit Dalam Negeri Suatu firma asing, yang terlibat dalam kegiatan nonfabrikasi dengan sendirinya dapat meminjam peso, wajib mematuhi jangka waktu peminjaman, dengan rasio perbandingan utang dengan modal 50:50. Firma-firma asing yang tercakup meliputi: a) Kemitraan, yang lebih 40 persen modalnya dimiliki oleh bukan warga negara Filipina; dan b) Korporasi, yang lebih dari 40 persen modalnya dalam bentuk saham terdaftar di bursa saham dimiliki oleh bukan warga negara Filipina. Persyaratan ini tidak berlaku untuk bank-bank dan perantara-perantara keuangan nonbank. Bank dilarang memperpanjang masa peminjaman dalam mata uang peso kepada bukan penduduk tetap	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Para penanam modal asing dapat melakukan sewa beli hanya pada lahan-lahan milik pribadi. 4) Ijin Masuk dan Tinggal Sementara bagi Orang Perseorangan yang Memasok Jasa Warga negara asing dapat diijinkan memasuki Filipina untuk memasok jasa setelah terdapat penetapan bahwa tidak ada orang Filipina yang kompeten, mampu, dan bersedia, pada saat pemberlakuan untuk melaksanakan jasa dimaksud sebagaimana diinginkan oleh warga negara dimaksud.		
	(1, 2, 3, 4) Semua peraturan yang dibuat pemerintah lokal tidak mengikat (1, 2, 3, 4) Peraturan pajak tunduk pada undang-undang, peraturan dan regulasi domestik yang konsisten dengan GATS	(1, 2, 3, 4) Semua peraturan yang dibuat pemerintah lokal tidak mengikat (1, 2, 3, 4) Peraturan pajak tunduk pada undang-undang, peraturan dan regulasi domestik yang konsisten dengan GATS	
1. JASA BISNIS			
E. Jasa Penyewaan/Leasing tanpa Operator			
a. Terkait dengan kapal (CPC 83103)	(1) Tidak ada (2) Tidak ada (3) Kontrak carter/ leasing perahu tanpa awak tunduk pada persetujuan Otoritas Industri Kelautan (MARINA) (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada	
b. Terkait dengan pesawat	(1) Tidak ada	(1) Tidak ada	

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terbang (CPC 83104)	(2) Tidak ada (3) Kontrak leasing tunduk pada persetujuan dari Badan Penerbangan Sipil (4) Tidak ada	(2) Tidak ada (3) Tidak ada (4) Tidak ada	
F. Jasa Bisnis Lain			
h. Jasa insidental untuk pertambangan (CPC 883) Eksplorasi dan Pengembangan Minyak dan Gas	(1) Tidak terikat* (2) Tidak ada (3) Sampai dengan 40 persen kepemilikan modal asing diperbolehkan selama terdapat persetujuan dari Presiden. Konstitusi memperbolehkan Presiden untuk memasuki persetujuan kontrak kerja dengan perusahaan yang dimiliki asing untuk teknis, keuangan, atau bentuk lain dari bantuan yang melibatkan eksplorasi, pengembangan dan penggunaan minyak skala besar. Pembatasan yang didaftarkan pada bagian horizontal juga berlaku. (4) Pemakaian tenaga profesional asing: Dengan rekomendasi dari Badan Regulasi Profesional (PRB) dan Komisi Regulasi Profesional (PRC) terkait, dapat diizinkan mendaftar dan menerbitkan sertifikat pendaftaran/lisensi dan kartu identifikasi profesional		

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	dengan atau tanpa ujian untuk orang asing yang terdaftar dalam hukum negaranya dan sertifikat pendaftarannya ketika dikeluarkan tidak ditunda/dicabut: disediakan, A. Persyaratan untuk pendaftaran/lisensi di negara asing yang disebutkan secara substansial sama dengan yang diperlukan oleh hukum Filipina dan dengan hukum negara asing yang memperbolehkan warga Filipina untuk menjalankan profesinya dengan dasar yang sama dan mendapatkan fasilitas yang sama dengan yang dinikmati perorangan atau warga negara di negara asal: disediakan, lebih jauh, B. Jika memungkinkan, Komisi dengan rekomendasi Badan berwenang, menerbitkan sertifikat/lisensi atau izin khusus sementara kepada: a. profesional asing yang ingin untuk menjalankan profesinya di negara yang terikat dengan resiprositas dan perjanjian internasional lainnya.		
	b. konsultan di proyek yang dibiayai asing, proyek patungan atau proyek pemerintah yang dibantu asing; atau c. Pegawai dari institusi/firma Filipina/asing sesuai dengan undang-undang, atau tenaga kesehatan profesional yang tergabung dalam misi kemanusiaan untuk periode tinggal yang terbatas: disediakan, akhirnya.		

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	C. Agensi/organisasi/perorangan tersebut baik publik maupun swasta, yang menjalankan jasa dari tenaga profesional asing diatur oleh undang-undang untuk berpraktik di Filipina untuk alasan yang disebut di atas harus mendapatkan izin khusus dari PRC dan Departemen Tenaga Kerja dan Pegawai (DOLE) sesuai dengan aturan PRC dan DOLE Pembatasan yang tertulis di bagian horizontal harus berlaku.		
Eksplorasi dan Pengembangan Panas Bumi	(1) Tidak terikat* (2) Tidak ada (3) Sampai dengan 40 persen kepemilikan modal asing diperbolehkan selama terdapat persetujuan dari Presiden. Konstitusi memperbolehkan Presiden untuk memasuki persetujuan kontrak kerja dengan perusahaan yang dimiliki asing untuk teknis, keuangan, atau bentuk lain dari bantuan yang melibatkan eksplorasi, pengembangan dan penggunaan minyak skala besar. Pembatasan yang didaftarkan pada bagian horizontal juga berlaku. (4) Pemakaian tenaga profesional asing: Dengan rekomendasi dari Badan Regulasi Profesional (PRB) dan Komisi Regulasi Profesional (PRC) terkait, dapat diizinkan mendaftar dan	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada. (4) Tidak terikat	

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	menerbitkan sertifikat pendaftaran/lisensi dan		
	kartu identifikasi profesional dengan atau tanpa ujian untuk orang asing yang terdaftar dalam hukum negaranya dan sertifikat pendaftarannya ketika dikeluarkan tidak ditunda/dicabut: disediakan, A. Persyaratan untuk pendaftaran/lisensi di negara asing yang disebutkan secara substansial sama dengan B. yang diperlukan oleh hukum Filipina dan dengan hukum negara asing yang memperbolehkan warga Filipina untuk menjalankan profesinya dengan dasar yang sama dan mendapatkan fasilitas yang sama dengan yang dinikmati perorangan atau warga negara di negara asal: disediakan, lebih jauh, C. Jika memungkinkan, Komisi dengan rekomendasi Badan berwenang, menerbitkan sertifikat/lisensi atau izin khusus sementara kepada: a. profesional asing yang ingin untuk menjalankan profesinya di negara yang		
	terikat dengan resiprositas dan perjanjian internasional lainnya. b. konsultan di proyek yang dibiayai asing, proyek		

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	patungan atau proyek pemerintah yang dibantu asing, atau c. pegawai dari institusi/firma Filipina/asing sesuai dengan undang-undang, atau tenaga kesehatan profesional yang tergabung dalam misi kemanusiaan untuk periode tinggal yang terbatas; disediakan, akhirnya. D. Badan/organisasi/perorangan tersebut baik publik maupun swasta, yang menjalankan jasa dari tenaga profesional asing diatur oleh undang-undang untuk berpraktik di Filipina untuk alasan yang disebut di atas harus mendapatkan izin khusus dari PRC dan Departemen Tenaga Kerja dan Pegawai (DOLE) sesuai dengan aturan PRC dan DOLE Pembatasan yang tertulis di bagian horizontal harus berlaku.		
Eksplorasi dan Pengembangan Batu Bara	(1) Tidak terikat* (2) Tidak ada (3) Sampai dengan 100 persen kepemilikan modal asing diperbolehkan selama terdapat persetujuan dari Presiden. Konstitusi memperbolehkan Presiden untuk memasuki persetujuan kontrak kerja dengan perusahaan yang dimiliki asing untuk teknis, keuangan, atau	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada.	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	bentuk lain dari bantuan yang melibatkan eksplorasi, pengembangan dan penggunaan minyak skala besar. Pembatasan yang didaftarkan pada bagian horizontal juga berlaku. (4) Penggunaan tenaga profesional asing: Dengan rekomendasi dari Badan Regulasi Profesional (PRB) dan Komisi Regulasi Profesional (PRC) terkait, dapat diizinkan mendaftar dan menerbitkan sertifikat pendaftaran/lisensi dan kartu identifikasi profesional dengan atau	(4) Tidak terikat	
	tanpa ujian untuk orang asing yang terdaftar dalam hukum negaranya dan sertifikat pendaftarannya ketika dikeluarkan tidak ditunda/dicabut: disediakan, A. Persyaratan untuk pendaftaran/lisensi di negara asing yang disebutkan secara substansial sama dengan yang diperlukan oleh hukum Filipina dan dengan hukum negara asing yang memperbolehkan warga Filipina untuk menjalankan profesinya dengan dasar yang sama dan mendapatkan fasilitas yang sama dengan yang dinikmati perorangan atau warga negara di negara asal: disediakan, lebih jauh, B. Jika memungkinkan, Komisi dengan rekomendasi Badan berwenang, menerbitkan sertifikat/lisensi atau izin khusus sementara kepada: a. profesional asing yang ingin untuk menjalankan profesinya di negara yang terikat dengan		

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	resiprositas dan perjanjian internasional lainnya.		
	b. konsultan di proyek yang dibiayai asing, proyek patungan atau proyek pemerintah yang dibantu asing; atau c. pegawai dari institusi/firma Filipina/asing sesuai dengan undang-undang, atau tenaga kesehatan profesional yang tergabung dalam misi kemanusiaan untuk periode tinggal yang terbatas: disediakan, akhirnya. C. Badan/organisasi/perorangan tersebut baik publik maupun swasta, yang menjalankan jasa dari tenaga profesional asing diatur oleh undang-undang untuk berpraktik di Filipina untuk alasan yang disebut di atas harus mendapatkan izin khusus dari PRC dan Departemen Tenaga Kerja dan Pegawai (DOLE) sesuai dengan aturan PRC dan DOLE Pembatasan yang tertulis di bagian horizontal harus berlaku.		
j. Jasa terkait distribusi energi (CPC 887) Jaringan distribusi energi seperti saluran pipa untuk transmisi, distribusi dan pasokan gas alam, dan transmisi energi dan sistim distribusi	(1) Tidak terikat* (2) Tidak ada (3) Sampai dengan 40 persen keikutsertaan modal asing diperbolehkan (4) Tidak terikat	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

JASA KOMUNIKASI			
A./B. Jasa Pos/Kurir (7511/75112) a. Jasa Surat Dalam Negeri 1) Surat Biasa 2) Surat Tercatat[1] 3) Surat Kilat 4) Paket Dalam Negeri 5) Balasan Bisnis[2] 6) Barang Cetakan b. Jasa Pengiriman Internasional 1. Surat Biasa 2. Surat Tercatat[3] 3. Surat Kilat 4. Barang Cetakan 5. Paket Internasional c. Jasa Pengiriman Uang (Dalam dan Luar Negeri) [4]	(1) Kehadiran komersial dibutuhkan. (2) Tidak ada (3) Masuk sesuai dengan persyaratan sebagai berikut: a) Modal asing diizinkan hingga 40%; dan b) Otoritas Pemerintah Filipina untuk mengoperasikan jasa pengiriman ekspres dan/atau jasa pengiriman pesan. (4) Penyelenggaraan jasa pos / kurir hanya diperuntukan bagi warga negara Filipina	(1) Tidak ada (2) Tidak ada (3) Masuk sesuai dengan persyaratan dan ketentuan sebagai berikut : a) Jumlah orang yang bukan warga negara Filipina dalam Dewan Direksi suatu entitas wajib seimbang dengan keseluruhan saham dari modal asing entitas tersebut; dan b) Semua eksekutif dan manajer harus berkewarganegaraan Filipina. (4) Penyelenggaraanjasa pos / kurir hanya diperuntukan bagi warga negara Filipina	

[1]Jasa Pos yang hanya ditawarkan oleh the Philippine Postal Corporation (PPC)

[2]Jasa Pos yang hanya ditawarkan oleh the Philippine Postal Corporation (PPC)

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C. Jasa Telekomunikasi			
Jasa-jasa berikut ditawarkan hanya berdasarkan fasilitas, untuk penggunaan umum, baik yang menggunakan teknologi kabel atau nir-kabel kecuali TV kabel (CATV). a. Jasa telepon suara (CPC 7521) • Jasa lokal • Jasa interlokal • Dalam Negeri • Internasional b. Jasa transmisi data berbasis *packet-switched* (CPC 7523**) c. Jasa transmisi data berbasis *circuit-switched* (CPC 7523**) d. Jasa Teleks (CPC 7523**) e. Jasa Telegraf (CPC 7522) f. Jasa Faksimili (CPC 7521**+7529**) g. Jasa Sirkit-Sewa	(1) Tidak terikat* (2) Tidak ada (3) Masuk sesuai dengan persyaratan dan ketentuan sebagai berikut : A. Waralaba dari Kongres Filipina B. Sertifikat Kenyamanan Umum dan Keperluan (CPCN) dari Komisi Telekomunikasi Nasional C. Modal asing diizinkan sampai dengan 40 persen. D. Penjualan kembali saluran sewa perorangan tidak diizinkan[5] E. Jasa sirkit-sewatertutupwajib tidak dihubungkan pada suatu jaringan umum (PSTN). F. *Call back, dial back*, dan skema sejenis lainnya, yang merupakan hasil dalam operasi yang sama, tidak diizinkan. G. Tergantung pada ketersediaan dan penggunaan frekuensi radio yang efisien. H. Hanya entitas telekomunikasi, penyelenggara siaranan dan/atau TV	(1) Tidak ada (2) Tidak ada (3) Masuk sesuai dengan persyaratan dan ketentuan sebagai berikut : a) Jumlah orang yang bukan warga negara Filipina dalam Dewan Direksi suatu entitas wajib seimbang dengan keseluruhan saham dari modal asing entitas tersebut. b) Semua eksekutif dan manajer harus berkewarganegaraan Filipina.	Dokumen Rujukan mengenai Prinsip-prinsip Pengaturan akan ditinjau kembali dimasa depan sesuai dengan perkembangan peraturan perundang-undangannya.

[3]Jasa Pos yang hanya ditawarkan oleh the Philippine Postal Corporation (PPC)

[4]Jasa Pos yang hanya ditawarkan oleh Perusahaan Pos Filipina (PPC)

[5]Entitas telekomunikasi publik yang memiliki izin diizinkan menjual atau menjual kembali saluran-saluran yang disewabelikan oleh swasta

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Tertutup(CPC 7522**+7523) • Jasa Telepon Bergerak Seluler (CPC 75213) • Jasa Satelit	kabel yang memiliki izin dan bersertifikat dapat mengakses penyedia jasa ruang satelit. I. Operator satelit Filipina wajib diberikan preferensi untuk mengatur persyaratan kapasitas ruang kepada entitas yang diberi izin setelah semua faktor dipertimbangkan secara seimbang J. Jasa ruang satelit yang diatur di Filipina wajib berdasarkan pengaturan timbal balik. (4) Pemasok jasa harus berkewarganegaraan Filipina	(4) Pemasok jasa harus berkewarganegaraan Filipina.	
Jasa transmisi data dan pesan • Jasa jaringan data (CPC 75231) • Jasa pesan elektronik dan informasi (CPC 75232)	(1) Tidak terikat* (2) Tidak ada (3) Masuk sesuai dengan persyaratan dan ketentuan sebagai berikut : a) Waralaba dari Kongres Filipina b) Sertifikat Kenyamanan dan Kebutuhan Publik (CPCN) dari Komisi Telekomunikasi Nasional c) Modal asing diizinkan sampai dengan 40%. d) Penjualan kembali saluran sewa perorangan tidak diizinkan[6] e) Jasa sirkit-sewatertutup tidak	(1) Tidak ada (2) Tidak ada (3) Masuk sesuai dengan persyaratan dan ketentuan sebagai berikut : a) Jumlah orang yang bukan warga negara Filipina dalam Dewan Direksi suatu entitas wajib seimbang dengan keseluruhan saham dari modal asing entitas tersebut; dan b) Semua eksekutif dan manajer harus	

[6]Entitas telekomunikasi publik yang memiliki izin diizinkan menjual atau menjual kembali saluran-saluran yang disewabelikan oleh swasta

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	diperkenankan pada suatu jaringan umum (PSTN). f) *Call back, dial back*, dan skema sejenis lainnya, yang merupakan hasil dalam operasi yang sama, tidak diizinkan. g) Tergantung pada ketersediaan dan penggunaan frekuensi radio yang efisien. h) Hanya entitas telekomunikasi, penyelenggara siaranan dan/atau TV kabel yang memiliki izin dan bersertifikat dapat mengakses penyedia jasa ruang satelit. i) Operator satelit Filipina wajib diberikan preferensi untuk mengatur persyaratan kapasitas ruang kepada entitas yang diberi izin setelah semua faktor dipertimbangkan secara seimbang j) Jasa ruang satelit yang diatur di Filipina wajib berdasarkan pengaturan timbal balik (4) Pemasok jasa harus berkewarganegaraan Filipina.	berkewarganegaraan Filipina (4) Pemasok jasa harus berkewarganegaraan Filipina.	

Dokumen Rujukan (Reference Paper) Filipina tentang Prinsip Regulasi di Jasa Telekomunikasi Komitmen di jasa telekomunikasi sesuai dengan GA¯S dan LampiranTelekomunikasi terkait. Dalam mendukung komitmen akses pasar yang dijalankan, prinsip-prinsip berikut akan membentuk dasar kerangka regulasi dalam telekomunikasi dasar.

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

1. Pengamanan Kompetitif *(Competitive safeguard)*

   langkah-langkah yang sesuai wajib dipertahankan untuk tujuan mencegah pemasok melakukan atau melanjutkan praktek-praktek anti-persaingan.

2. Interkoneksi

   Dalam rangka mencapai jasa telekomunikasi yang dapat berjalan, efisien, dapat diandalkan dan universal, interkoneksi operator fasilitas jaringan publik resmi dan penyedia jasa telekomunikasi lainnya yang adil dan wajar wajib disediakan.

   Interkoneksi wajib berada di titik yang memungkinkan secara teknis di dalam jaringan, di bawah ketentuan dan kondisi non-diskriminasi, pada saat yang tepat, dan dengan ketentuan dan kondisi yang adil, transparan dan masuk akal.

   Sebuah penyedia jasa yang meminta interkoneksi dengan pemasok lainnya akan meminta bantuan setelahjangka waktu yang masuk akal yang telah diberitahukan secara publik kepada badan domestik yang independen, yang mungkin akan berupa badan regulasi yang tercantum di dalam paragraf 5 di bawah, untuk menyelesaikan perselisihan terkait ketentuan, kondisi dan tarif yang pantas untuk interkoneksi dalam jangka waktu yang masuk akal, sejauh bahwa ini belum ditetapkan sebelumnya.

3. Jasa Universal

   Kewajiban jasauniversal, sebagaimana dapat ditentukan oleh otoritas yang sesuai, wajib didaftarkan dengan cara yang transparan, tidak diskriminatif dan bersaing secara wajar. Portal internasional resmi dan para pemasok jasa telepon bergerak seluler yang dipersyaratkan berdasarkan hukum untuk memasang sejumlah jalur pertukaran lokal di wilayah-wilayah yang telah ditentukan.

4. Ketersediaan kriteria perizinan publik

   Apabila suatu perizinan diperlukan, hal-hal sebagai berikut wajib dipublikasikan:

   i. Seluruh kriteria perizinan dan jangka waktu yang secara wajar dipersyaratkan untuk mencapai suatu keputusan berkenaan dengan pengajuan suatu perizinan;
   ii. Syarat-syarat dan ketentuan untuk perizinan perorangan.

   Alasan untuk penolakan suatu perizinan akan diketahui oleh pemohon berdasarkan permintaan.

5. Regulator independen

   Badan regulasi terpisah dari, dan tidak bertanggung jawab kepada, setiap pemasok jasa telekomunikasi dasar manapun. Keputusan dan prosedur yang digunakan oleh para regulator wajib tidak memihak berkenaan dengan seluruh pelaku pasar.

   Peraturan para pemasok telekomunikasi secara prinsip wajib berdasar pada suatu proses administrasi yang stabil, transparan dan adil, memberikan penekanan pada pertimbangan teknis, hukum, ekonomi dan keuangan, dan berdasarkan dengan kepatuhan pada keseluruhan proses setiap saat.

   Sebuah forum konsultasi nasional wajib dipertahankan untuk memungkinkan interaksi antara industry-industri telekomunikasi, kelompok-kelompok pengguna, lembaga akademisi dan lembaga peneliti mengenai isu-isu penting di bidang komunikasi.

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6. Alokasi dan penggunaan sumber daya terbatas

Setiap prosedur untuk alokasi dan penggunaan sumber daya terbatas, antara lain frekuensi, penomorandan [rights of way], akan dilakukan secara yang objektif, tepat waktu, transparan dan tidak diskriminatif. Keadaan terkini dari alokasi pita-pita frekuensi akan dipublikasikan, tetapi rincian identifikasi alokasi frekuensi untuk kepentingan pemerintah tidak dipersyaratkan.

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
3. JASA KONSTRUKSI DAN YANG BERKAITAN DENGAN JASA REKAYASA			
B Pekerjaan konstruksi umum untuk rekayasa sipil (CPC 513) Untuk jalur pipa, komunikasi, dan jalur tenaga listrik (kabel) jarak jauh (51340)	(1) Tidak terikat* (2) Tidak ada (3) a) Sampai dengan40% modal asing untuk kontrak konstruksi swasta domestik b) sampai dengan 25% modal asing untuk konstruksi dan perbaikan pekerjaan umumdengan sumber dana lokal(nasional) c) Para pelaku konstruksi wajib memiliki Izin kontraktor yang dikeluarkan oleh Badan Akreditasi Kontraktor Filipina / the Philippine Contractors Accreditation Board (PCAB) Pembatasan-pembatasan yang terdapat dalam bagian horisontal wajib berlaku.	(1) Tidak terikat* (2) Tidak ada (3) A) Izin kontraktor reguler dari PCAB diperuntukkan bagi dan dikeluarkan hanya untuk perusahaan kontraktor yang dimiliki secara tunggal oleh orang Filipina, atau kemitraan/kerja sama dengan kepemilikan modal Filipina sekurang-kurangnya 60% dan diatur secara layak serta tunduk terhadap aturan dan nilai-nilai hukum Filipina. B) izin kontraktor khusus dapat diberikan kepada perusahaan asing berbasis proyek sebagai berikut, apabila: a. proyek Build-Operate-Transfer (BOT) b. proyek yang dibiayai/dibantu asing yang tunduk pada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
		penawaran kompetitif internasional (ICB).	
	(4) Tidak terikat, kecuali ditunjukkan dalam bagian horisontal.	(4) Pembatasan-pembatasan yang terdapat dalam komitmen horisontal wajib berlaku.	
Pekerjaan Konstruksi untuk pertambangan dan manufaktur (CPC 5136**) Pekerjaan Konstruksi untuk proyek pengembangan pertambangan skala besar yang dibiayai oleh Persetujuan Bantuan Keuangan dan Teknis (FTAA)	(1) Tidak terikat* (2) Tidak ada (3) kepemilikan modal asing sampai dengan 100% diperbolehkan, jika persyaratan yang diajukan FTAA di bawah Undang-undang pertambangan Filipina (RA 7942) dipenuhi. Namun demikian, Izin Kontraktor Khusus diperlukan untuk melakukan kegiatan konstruksi. (4) Tidak terikat	(1) Tidak ada (2) Tidak ada (3) Izin kontraktor reguler dari PCAB diperuntukkan bagi dan dikeluarkan hanya untuk perusahaan kontraktor yang dimiliki secara tunggal oleh orang Filipina, atau kemitraan/kerja sama dengan kepemilikan modal Filipina sekurang-kurangnya 60% dan diatur secara layak serta tunduk terhadap aturan dan nilai-nilai hukum Filipina.izin kontraktor khusus dapat diberikan kepada perusahaan asing berbasis proyek (4) Tidak terikat	
C Pekerjaan pemasangan dan perakitan Pekerjaan konstruksi khusus lainnya (CPC 51590) Pekerjaan konstruksi pemasangan gas	(1) Tidak terikat* (2) Tidak ada (3) A. Sampai dengan 40% partisipasi asing untuk kontrak konstruksi swasta lokal B. sampai dengan 25%	(1) Tidak ada (2) Tidak ada (3) A) Izin kontraktor reguler dari PCAB diperuntukkan bagi dan dikeluarkan hanya untuk perusahaan kontraktor yang dimiliki	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
(CPC 51630)	partisipasi asing untuk proyek konstruksi dan perbaikan publik yang didanai secara lokal. C. Izin kontraktor yang dikeluarkan oleh PCAB diperlukan untuk melakukan aktivitas konstruksi. Pembatasan-pembatasan yang terdaftar dalam komitmen horisontal wajib berlaku juga (4) Tidak terikat, kecuali ditunjukkan dalam bagian horisontal.	secara tunggal oleh orang Filipina, atau kemitraan/kerja sama dengan kepemilikan modal Filipina sekurang-kurangnya 60% dan diatur secara layak serta tunduk terhadap aturan dan nilai-nilai hukum Filipina. B) izin kontraktor khusus dapat diberikan kepada perusahaan asing berbasis proyek sebagai berikut, apabila: a. proyek Build-Operate-Transfer (BOT) b. proyek yang dibiayai/dibantu asing yang tunduk pada penawaran kompetitif internasional (ICB). (4) Tidak terikat	
E Lainnya Pekerjaan Peledakan (CPC 51120)	(1) Tidak terikat* (2) Tidak ada (3) A. Sampai dengan 40% partisipasi asing untuk kontrak konstruksi swasta lokal B. sampai dengan 25% partisipasi asing untuk proyek konstruksi dan perbaikan publik yang didanai secara lokal. C. Izin kontraktor yang	(1) Tidak ada (2) Tidak ada (3) a) Izin kontraktor reguler dari PCAB diperuntukkan bagi dan dikeluarkan hanya untuk perusahaan kontraktor yang dimiliki secara tunggal oleh orang Filipina, atau kemitraan/kerja sama dengan kepemilikan modal Filipina sekurang-	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	dikeluarkan oleh PCAB diperlukan untuk melakukan aktivitas konstruksi. Pembatasan-pembatasan yang terdaftar dalam komitmen horisontal wajib berlaku juga (4) Tidak terikat, kecuali ditunjukkan dalam bagian horisontal.	kurangnya 60% dan diatur secara layak serta tunduk terhadap aturan dan nilai-nilai hukum Filipina. b) izin kontraktor khusus dapat diberikan kepada perusahaan asing berbasis proyek sebagai berikut, apabila: a. proyek Build-Operate-Transfer (BOT) b. proyek yang dibiayai/dibantu asing yang tunduk pada penawaran kompetitif internasional (ICB). (4) Tidak terikat	
4. JASA DISTRIBUSI			
A. Jasa Agen Komisi kecuali industri beras dan jagung (CPC 621)	(1) Usaha harus dijalankanmelalui suatu perusahaan yang terdaftar berdasarkan hukum Filipina (2) Tidak ada (3) 50% kepemilikan modal asing diperbolehkan pada kasus-kasus berikut ini: a) Modal yang dibayarkan tidak kurang dari US$200.000 untuk perusahaan pasar dalam negeri; atau b) Jika tidak diipenuhi, maka	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagianhorizontal	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	hanya sampai 40% kepemilikan modal asing yang diperbolehkan. Pembatasan yang terdaftar dalam komitmen horizontal wajib berlaku juga. 4) Orang perseorangan diperbolehkan dengan ketentuan bahwa total investasi tidak kurang dari US$200.000 untuk perusahaan pasar dalam negeri. Pembatasan yang tercantum dalam bagian horizontal wajib berlaku.	(4) Tidak ada	
6. JASA LINGKUNGAN			
Jasa Pembuangan Limbah (CPC 9401)	(1) Tidak terikat* (2) Tidak ada (3) Untuk keikutsertaan dalam jasa pembuangan limbah publik dan/atau swasta, hingga 40% keikutsertaan modal asing diizinkan. Untuk keikusertaan dalam jasa pembuangan limbah publik dan/atau swasta di Metro	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada.	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	Manila, hal itu berdasar pada negosiasi dan kesepakatan dengan pemegang izin (yaitu Manila Water dan Maynilad) dan perjanjian/peraturan oleh Metropolitan *Waterworks and Sewerage System* (MWSS). Jika para pihak setuju (MWSS dan dua pemegang izin lainnya), perubahan terhadap Perjanjian Konsensi wajib dibuat. Untuk daerah-daerah di luar Metro Manila, masuknya jasa pembuangan limbah publik dan/atau swasta tunduk pada hal-hal sebagai berikut: a)Dimana *Local Water Districts* (LWDs) ada, keikutsertaan atau masuknya seharusnya dalam bentuk kemitraan atau korporasi yang selanjutnya dapat masuk ke dalam Skema Bangun_Laksanakan_Alihkan (*Build-Operate-Transfer*/BOT) atau skema sejenis lainnya atau bentuk lainnya berdasarkan kesepakatan kontrak/pengaturan dengan LWDs. b) Dalam hal ketidakberadaan		

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	LWD, masuknya seharusnya masih dalam bentuk kemitraan atau korporasi, namun demikian, persetujuan/pengaturan secara kontrak dapat dimasukkan ke dalam unit pemerintah lokal terkait. (4) Tidak terikat.	(4) Tidak terikat.	
7. JASA KEUANGAN			
Komitmen di jasa keuangan sesuai dengan ketentuan Persetujuan Umum Perdagangan Jasa (GATS) dan tambahan pada Jasa Keuangan			
	(3) Peraturan yang berwenang di Filipina akan menentukan apakah kepentingan umum dan kondisi ekonomi otorisasi membenarkan pembentukan kehadiran komersial atau perluasan yang ada di perbankan dan jasa keuangan lainnya di Filipina. Bagi lembaga keuangan asing yang dikenal secara internasional, penetapan tersebut harus menyertakan kemampuan yang ditunjukkan untuk memberikan kontribusi pada pencapaian tujuan pembangunan di Filipina terutama dalam promosi perdagangan, investasi dan transfer teknologi yang tepat, dan negara inkorporasi tersebut memiliki perdagangan dan mitra		

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	investasi strategis dengan Filipina. Dalam perbankan, Badan Moneter akan memastikan bahwa setiap saat tujuh puluh persen (70%) dari sumber daya atau aset dari sistem perbankan Filipina diselenggarakan oleh bank-bank domestik yang setidaknya mayoritas dimiliki oleh orang Filipina. (3,4) Pembatasan-pembatasan dalam komitmen horisontal wajib berlaku juga.		
Perbankan dan jasa keuangan lainnya (kecuali asuransi) Perbankan komersial - penerimaan deposit dan dana yang dapat dibayar kembali dari publik (CPC 81115-81119) - peminjaman berbagai jenis, termasuk kredit konsumsi, kredit penggadaian, dan pembiayaan transaksi komersial (CPC 8113) - semua jasa pembayaran dan perpindahan uang, termasuk kredit, pembayaran dan kartu kredit, cek perjalanan, dan surat wesel dari bank (CPC 81229**)	(1) Keberadaan komersial diharuskan (2) Tidak ada (3) I. Bentuk dari keberadaan komersial Bank asing, yang diketahui dan terdaftar secara publik, dapat beroperasi hanya dalam satu bentuk keberadaan komersial dalam satu jangka waktu. Akan tetapi, ketentuan ini tidak boleh menghalangi investasi sekunder terhadap modal lokal bank yang tidak melebihi tiga puluh persen (30%) dari stok voting atau empat puluh persen (40%) dengan	(1) tidak ada (2) tidak ada (3) tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
- jaminan dan komitmen (CPC 81199**)	perizinan dari Presiden Filipina. a. akuisisi sampai dengan lim puluh satu persen (51%) dari dari jatah voting dari bank lokal. Bank asing yang memiliki jatah voting lebih dari lima puluh satu persen (51%) posisinya akan dipertahankan tetap pada level tersebut. b. investasi sampai dengan lima puluh satu persen (51%)dari jatah voting dari anak perusahaan bank lokal baru. c. Investasi bank asing yang melebihi lima puluh satu persen (51%) akan dipertahankan tetap pada level tersebut. Mayoritas anggota dari dewan direksi dari bank lokal harus berkewarganegaraan Filipina.		
- Perdagangan untuk kepentingan sendiri atau untuk rekening pelanggan, baik pada penukaran, di pasar over-the-counter atau sebaliknya, sebagai berikut: o Instrumen pasar uang (wesel tagih yang dikeluarkan oleh bank, perjanjian penjualan kembali, dan sertifikat penugasan/ keikutsertaan dengan bantuan) (81339**); o Pertukaran mata uang (81333); o Termasuk produk-produk turunan, namun tidak terbatas pada*future*	Untuk penyedia jasa asing selain bank, jumlah modal dalam jatah voting dari bank lokal harus dibatasi sampai tiga puluh persen (30%) atau sampai dengan empat puluh persen (40%) dengan persetujuan dari Presiden Filipina. Kepemilikan saham dari bank lokal tidak boleh melebihi dua puluh persen (20%) untuk perorangan dan tiga puluh persen (30%) untuk perusahaan.		

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
dan *option*(81339**); o Nilai tukar dan suku bunga instrumen, termasuk produk seperti swap, forward, dan perjanjian (81339**); o instrumen dan asset keuangan lain yang diizinkan dan dapat dinegosiasikan (81339**) - Keikutsertaan dalam penerbitan instrumen keuangan sekuritas, mencakup kegiatan penjaminan dan penempatan sebagai agen (baik umum atau pribadi) dan penyediaan layanan yang berkaitan dengan masalah-masalah tersebut (8132) Aset Manajemen, seperti manajemen uang tunai atau manajemen portofolio, semua bentuk pengelolaan investasi kolektif, penitipan (*custodial*), penyimpanan (*depository*),dan trust services (81323*)	II. Cakupan operasi Persetujuan awal diperlukan untuk hal-hal berikut: - Penerimaan simpanan pengganti dan dana publik yang dapat dibayar kembali - Penjaminan dan komitmen - Performa kredit, pengelolaan investasi dan fungsi pegadaian lainnya - Unit operasi penyimpanan mata uang asing - Kegiatan-kegiatan derivatif Penjaminan (dengan dasar perusahaan dan upaya terbaik) dapat dilakukan hanya oleh bank komersial dengan otoritas bank komersial yang diperluas) (4) Tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(4) selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Jasa Penasihat Keuangan sebagai berikut: - Rekomendasi dan analisis kredit - Riset dan konsultasi investasi dan portofolio	(1) tidak ada (2) tidak ada (3) Perlu berbentuk bank komersial, atau perantara keuangan selain bank. Untuk bank komersial, semua pembatasan yang disebutkan oleh mode 3 di atas untuk perbankan komersial harus	(1) tidak ada (2) tidak ada (3) tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	berlaku. Modal asing dibatasi sampai 40% untuk perantara keuangan selain bank. (4) Tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(4) Selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Perantaraan uang dan valuta asing	(1) keberadaan komersial diperlukan (2) tidak ada (3) perlu berbentuk bank komersial, atau perantara keuangan selain bank. Untuk bank komersial, semua pembatasan yang disebutkan oleh mode 3 di atas untuk perbankan komersial harus berlaku. Modal asing dibatasi sampai 40% untuk perantara keuangan selain bank. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(1) tidak ada (2) tidak ada (3) tidak ada (4) selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Jasa kartu kredit	(1) keberadaan komersial diharuskan (2) tidak ada (3) perlu berbentuk bank komersial, atau perantara keuangan selain bank.	1) tidak ada (2) tidak ada (3) tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	Untuk bank komersial, semua pembatasan yang disebutkan oleh mode 3 di atas untuk perbankan komersial harus berlaku. Modal asing dibatasi sampai 40% untuk perantara keuangan selain bank. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(4) selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Promosi dan penyediaan informasi oleh kantor perwakilan tentang jasa atau produk yang ditawarkan bank asing	(1) keberadaan komersial diperlukan (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(1) tidak ada (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	
Rumah investasi: - pembelian dan penjualan, distribusi atau pengaturan untuk pendistribusian sekuritas dari perusahaan lain berbasis garansi - keikutsertaan sebagai penyedia pengumpulan atau penjualan kepada anggota grup dalam penawaran tender, penjualan blok, atau pertukaran penawaran sekuritas - persetujuan dalam pilihan, hak atau garansi yang terkait dengan sekuritas - bertindak sebagai konsultan finansial, penasihat investasi atau perantara	(1) keberadaan komersial diharuskan (2) tidak ada (3) harus berupa perusahaan saham. Tunduk kepada pembatasan modal asing sebesar lima puluh satu persen (51%) Mayoritas anggota dewan direksi harus warga negara Filipina. Rumah investasi tidak boleh melakukan kegiatan yang terkait	(1) tidak ada (2) tidak ada (3) tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
- bertindak sebagai manajer portofolio/agen finansial - perencanaan pensiun, pembagian keuntungan dan perencanaan keuntungan pegawai lainnya	dengan kegiatan perbankan. Perizinan lebih jauh dibutuhkan untuk melakukan fungsi quasi-perbankan. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	
Factoring	(1) keberadaan komersial diharuskan (2) tidak ada (3) hanya dapat dilakukan oleh perusahaan keuangan, dan diselenggarakan sebagai sebuah perusahaan atau kemitraan umum. Tunduk kepada pembatasan modal asing sebesar empat puluh persen (40%) Anggota dewan direksi yang bukan warga negara Filipina dibatasi sampai dengan satu pertiga dari total jumlah anggota dewan direksi sebuah perusahaan; tidak boleh ada mitra pengelola asing untuk kemitraan umum. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(1) tidak ada (2) tidak ada (3) tidak ada (4) selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Sewa keuangan *(Financial Leasing)*	(1) keberadaan komersial diperlukan (2) tidak ada	(1) tidak ada (2) tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) hanya dapat dilakukan oleh perusahaan pembiayaan, dan diselenggarakan sebagai sebuah perusahaan atau kemitraan umum. Tunduk kepada pembatasan modal asing sebesar empat puluh persen (40%) Anggota dewan direksi yang bukan warga negara Filipina dibatasi sampai dengan satu pertiga dari total jumlah anggota dewan direksi sebuah perusahaan; tidak boleh ada mitra pengelola asing untuk kemitraan umum. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(3) tidak ada (4) selain warga negara Filipina dapat dipekerjakan sebagai pegawai kantor atau ditugaskan untuk melaksanakan fungsi teknis harus memiliki dua pegawai magang dari Filipina	
Pemerantaraan/Pemialangan sekuritas - Perdagangan untuk rekening sendiri atau untuk pelanggan, baik dalam pertukaran, pasar *over-the-counter*, atau sebaliknya, adalah sebagai berikut: - ekuitas atau produk derivatifnya seperti waran dan option - sekuritas yang dapat dipindah tangankan	(1) keberadaan komersial diharuskan (2) tidak ada (3) Disyaratkan untuk diatur sebagai suatu perusahaan dealer/perantara sekuritas, atau rumah investasi, atau kemitraan perantara sekuritas. Untuk rumah investasi, semua pembatasan yang disebutkan oleh mode 3 di atas untuk rumah investasi harus berlaku. Untuk perantara sekuritas – harus menjadi anggota dari bursa efek. Keanggotaan dibatasi sampai	(1) tidak ada (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	dengan 200. Penanggungan hanya boleh dilakukan dengan dasar upaya terbaik. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	sebagaimana yang ditunjukkan di bagian horizontal	
Keikutsertaan dalam hal-hal terkait dengan sekuritas, termasuk penjaminan dan penempatan sebagai agen (secara publik maupun swasta) dan penyediaan jasa yang berkaitan dengan penerbitan tersebut	(1) keberadaan komersial diharuskan (2) tidak ada (3) Disyaratkan untuk diatur sebagai suatu perusahaan dealer/perantara sekuritas, atau rumah investasi, atau kemitraanperantara sekuritas. Untuk rumah investasi, semua pembatasan yang disebutkan oleh mode 3 di atas untuk rumah investasi harus berlaku. Untuk perantara sekuritas – harus menjadi anggota dari pasar modal. Keanggotaan dibatasi sampai dengan 200. Penanggungan hanya boleh dilakukan dengan dasar upaya terbaik. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(1) tidak ada (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	
Pelaksanaan fungsi dari agen pemindahan modal di antaranya tetapi tidak terbatas pada pemantauan penerbitan dan pemindahan sertifikat modal.	(1) keberadaan komersial diperlukan (2) tidak ada	(1) tidak ada (2) tidak ada (3) tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) Disyaratkan untuk diatur sebagai sebuah perusahaan atau kemitraan dengan setidaknya terdaftar oleh satu akuntan publik yang beroperasi di Filipina. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	
Transaksi yang dilakukan oleh penerbit emisi yang terkait dengan bisnis investasi, reinvestasi atau perdagangan sekuritas	(1) keberadaan komersial diperlukan (2) tidak ada (3) harus dilakukan oleh perusahaan investasi. Penyertaan modal asing maksimum pada batas empat puluh persen (40%) Semua anggota dewan direksi harus berkewarganegaraan Filipina. (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	(1) tidak ada (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali sebagaimana yang ditunjukkan di bagian horizontal	
Penjualan kontrak untuk pembayaran atau pekerjaan di masa datang seperti perencanaan hidup, pendidikan, pensiun dan *internment*.	(1) keberadaan komersial diperlukan (2) tidak ada (3) Penyertaan modal asing maksimum pada batas empat puluh persen (40%) (4) tidak terikat, kecuali sebagaimana ditunjukkan dalam	(1) tidak ada (2) tidak ada (3) tidak ada (4) tidak terikat, kecuali sebagaimana ditunjukkan di bagian	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

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Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	komitmen horizontal	horizontal	
A. Semua asuransi dan jasa terkait asuransi			
Semua subsektor	(1) pembatasan untuk semua sektor yang terdaftar di pembatasan horizontal dan semua bagian jasa keuangan harus berlaku (2) pembatasan untuk semua sektor yang terdaftar di pembatasan horizontal dan semua bagian jasa keuangan harus berlaku (3) pendirian perusahaan asuransi baru tunduk pada persetujuan dari komisi asuransi yang menentukan apakah keinginan publik dan kondisi ekonomi memungkinkan pendirian tersebut. Pembatasan di akses pasar yang terdaftar di subsektor spesifik di bawah tidak berlaku untuk perusahaan asuransi/reasuransi yang saat ini dimiliki secara seutuhnya atau sebagian besar milik asing sesuai berlakunya Persetujuan Jasa Keuangan WTO. (4) Warga negara non-Filipina yang memiliki kualifikasi dapat dipekerjakan untuk posisi teknis hanya dalam 5 tahun pertama dari beroperasinya perusahaan. Masa tinggal mereka tidak boleh melebihi 5 tahun sejak kedatangan.	(4) setiap warga negara non-Filipina harus memiliki dua pegawai magang dari Filipina	

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FILIPINA – JADWAL KOMITMEN KHUSUS
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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
a. jasa asuransi jiwa, kecelakaan dan kesehatan (CPC 8121) sebagai berikut: - biasa - kelompok industri - kesehatan dan kecelakaan - tunjangan hidup	(1) risiko yang berlokasi di Filipina harus diasuransikan dengan perusahaan yang diizinkan untuk melakukan transaksi bisnis di Filipina	(1) tidak terikat	
	(2) risiko yang berlokasi di Filipina harus diasuransikan dengan perusahaan yang diizinkan untuk melakukan transaksi bisnis di Filipina	(2) tidak terikat	
	(3) akses pasar dibatasi pada a. akuisisi sampai dengan lima puluh satu persen (51%) dari jatah voting dari perusahaan asuransi domestik yang sudah ada b. investasi sampai dengan lima puluh satu persen (51%) dari jatah voting dari perusahaan asuransi lokal baru. keikutsertaan dari warga negara Non-Filipina dalam Dewan Direksi dari perusahaan asuransi lokal dibatasi sampai dengan satu pertiga dari total anggota dewan direksi.	(3) tidak ada	
	(4) tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(4) tidak terikat	
b. jasa asuransi non-jiwa (CPC 8129) sebagai berikut: • kebakaran dan risiko terkait gempa	(1) kecuali untuk rangka kapal dan asuransi kargo kapal, risiko yang berada di Filipina harus diasuransikan dengan	(1) tidak terikat	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
bumi/ guncangan/ taifun/ banjir/ gelombang pasang • pelayaran laut/ pelayaran darat/ rangka kapal/ penerbangan • kendaraan bermotor/ kesehatan dan kecelakaan/ perampokan/ aneka macam rekayasa • jaminan ketaatan/ jaminan obligasi	perusahaan yang terdaftar untuk melakukan transaksi bisnis di Filipina (2) kecuali untuk rangka kapal dan asuransi kargo kapal, risiko yang berada di Filipina harus diasuransikan dengan perusahaan yang terdaftar untuk melakukan transaksi bisnis di Filipina (3) akses pasar dibatasi pada a. akuisisi sampai dengan lima puluh satu persen (51%) dari jatah voting dari perusahaan asuransi domestik yang sudah ada b. investasi sampai dengan lima puluh satu persen (51%) dari jatah voting dari perusahaan asuransi lokal baru. Keikutsertaan dari warga negara Non-Filipina dalam Dewan Direksi dari perusahaan asuransi lokal dibatasi sampai dengan satu pertiga dari total anggota dewan direksi. (4) Tidak terikat, kecuali yang ditunjukkan pada bagian horizontal	(2) tidak terikat (3) tidak ada (4) tidak terikat	
c. reasuransi dan retrosesi	1) Prioritas penyerahan kepada	(1) tidak ada	

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Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	perusahaan asuransi/reasuransi yang terdaftar. Pelaku asing yang tidak terdaftar harus diwakili oleh agen warga negara lokal yang terdaftar di Komisi Asuransi Sepuluh persen (10%) dari total penyerahan asuransi kepada pelaku reasuransi asing harus diserahkan kepada Perusahaan Reasuransi Nasional Filipina.		
	2) prioritas penyerahan kepada perusahaan asuransi/reasuransi yang terdaftar. Pelaku asing yang tidak terdaftar harus diwakili oleh agen warga negara lokal yang terdaftar di Komisi Asuransi Sepuluh persen (10%) dari total penyerahan asuransi kepada pelaku reasuransi asing harus diserahkan kepada Perusahaan Reasuransi Nasional Filipina.	(2) tidak ada	
	3) Akses pasar dibatasi pada: a. akuisisi sampai dengan empat puluh persen (40%) dari jatah saham voting perusahaan asuransi domestik yang sudah ada	(3) tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	saat ini. b. investasi sampai dengan empat puluh persen (40%) dari jatah voting dari perusahaan asuransi lokal baru. Keikutsertaan dari warga negara non-Filipina dalam dewan direksi dari perusahaan asuransi lokal dibatasi sampai dengan sepertiga dari total anggota Dewan Direksi.		
	(4) tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	4) tidak terikat	
d. jasa pendukung asuransi, sebagai berikut: • konsultasi aktuaria • penyesuai rata-rata (*average adjustor*)	(1) keberadaan komersial diperlukan (2) tidak ada (3) tunduk pada pembatasan modal asing sebesar empat puluh persen (40%) Keikutsertaan dari warga negara non-Filipina dalam dewan direksi dari perusahaan asuransi lokal dibatasi sampai dengan sepertiga dari total anggota Dewan Direksi. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) tidak terikat (2) tidak ada (3) tidak ada (4) tidak terikat	

www.djpp.kemenkumham.go.id

FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
9. JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			
Jasa penginapan hotel (CPC 64110)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak ada	
Restoran (CPC 6421-64310)	(1) Tidak terikat* (2) Tidak ada (3) Warga negara asing dapat menjalankan secara keseluruhan suatu restoran dengan syarat bahwa modal yang disetor minimum sebesar US$ 2.5 juta dipenuhi;dengan syarat selanjutnya bahwa persyaratan prakualifikasi dipenuhi sesuai dengan badan-badan pemerintah yang berwenang. Warga negara asing dapat juga membentuk cabang-cabang dengan syarat bahwa modal yang disetor minimum sebesar US$ 830,000 per-restoran dipenuhi.	(1) Tidak terikat* (2) Tidak ada (3) Warga negara asing dapat menjalankan secara keseluruhan suatu restoran dengan syarat modal yang disetor minimum sebesar US$ 2,5 juta dipertahankan. Pemberitahuan awal untuk penghentian operasional.Warga negara asing juga dapat mendirikan cabang-cabang tambahan dengan syarat modal yang disetor minimumUS$ 830,000 perrestoran dipertahankan. Pemberitahuan awal untuk pembukaan dan penutupan	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	Pembatasan sebagaimana tercantum dalam bagian horizontal juga berlaku	cabang-cabang/toko-toko. Dengan syarat selanjutnya bahwa persyaratan persediaan lokal sebesar 30%, persyaratan penawaran publik berdasarkan beberapa ketentuan dan pelarangan untuk terlibat dalam kegiatan restoran tertentu dipenuhi. Setiap restoran asing yang terdaftar menyampaikan kepada Departemen Perdagangan dan Industri laporan-laporan berikut ini: a. suatu lembaran informasi umum dalam format tertentu yang menunjukkan antara lain, toko-toko perusahaan yang telah diakreditasi dan status pengoperasian entitas tersebut. b. Suatu laporan keuangan yang telah diaudit dan pengembalian pajak penghasilan c. sertifikasi oleh petugas yang bertanggungjawab dari perusahaan yang menunjukkan pemeliharaan modal minimum yang dipersyaratkan kecuali investor asing telah memberitahukan kepada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
		Restoran asing yang berkualifikasi tidak diizinkan terlibat dalam kegiatan pengeceran tertentu di luar cabang-cabangnya yang telah diakreditasi melalui toko-toko atau gerobak-gerobakberjalan atau keliling, , penggunaan cabang perwakilan penjual, penjualan dari pintu ke pintu, dan toko-toko sari dan kegiatan-kegiatan pengecer lainnya yang sejenis. Pembatasan sebagaimana tercantum dalam bagian horizontal berlaku.SEC dan DTI mengenai keinginannya untuk mengambil kembali modalnya dan menghentikan operasionalnya di Filipina. (4) Tidak ada	
	(4) Tidak ada, kecuali sebagaimana diatur dalam komitmen horisontal		

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
AGEN PERJALANAN (CPC 74710)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal (4) Tidak ada	
Penyelenggara Kongres Profesional	(1) Tidak ada (2) Tidak ada (3) 60% modal asing yang diizinkan (4) Tunduk pada komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada	
11. JASA ANGKUTAN			
Semua Subsektor	3) Tidak ada waralaba, sertifikat, atau setiap bentuk otorisasi lainnya untuk operasional dari suatu kepentingan umum wajib diberikan kecuali bagi warga negara Filipina atau bagi perusahaan-perusahaan atau asosiasi yang diselenggarakan berdasarkanhukum Filipina sekurang-kurangnya 60 persendari modal yang dimiliki oleh warga negara tersebut.		

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	4) Hanya orang asing yang berkualifikasi untuk memegang kualifikasi teknis dapat dipekerjakan dalam 5 (lima) tahun pertama pengoperasianperusahaan tersebut, mereka tinggal tidak lebih dari lima (5) tahun sejak mulai masuk. Masing-masing orang asing yang dipekerjakan seharusnya memiliki sekurang-kurangnya dua (2) orang Filipina yang sedang magang kepadanya. 3), 4) Pembatasan sebagaimana terdapat dalam bagian horizontal wajib berlaku		
Jasa Angkutan Laut Angkutan Internasional (Penumpang dan barang), kecuali (CPC 7211, 7212) - Angkutan *cabotage* - Kargo milik pemerintah[7]	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Untuk kapal khusus, orang asing dapat dipekerjakan sebagai pegawai tidak tetap hanya untuk jangka waktu enam bulan.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Pemeliharaan dan perbaikan kapal (CPC	(1) Tidak terikat*	(1) Tidak terikat*	

[7]Tunduk pada Hukum Resevasi Kargo yang mensyaratkan bahwa kargo-kargo yang dimiliki oleh pemerintah atau perusahaan yang dikendalikan pemerintah wajib dikapalkan oleh kapal berbendera Filipina.

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
8868**)	(2) Setiap perbaikan, perubahan atau galangan kapal yang dimiliki oleh Filipina atau kapal yang terdaftar dipersyaratkan untuk dikerjakan di pelabuhan perbaikan dalam negeri yang terdaftar dalam Otoritas Industri Maritim (MARINA) (3) Tidak ada (4) Tidak ada	(2) Tidak ada (3) Tidak ada (4) Tidak ada	
Jasa Transportasi Udara Pemeliharaan dan perbaikan pesawat terbang (CPC 8868**)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Penjualan dan Pemasaran Angkutan Udara - Agen penjualan umum - Agen penjualan kargo	(1) Tidak ada, kecuali izin dan/atau persetujuan harga dari CAB diperlukan (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Jasa Angkutan Kereta Api Angkutan penumpang dan barang(7111, 7112)	(1) Tidak terikat* (2) Tidak ada	(1) Tidak terikat* (2) Tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(3) Tidak ada (4) Tidak ada	(3) Tidak ada (4) Tidak ada	
Pemeliharaan dan perbaikan perlengkapan angkutan kereta api (CPC 8868**)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Jasa Angkutan Darat Angkutanpenumpang dan barang (7121+7122, 7123)	(1) Tidak terikat* (2) Tidak ada (3) Otoritas/sertifikat pengatur untuk kenyamanan publik harus dipastikan dari Dewan Waralaba dan Pengatur Angkutan Darat (LTFRB). Pelaku usaha baru tunduk pada uji kebutuhan ekonomi, sebagai berikut: a. kebutuhan untuk memberikan perlindungan bagi investasi dari operator-operator di kawasan/rute-rute pembangunan yang tidak terjangkau ; dan b. uji pengukuran kapasitas rute untuk jumlah kendaraan	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
	(4) Tidak ada	(4) Tidak ada	
d. Pemeliharaan dan perbaikan angkutan darat	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Jasa pendukung untuk semua moda angkutan Jasa penanganan kargo (741) Jasa penyimpanan dan pergudangan (742) Jasa Pangkalan Kontainer dan Depo	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak ada	
Jasa penerusan pengiriman barang	(1) Tidak ada* (2) Tidak ada (3) Tidak ada (4) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada	
JASA LAINNYA			
Jasa-jasa Energi Jasa-jasa yang terkait dengan tenaga pembangkit Konstruksi dan pengoperasian	(1) Tidak terikat* (2) Tidak ada (3) kepemilikan modal asing sampai dengan 100%	(1) Tidak terikat* (2) Tidak ada (3) Suatu Izin Kontraktor (Khusus atau Umum) yang dikeluarkan	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
pembangkit tenaga listrik (dilakukan dibawah skema BOT) Konstruksi pembangkit tenaga listrik	diperbolehkan dibawah skema BOT. Namun demikian, suatu Izin Kontraktor Khusus diperlukanuntuk melakukan kegiatan konstruksi. (4) Tidak terikat	oleh Lembaga Akreditasi Kontraktor Filipina diperlukan untuk melakukan kegiatan konstruksi.Izin kontraktor umum dari PCAB diperuntukkan bagi dan dikeluarkan hanya untuk perusahaan kontraktor yang dimiliki secara tunggal oleh orang Filipina, atau kemitraan/kerja sama dengan kepemilikan modal Filipina sekurang-kurangnya 60% dan diatur secara layak serta tunduk terhadap aturan dan nilai-nilai hukum Filipina. Suatu Izin Kontraktor Khusus dapat diberikan kepada perusahaan asing berdasarkan basis proyek seperti BOT. (4) Tidak terikat	
Pengoperasian Pembangkit Tenaga Listrik	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali pengoperasian kerjasama listrik tersebut terbatas untuk orang Filipina (4) Tidak terikat	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa-jasa terkait Suplai Energi	(1) Tidak terikat* (2) Tidak ada	(1) Tidak terikat* (2) Tidak ada	

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
Penyulingan minyak	(3) Penawaran umum saham perdana sebanyak 10 persen dari saham biasa dipersyaratkan pada pembukaan penyulingan minyak (4) Tidak terikat	(3) Tidak ada (4) Tidak terikat	
Pangkalan/Depo Minyak	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

DAFTAR PENGECUALIAN MFN

Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian[8]
SEMUA SEKTOR	Visa kategori khusus disediakan bagi pedagang dan investor dari negara-negara yang mana Filipina telah menandatangani	Tanggal kadaluarsa atau berakhirnya perjanjian	Untuk memudahkan masuk ke Filipina, atas dasar timbal-balik,

[8]Deskripsi di kolom ini harus ditafsirkan sebagai informasi yang disediakan hanya untuk referensi dan tidak menjadi bagian dari komitmen Philipina.

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FILIPINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

DAFTAR PENGECUALIAN MFN

Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian[3]
Ijin Masuk dan Tinggal Sementara bagi Orang Perseorangan yang Memasok Jasa	perjanjian tentang hak untuk masuk bagi pedagang dan investor. Di bawah kategori khusus ini, ujian bursa tenaga kerja ditiadakan dan prosedur masuk yang diberikan disederhanakan.	bilateral tentang hak untuk masuk bagi pedagang dan investor	dari negara asing untuk maksud perdagangan, penanaman modal dan kegiatan terkait.
Jasa Keuangan			
Jasa Perbankan Komersial	Perizinan untuk penyedia jasa keuangan asing untuk mendirikan keberadaan komersial atau memperluas operasi perbankan komersial yang saat ini sudah berlaku di Philipina harus mengikuti tes resiprositas.	Tidak ditentukan	Untuk memastikan penyedia jasa keuangan Philipina bisa mendapatkan akses pasar penuh dan perlakuan nasional di pasar jasa keuangan asing.
Perusahaan Pendanaan	Perizinan untuk penyedia jasa keuangan asing untuk mendirikan keberadaan komersial suatu perbankan yang saat ini sudah berlaku di Philipina harus mengikuti tes resiprositas.	Tidak ditentukan	Untuk memastikan penyedia jasa keuangan Philipina bisa mendapatkan akses pasar penuh dan perlakuan nasional di pasar jasa keuangan asing.
Rumah Investasi	Untuk mengizinkan aplikasi modal asing di Rumah Investasi, Otoritas Pengatur yang Berwenang harus menyetujui aplikasi-aplikasi hanya jika hak yang sama atau serupa dapat dinikmati investor Philipina di negara asal investor tadi.	Tidak ditentukan	Untuk memastikan penyedia jasa keuangan Philipina bisa mendapatkan akses pasar penuh dan perlakuan nasional di pasar jasa keuangan asing.
Jasa Angkutan Laut			
Perdagangan jalur kargo	Peraturan Eksekutif *769* memberikan pengaturan pembagian kargo yang istimewa dengan negara-negara yang merupakan para pihak *UNCTAD Liner Code* Sesuai pengaturan yang disebutkan di atas, suatu pihak *UNCTAD Liner Code* secara efektif melaksanaan Kode setidaknya 40 persen saham dari perdagangan kargo *Liner* ekspor dan impor bilateral dengan Filipina.	Tidak ditentukan	Memastikan partisipasi efektif armada laut Filipina dalam perdagangan kargo liner Filipina.

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PERSETUJUAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

SINGAPURA

Jadwal Komitmen Khusus

AC-TIS/SC2/SIN

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas (2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitment Tambahan
I. Komitmen Horizontal			
SELURUH SEKTOR YANG DICAKUP DALAM JADWAL INI	4) Kehadiran dari orang perseorangan tidak mengikat kecuali untuk perpindahan didalam perusahaan (lihat di bawah) 4) Perpindahan sementara dari tenaga terampil tidak mengikat kecuali untuk perpindahan sementara pada perpindahan dalam perusahaan pada tingkatan manajer, eksekutif dan spesialis. Perpindahan dalam perusahaan mengacu pada para manajer, eksekutif dan spesialis, sebagaimana dijelaskan sebagai berikut ini, yang merupakan pegawai-pegawai dari firma yang menyediakan jasa di Singapura melalui suatu kantor cabang, kantor cabang pembantu, atau afiliasi yang didirikan di Singapura dan telah lebih dahulu bekerja pada firma-firma mereka di luar Singapura untuk jangka waktu tidak kurang dari 1 tahun segera sebelum tanggal pendaftaran mereka dan yang merupakan salah satu dari berikut ini: (a) Manajer – suatu organisasi yang secara utama mengarahkan organisasi dimaksud, atau	4) Tidak terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	sebuah departemen atau sub-divisi dari organisasi, mengawasi dan mengontrol pekerjaan dari para pekerja dari pengawasan lain, pekerja professional dan pekerja manajerial lainnya, memiliki wewenang untuk mempekerjakan dan memberhentikan atau merekomendasikan untuk mempekerjakan, memberhentikan, atau melakukan tindakan-tindakan kepegawaian lainnya (sebagaimana promosi atau kewenangan memberikan cuti), dan memberikan kewenangan kebijaksanaan atas pekerjaan sehari – hari. Tidak termasuk pengawas lini pertama, kecuali para pegawai yang diawasi merupakan pegawai profesional, tidak juga mencakup para pegawai yang pada pokoknya melaksanakan tugas-tugas yang dibutuhkan untuk penentuan pelayanan dimaksud. (b) Para eksekutif – organisasi yang secara utama mengarahkan pengelolaan organisasi, melaksanakan pembuatan keputusan yang lebih bebas, dan hanya menerima pengawasan dan arahan umum dari para pimpinan eksekutif, dewan direktur, atau pemegang saham dari suatu usaha. Para pimpinan eksekutif tidak akan secara		

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	langsung melaksanakan tugas-tugas yang berkaitan dengan ketentuan layanan atau layanan-layanan organisasi yang terkini. (c) Spesialis – pihak di suatu dalam organisasi yang memiliki pengetahuan di tingkat keahlian yang tinggi dan yang memiliki pengetahuan yang memadai mengenai jasa, perlengkapan penelitian, metoda-metoda, atau pengelolaan organisasi. (Spesialis dapat termasuk, tetapi tidak terbatas pada anggota-anggota profesi yang berijin). Ijin masuk untuk perpindahan di dalam perusahaan dibatasi sampai dengan jangka waktu dua tahun yang dapat diperpanjang sampai masing-masing tiga tahun, untuk keseluruhan jangka waktu yang tidak melebihi delapan tahun.	3) Kehadiran komersial, hak pendirian dan perpindahan dari badan hukum tunduk kepada kesesuaian dengan ketentuan-ketentuan sebagai berikut: Orang asing yang ingin mendaftarkan sebuah firma usaha harus memiliki seorang manajer lokal yang harus merupakan warga negara Singapura atau seorang Penduduk Tetap Singapura atau	

2013, No.70 732
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		seorang Pemegang Ijin Kerja Singapura. (Namun demikian, orang asing yang merupakan Penduduk Tetap Singapura atau Pemegang Ijin Kerja Singapura dapat mendaftarkan usahanya tanpa menunjuk seorang manajer lokal). – Setidak-tidaknya satu direktur dari perusahaan harus merupakan penduduk setempat. – Seluruh kantor cabang perusahaan asing yang terdaftar di Singapura harus memiliki setidak-tidaknya 2 agen lokal. (untuk menilai sebagai penduduk lokal, seseorang seseorang seharusnya merupakan warga negara Singapura, atau Penduduk Tetap Singapura, atau Pemegang Ijin Kerja Singapura.)	
	1), 2) 3) 4) komitmen spesifik dalam akses pasar dalam semua sektor atau subsektor, melalui berbagai moda pengiriman, wajib tidak ditafsirkan untuk mengabaikan pembatasan yang dibentuk di sektor jasa keuangan.		
SEKTOR KOMITMEN SPESIFIK			
1. JASA BISNIS			

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

A. Jasa Profesi b. Jasa Akuntansi/ Audit (CPC 862**)	(1) Tidak ada, selain akuntan publik harus secara efektif bertempat tinggal di Singapura atau setidaknya salah satu rekan kantor akuntan publik harus secara efektif bertempat tinggal di Singapura (2) Tidak ada (3) Sebagaimana pada moda 1) (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
c. Jasa Perpajakan Jasa perpajakan kecuali jasa terkait perpajakan lainnya (CPC 863**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa Terkait Perpajakan Lainnya (CPC 86309**)	(1) Tidak ada, selain akuntan publik harus secara efektif bertempat tinggal di Singapura atau setidaknya salah satu mitra perusahaan harus secara efektif bertempat tinggal di Singapura. Hanya Akuntan Publik yang terdaftar pada Badan Akuntan Publik Singapura dapat praktik sebagai konsultan pajak untuk peraturan pajak lokal. (2) Tidak ada (3) Sebagaimana pada moda 1)	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak Terikat	
d. Jasa Arsitektur (CPC 8671)	(1) Tidak ada (2) Tidak ada (3) <u>Perseroan Terbatas</u> - Hanya arsitek yang terdaftar atau profesional sekutunya (Insinyur atau Juru Pengukur Tanah Profesional) yang dapat menjadi direktur perusahaan tersebut - Setidak-tidaknya dari dua per tiga atau kurang, sesuai dengan ditetapkan oleh Menteri Pembangunan Nasional tentang pembagian kelas saham pada semua perusahaan, yang dapat dimiliki oleh dan didaftarkan atas nama arsitek yang terdaftar atau profesional sekutunya yang merupakan direktur, manajer atau pegawai dari perusahaan tersebut. - Pekerjaan arsitektur di Singapura akan berada di bawah kendali dan manajemen seorang direktur dari sebuah perusahaan yang merupakan seorang arsitek yang terdaftar dan menetap di Singapura dan yang memiliki sertifikat yangmasih berlaku dan terdaftar sebagai pemilik dari paling tidak satu saham di perusahaan tersebut.	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Perusahaan Tak-terbatas - Hanya arsitek yang terdaftar atau profesional sekutunya (Insinyur atau Juru Pengukur Tanah Profesional) yang dapat menjadi direktur perusahaan tersebut - Peraturan dasardari perusahaan tersebutmenyatakanbahwa setiap orangyang bukanseorang arsitekterdaftarataуprofesional sekutunya,atau merupakancalon dariorang seperti itu,atau bukanseorang direktur, manajer atau karyawan dariperusahaan tersebut,tidak akanterdaftar sebagaianggotaperusahaan tersebut - Bisnis dari perusahaan tersebut, sepanjang berhubungan dengan jasa arsitektur, akan berada di bawah kendali dan manajemen dari seorang direktur perusahaan tersebut yang:		
	- merupakan arsitek terdaftar yang berdomisili di Singapura; - memiliki sertifikat yang masih berlaku yang mana memperbolehkannya untuk melakukan praktik arsitektur; dan - merupakan anggota, atau terdaftar sebagai pemilik paling tidak satu saham perusahaan tersebut Kemitraan - Kemitraan ini hanya terdiri dari		

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	arsitek yang terdaftar yang memiliki sertifikat praktik yang masih berlaku dan profesional sekutunya; dan - Ketersediaan jasa arsitektur di Singapura akan berada di bawah kendali dan manajemen seorang mitra yang merupakan arsitek terdaftar, yang menetap di Singapura dan memiliki sertifikat praktik yang masih berlaku (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak terikat	
e. JasaPerekayasaan (CPC 8672**) Sektor – sektor yang dicakup dalam Jasa Perekayasaan antara lain: (a) Jasa Perekayasaan sipil (b) Jasa Perekayasaan produksi (c) Jasa Perekayasaan mekanik (d) Jasa Perekayasaan kelistrikan (e) Jasa Perekayasaan elektronik (f) Jasa Perekayasaan penerbangan (g) Jasa Perekayasaan	(1) Tidak ada (2) Tidak ada (3) Peraturan ini juga merupakan limitasi perlakuan nasional <u>Perseroan Terbatas</u> - Setidak-tidaknya 80% dari para direkturnya wajib terdaftar sebagai insinyur profesional atau profesional sekutunya (Insinyur atau Juru Pengukur Tanah terdaftar) - Setidak-tidaknya dari dua per tiga atau kurang, sesuai dengan ditetapkan oleh Menteri Pembangunan Nasional tentang pembagian kelas saham pada semua	(1) Tidak ada, selain insinyur yang efektif bertempat tinggal di Singapura (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

kelautan (h) Jasa Perekayasaan arsitektur angkatan laut (i) Jasa Perekayasaan industri (j) Jasa Perekayasaan kimia	perusahaan, yang dapat dimiliki oleh dan didaftarkan atas nama arsitek yang terdaftar atau profesional sekutunya - Pekerjaan rekayasa profesional di Singapura akan berada di bawah kendali dan Manajemen seorang direktur Perusahaan tersebut yang terdaftar sebagai pemilik paling		
	tidak satu saham perusahaan tersebut; yang terdaftar sebagai Insinyur Profesional yang efektif bertempat tinggal di Singapura dan yang memiliki Sertifikat yang masih berlaku <u>Perseroan Tidak Terbatas</u> - Hanya arsitek yang terdaftar atau profesional sekutunya (Insinyur atau Juru Pengukur Tanah Profesional) yang dapat menjadi direktur perusahaan tersebut - Peraturan dasardari perusahaan tersebutmenyatakanbahwa setiap orangyang bukanseorang arsitekterdaftaratauprofesional sekutunya,atau merupakancalon dariorang seperti itu,atau bukanseorang direktur, manajer atau karyawan dariperusahaan tersebut,tidak akanterdaftar sebagaianggotaperusahaan tersebut		

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	- Bisnis dari perusahaan tersebut, sepanjang berhubungan dengan jasa arsitektur, akan berada di bawah kendali dan manajemen dari seorang direktur perusahaan tersebut yang: - merupakan arsitek terdaftar yang berdomisili di Singapura; - memiliki sertifikat yang masih berlaku yang mana memperbolehkannya untuk melakukan praktik arsitektur; dan - merupakan anggota, atau terdaftar sebagai pemilik paling tidak satu saham perusahaan tersebut <u>Kemitraan</u> - Kemitraan ini hanya terdiri dari arsitek yang terdaftar yang memiliki sertifikat praktik yang masih berlaku dan profesional sekutunya; dan - Pekerjaan rekayasa profesional di Singapura akan berada di bawah kendali dan Manajemen seorang direktur Perusahaan tersebut yang terdaftar sebagai pemilik paling tidak satu saham perusahaan tersebut; yang terdaftar sebagai Insinyur Profesional yang efektif bertempat tinggal di Singapura dan yang memiliki Sertifikat yang masih berlaku (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

g. Jasa Pertamanan (CPC 8672**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
h. Jasa Kedokteran, terutama Jasa Kedokteran Umum (CPC 93121) dan Jasa Kedokteran Spesialis (CPC 93122)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, selain jumlah dokter asing baru yang terdaftar setiap tahun kemungkinan dibatasi tergantung dari ketersediaan jumlah dokter (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
Jasa Kedokteran Gigi (CPC 93123)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
i. Jasa Kedokteran Hewan (CPC 932)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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B. Jasa Komputer dan Terkait Lainnya Jasa Komputer Jasa yang tercakup antara lain: - Pengembangan perangkat lunak - Jasa Integrasi Sistem - Proses Data - Jasa Basis data Komitmen dalam jasa Telekomunikasi tercatat pada 2.C dari Jadwal Komitmen Spesifik.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
C. Jasa Penelitian dan Pengembangan Jasa Bioteknologi (CPC 851**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Penelitian Industri (CPC 851**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
b. Penelitian Ekonomi dan Perilaku	(1) Tidak ada (2) Tidak ada	(1) Tidak ada (2) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

(CPC 852**)	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(3) Tidak ada (4) Tidak terikat	
c. Jasa Penelitian dan Pengembangan Interdisipliner untuk proyek yang ditangani oleh institusi pendidikan (CPC 853**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
D. Jasa Pengembangan perumahan a. Jasa manajemen perumahan dan non-perumahan berdasarkan upah atau kontrak (CPC 82201, 82202)	(1) Tidak ada, kecuali Perusahaan Pengembangan Sentosa yang diizinkan untuk mengembangkan dan mengatur pulau resor Sentosa dan jalur airnya dan Kepulauan Selatan Singapura (2) Tidak ada (3) Tidak ada, kecuali Perusahaan Pengembangan Sentosa yang diizinkan untuk mengembangkan dan mengatur pulau resor Sentosa dan jalur airnya dan Kepulauan Selatan Singapura (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada, kecuali Perusahaan Pengembangan Sentosa yang diizinkan untuk mengembangkan dan mengatur pulau resor Sentosa dan jalur airnya dan Kepulauan Selatan Singapura (2) Tidak ada (3) Tidak ada, kecuali Perusahaan Pengembangan Sentosa yang diizinkan untuk mengembangkan dan mengatur pulau resor Sentosa dan jalur airnya dan Kepulauan Selatan Singapura (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
E. Jasa Rental dan Leasing tanpa Operator a. Terkait kapal laut (CPC 83103)	(1) Tidak ada (2) Tidak ada (3) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak Terikat	
b. Terkait dengan pesawat udara (CPC 83104)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
c. Terkait dengan kendaraan bermotor (CPC 831**)	(1) Tidak ada, kecuali penyewaan kendaraan sejenis itu oleh penduduk Singapura dengan tujuan untuk menggunakan kendaraan tersebut di Singapura dilarang (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada, kecuali penyewaan kendaraan sejenis itu oleh penduduk Singapura dengan tujuan untuk menggunakan kendaraan tersebut di Singapura dilarang (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
F. Jasa Bisnis Lainnya a. Jasa Periklanan (8711, 8712, 8719)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
b. Penelitian Pasar Komersial (CPC 86401)	(1) Tidak ada	(1) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
c. Jasa Konsultasi Hubungan Masyarakat (CPC 865**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
c. Jasa Konsultasi Manajemen, termasuk Jasa Manajemen Perkantoran dan Administratif (CPC 865**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
c. Jasa Konsultasi Periklanan (CPC 865**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
c. Jasa Konsultasi Teknologi Informasi (CPC 865**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(4) Tidak Terikat	
c. Jasa Manajemen Gedung dan Fasilitas (CPC 865**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
d. Jasa Terkait Konsultasi Manajemen (CPC 866)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
e. Jasa Pengujian dan Analisa Teknis Jasa Pengujian dan Analisa Teknis Kendaraan Bermotor (CPC 8676**)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
Jasa Pengujian dan Analisa Teknis, tidak termasuk jasa pengujian dan analisa kendaraan bermotor dan organisasi *classification societies* (CPC 8676**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Jasa Profesional, Penasehat dan Konsultasi terkait dengan Pertanian, Kehutanan, Perikanan dan Pertambangan, termasuk Jasa Ladang Minyak (CPC 881**, 882**, 883**, 5115**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
k. Jasa penempatan dan penyediaan pegawai(CPC 872)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
l. Penyelidikan dan Keamanan Jasa Konsultasi Keamanan (CPC 87302)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
Jasa pengawasan alarm(CPC 87303)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
Jasa Pengamanan Tanpa Senjata (CPC 87305**)	<u>Limitasi horizontal pada akses pasar dan perlakuan nasional</u> Seluruh komitmen di sektor ini tunduk kepada Undang-Undang Lembaga Penyelidikan dan Keamanan Swasta (Cap. 249). Undang-Undang tersebut		

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	menyatakan bahwa: - Warga negara asing diizinkan untuk membangun lembaga yang menyediakan penyewaan pengamanan tanpa senjata tetapi harus mendaftarkan perusahaan tersebut dengan modal lokal. Setidaknya satu direktur harus merupakan penduduk Singapura dan penduduk tetap Singapura. - Direktur yang merupakan warga negara asing tersebut diharuskan membuat sertifikat bebas tuduhan pidana dari negara asal atau pernyataan hukum di depan komisioner sumpah lokal. - Warga negara asing tidak diizinkan untuk bekerja sebagai penjaga, tetapi dapat dilibatkan di dalam administrasi perusahaan tersebut.		
	(1) Tidak ada* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
n. Pemeliharaan Dan Perbaikan Peralatan (tidak termasuk kapal laut, pesawat terbang atau peralatan transportasi lainnya) (CPC 633, CPC 8861-8866)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
o. Jasa Kebersihan Gedung (CPC 874)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	komitmen horizontal		
p. JasaFotografi (CPC 875)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
q. JasaPengepakan (CPC 876)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
s. JasaManajemen Eksibisi (CPC 87909**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
t. Lainnya Jasa Terjemahan/Interpretasi (CPC 87905)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
Jasa Desain Interior, Tidak Termasuk Arsitektur (CPC	(1) Tidak ada	(1) Tidak ada	

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87907**)	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(2) Tidak ada (3) Tidak ada (4) Tidak Terikat	
2. JASA KOMUNIKASI			
B. Jasa Kurir Jasa Kurir yang berhubungan dengan dokumen dan paket, tidak termasuk surat-surat dan kartu pos	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
C. Jasa Telekomunikasi			
Pernyataan Ketentuan Umum Komitmen yang ditetapkan dalam jadwal ini tunduk pada ketentuan berikut: Jumlah perizinan dapat dibatasi karena sumber-sumber daya yang terbatas, seperti hak cara dan ketersediaan spektrum frekuensi. Tidak termasuk jasa-jasa yang diatur berdasarkan Undang-Undang Penyiaran.			
1. Jasa Telekomunikasi Dasar (berbasis fasilitas) (a) Jasa Telepon Berbasis *Public Switched*[1] (lokal dan internasional) (b) Jasa Sirkit-Sewa (lokal dan	(1) Tunduk pada pengaturan komersial dengan operator berizin (2) Tidak ada (3) Jumlah keseluruhan saham asing yang diizinkan sebesar 73,99% terdiri dari 49% penanaman modal langsung dan 24,99%	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

[1] Ini termasuk jasa suara, data dan faksimili

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

internasional)	penanaman modal tidak langsung diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
2. Jasa Bergerak [2]: (a) Jasa Data Bergerak Umum (PMDS) (b) Jasa Radio *Trunked* Umum (PTRS) (c) Jasa Radio Penyeranta Umum (PRPS) (d) Jasa Telepon Bergerak Seluler Umum (PCMTS)	(1) Tunduk pada pengaturan komersial dengan operator berizin (2) Tidak ada (3) Jumlah keseluruhan saham asing yang diizinkan sebesar 73,99% terdiri dari 49% penanaman modal langsung dan 24,99% penanaman modal tidak langsung diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
3. Berbasis Penjualan Kembali (a) Jasa Telepon Berbasis *Public Switch* (lokal dan internasional) (tidak termasuk dengan penggunaan sirkuit yang disewa yang dihubungkan dengan jaringan *public switched network*) (b) Jasa Sirkit-Sewa (lokal dan internasional)(tanpa koneksi pada jaringan *public*	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

[2] Jasa telepon bergerak tidak termasuk Jasa Multimedia Pita Lebar Bergerak Umum dan Jasa Multimedia Pita Lebar Nirkabel Tetap Umum

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switched) (c) Jasa Telepon Bergerak Seluler Umum (d) Jasa Radio Penyeranta Umum			
4. Jasa Jaringan Bernilai-Tambah (VAN) Jasa-jasa ini meliputi : - surat elektronik - surat suara - informasi dan penelusuran basis data secara online - pertukaran data elektronik - pengolahan informasi dan/atau data secara online - Jasa penyimpanan-dan-penerusan VAN (S&F) - Jasa penyimpanan-dan-penelusuran kembali VAN (S&R)	(1) Ketentuan jasa VAN tunduk pada perizinan dari Otoritas Pengembangan Infocomm (IDA) Singapura (2) Tidak ada (3) Sama dengan Moda 1) (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
D. Jasa Audio-visual (i) Jasa ini meliputi produksi, distribusi dan tontonan publik atas : - gambar hidup - rekaman video - rekaman suara, kecuali yang tidak termasuk	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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dalam (ii) (CPC 9611, CPC 9612) (ii) Semua jasa penyelenggara siaranan dan AV dan materi yang terkait dengan penyelenggara siaranannya dikecualikan, misalnya: - Penyelenggara siaranan Bebas Mengudara - Televisi kabel dan berlangganan - Penyelenggara siaranan langsung oleh satelit - Teleteks			
3. JASA KONSTRUKSI DAN REKAYASA TERKAIT			
Jasa Konstruksi	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
4. JASA DISTRIBUSI			
Hambatan Horizontal pada Akses Pasar dan Perlakuan Nasional Selain disebutkan sebaliknya, jasa distribusi untuk semua produk, tunduk pada larangan impor atau lisensi non otomatis wajib dikecualikan dari jangkauan komitmen-komitmen ini.			
A. Jasa Agen Komisi Jasa agen komisi kecuali	(1) Tidak ada	(1) Tidak ada	

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untuk: barang-barang farmasi dan medis dan kosmetik (CPC 621, kecuali CPC 62117)	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Penjualan berbasis upah atau kontrak barang-barang farmasi dan medis yang diperuntukkan bagi pasar Singapura (CPC 62117**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
B. Jasa Perdagangan Grosir Jasa perdagangan grosir kecuali untuk barang-barang farmasi dan medis dan alat bedah dan bedah tulang (CPC 622**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Perdagangan grosir barang-barang farmasi dan medis dan alat bedah dan bedah tulang (CPC 62251 & 62252)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
C. Jasa Penjualan Eceran Penjualan eceran barang farmasi, medis dan alat bedah	(1) Tidak ada (2) Tidak ada (3) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

tulang (CPC 63211)	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(4) Tidak terikat	
D. Waralaba Jasa Waralaba (CPC 8929 **)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
5. JASA PENDIDIKAN			
Komitmen spesifik pada Akses Pasar dan Perlakuan Nasional melalui moda pasokan apapun wajib tidak ditafsirkan untuk diterapkan ke dalam pengakuan gelar universitas untuk tujuan penerimaan, pendaftaraan dan kualifikasi untuk praktek profesional di Singapura.			
D. Jasa Pendidikan Dewasa (CPC 924 n.e.c.) E. Pelatihan jangka pendek termasuk kursus bahasa (CPC 92900**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana terdapat dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
6. JASA LINGKUNGAN			
C. Jasa sanitasi dan sejenisnya (CPC 9403)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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D. Jasa pembersihan gas buangan (CPC 9404)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
E. Jasa penanggulangan kebisingan (CPC 9405)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
7. JASA KEUANGAN			
A. Jasa Asuransi dan Yang Terkait Seluruh komitmen di dalam jadwal ini juga tunduk pada persyaratan masuk, hukum domestik, pedoman, peraturan dan regulasi, ketentuan dan persyaratan dari Badan Kewenangan Keuangan Singapura (MAS) atau badan terkait lainnya di Singapura, dimana kemungkinan terjadi, yang mana konsisten dengan Pasal VI dari GATS dan paragraf 2 dari Annex Jasa Keuangan GATS.			
(a) Jasa Asuransi Jiwa termasuk jasa asuransi tunjangan, cacat pendapatan, kecelakaan dan kesehatan	(1) Tidak terikat (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Tidak ada kecuali pihak asing hanya dapat memperoleh ekuitas saham hingga 49% dari keseluruhan pada perusahaan asuransi lokal yang dengan syarat akuisisi tersebut tidak mengakibatkan kondisi dimana pihak asing memiliki sebagian besar saham; perusahaan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	asuransi harus berupa cabang atau anak perusahaan; dan untuk aktifitas terkait dengan penggunaan dana, termasuk melalui investasi, dari jaminan sosial apapun, dana pensiun atau program tabungan wajib. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(b) Jasa Asuransi Non-Jiwa termasuk cacat pendapatan, asuransi kecelakaan dan kesehatan dan kontrak obligasi kesetiaan, obligasi kinerja atau kontrak jaminan serupa	(1) Tidak terikat (2) Tidak ada kecuali bahwa asuransi wajib dari Pertanggungan Jawab Kendaraan Bermotor Pihak KetigadanKompensasiPekerja hanya dapat dibeli dari perusahaan asuransi berizin di Singapura (3) Tidak ada kecuali pihak asing hanya dapat memperoleh ekuitas saham hingga 49% dari keseluruhan pada perusahaan asuransi lokal yang dengan syarat akuisisi tersebut tidak mengakibatkan kondisi dimana pihak asing memiliki sebagian besar saham; perusahaan asuransi harus berupa cabang atau anak perusahaan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(c) Reasuransi dan Retrosesi	(1) Tidak ada (2) Tidak ada (3) Tidak ada kecuali perusahaan reasuransi harus berupa cabang atau anak perusahaan.	(1) Tidak terikat (2) Tidak ada (3) Tidak ada	

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(d) Intermediasi Asuransi yang terdiri dari jasa pialang dan jasa agen	(1) Tidak terikat (2) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Agen tidak diperbolehkan untuk bekerja bagi perusahaan asuransi yang tidak memiliki izin. Penempatan resiko domestik di luar Singapura oleh pialang tunduk pada persetujuan MAS, dengan pengecualian resiko reasuransi dan resiko asuransi terkait dengan pertangungan jawab maritim pemilik kapal yang diasuransikan oleh kelompok perlindungan dan ganti rugi. (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Tidak terikat, kecuali untuk pendaftaran pialang asuransi dan reasuransi secara langsung[3] sebagai anak perusahaan berbadan hukum. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(e) Jasa yang merupakan tambahan dari asuransi yang terdiri dari jasa aktuaria, penaksir kerugian, penaksir rata-rata dan konsultan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam	

[3]Pialang asuransi langsung berarti seorang pialang asuransi yang memiliki izin sesuai dengan Undang-Undang Asuransi sehubungan dengan polis asuransi terkait dengan asuransi umum dan polis kecelakaan jangka panjang dan kesehatan, selain dari polis asuransi yang terkait dengan usaha reasuransi.

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	bagian horisontal	bagian horisontal	
B. Jasa Perbankan dan Keuangan Lainnya Seluruh komitmen di dalam jadwal ini juga tunduk pada persyaratan masuk, hukum domestik, pedoman, peraturan dan regulasi, ketentuan dan persyaratan dari MAS atau badan terkait lainnya di Singapura, dimana kemungkinan terjadi, yang mana konsisten dengan Pasal VI dari GATS dan paragraf 2 dari Annex Jasa Keuangan GATS.			
(a) Penerimaan deposit dan dana yang dapat dibayarkan lainnya dari masyarakat	(1) Tidak terikat (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Hanya badan yang berizin atau diakui sebagai bank, bank pedagang dan perusahaan keuangan dapat menerima deposit. Di mana sebuah badan keuangan asing tunduk pada peraturan negara asalnya yang mengharuskan lembagauntuk memberikanprioritas yang lebih rendahkepada nasabah depositodarikantor yang berada diluar negeridalam kaitannya dengannegara asaldeposandalam proses penerimaanataupenutupan, MAS dapat melaksanakan tindakan pembedaan yang pantas terhadap badan keuangan asing tersebut di Singapura untuk menjaga kepentingan nasabah deposito di kantor Singapura. MAS mungkin memerlukan bank asing untuk menyesuaikan peraturan perusahaan dengan hukum Singapura. Pendirian dan pengoperasian bank asing, bank pedagang dan perusahaan keuangan juga tunduk	(1) Tidak terikat (2) Tidak ada (3) Bank Komersial: Bank asing hanya dapat beroperasi dari satu kantor (tidak termasuk operasi kantor belakang). Meraka tidak dapat mendirikan ATM dan jaringan ATM di luar premis dan sub-cabang yang baru. Tidak terikat untuk ketentuan seluruh jasa perbankan elektronik. Lokasi bank dan relokasi bank dan sub-cabang sebelumnya memerlukan persetujuan dari MAS. Bank grosir hanya dapat menerima mata uang asing simpanan tetap dari dan mengoperasikan rekening yang ada untuk penduduk dan bukan penduduk. Untuk simpanan dolar Singapura, mereka hanya dapat menerima simpanan tetap sebesar S$250,000 atau lebih tiap simpanan. Bank luar negeri dapat menerima mata uang asing simpanan tetap dari penduduk dan bukan penduduk. Untuk simpanan dolar Singapura, mereka hanya dapat menerima simpanan tetap sebesar S$250,000 atau lebih tiap	

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	pada limitasi yang tercantum pada kegiatan B(a) sampai B(l) dan limitasi berikut:	simpanan dari bukan penduduk.	
	Bank Komersial Tidak diperbolehkan bank inti dan grosir baru. Bank asing baru hanya dapat berupa cabang bank luar negeri atau kantor perwakilan. Kantor perwakilan tidapat melakukan usaha atau bertindak sebagai agen. Bank, dengan persetujuan MAS, dapat mengoperasikan rekening tabungan mata uang asing hanya untuk non-penduduk. Sebuah kelompok/kelompok yang terkait dengan pemilik saham asing hanya dapat memiliki hingga 5 persen saham bank lokal. Bank Pedagang Bank asing dan bank pedagang dapat berupa anak perusahaan bank pedagang atau cabang bank pedagang. Perusahaan Keuangan Tidak diperbolehkan perusahaan keuangan baru. Tidak ada orang asing yang bertindak sendiri atau bersama dengan orang lain, mengendalikan perusahaan keuangan apapun. Orang asing adalah orang yang: a) adalah orang perseorangan, bukan merupakan warga	Sebagian besar direktur bank yang didirikan di Singapura harus merupakan warga Singapura atau penduduk tetap Singapura.[4] Bank Pedagang Bank pedagang hanya dapat beroperasi dari satu kantor (tidak termasuk operasi kantor belakang). Lokasi dan relokasi dari bank pedagang sebelumnya memerlukan persetujuan. Bank Pedagang dapat, dengan izin MAS, mencari dana dalam mata uang asing dari penduduk dan bukan penduduk, mengoperasikan rekening simpanan mata uang asing untuk bukan penduduk dan mencari dana dalam dolar Singapura dari perusahaan pemegang saham yang dikendalikan oleh pemegang sahamnya, bank pedagang lainnya dan perusahaan keuangan. Perusahaan Keuangan Lokasi perusahaan keuangan dan relokasi sub-cabang sebelumnya memerlukan izin MAS. Perusahaan keuangan yang dimiliki asing tidak dapat mendirikan ATM, jaringan ATM	

[4]MAS dapat mengizinkan bank yang didirikan di Singapura yang mana merupakan anak perusahaan yang dimiliki secara penuh dari bank milik Anggota lainnya yang didirikan di luar Singapura, memiliki kurang dari mayoritas direktur yang merupakan warga Singapura atau penduduk tetap Singapura.

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Singapura dan b) adalah badan hukum, tidak dikendalikan oleh warga Singapura.	dan sub-cabang baru di luar premis.	
	Persetujuan dari MAS diperlukan sebelum seseorang (bersama dengan orang-orang terkait) diizinkan mempunyai kepemilikan saham atau hak suara di dalam perusahaan keuangan sebesar atau melebihi 5%, 12% dan 20%, dan sebelum orang tersebut memperoleh kendali efektif dari perusahaan keuangan tersebut. Dalam menyetujui aplikasi untuk melampaui batas ambang, MAS dapat memaksakan kondisi yang dirasa perlu untuk mencegah kendali yang tidak semestinya, melindungi kepentingan masyarakat, dan menjamin integritas sistem keuangan. Seluruh perusahaan keuangan, lokal dan asing, hanya dapat melaksanakan usaha dolar Singapura. Dengan persetujuan awal MAS, perusahaan keuangan yang memenuhi syarat juga dapat melakukan transaksi dalam mata uang asing, emas atau logam mulia lainnya, dan memperoleh saham asing, atau hutang / obligasi yang dapat dikonversikan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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(b) Pinjamandari semua jenistermasukkredit konsumen, kredit hipotekdan pembiayaantransaksikomersial	(1) Tidak terikat. Peraturan yang diambil juga merupakan limitasi pada perlakuan nasional. (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. (i) Selain kartu kredit dalam perusahaan, kartu kredit dan kartu biaya dapat diapat dikeluarkan oleh penerbit kartu yang disetujui oleh MAS yang tunduk pada panduan MAS. (ii) Badan keuangan memperpanjang fasilitas kresit dolar Singapura (S$) yang melewati S$5 juta per entitas kepada entitas keuangan bukan penduduk atau mengatur ekuitas S$ atau masalah obligasi untuk bukan penduduk, wajib memastikan bahwa dimana pinjaman S$ tersebut akan digunakan di luar Singapura, ditukar atau dikonversikan ke dalam mata uang asing pada saat penarikan atau sebelum dikirimkan ke luar negeri. Entitas keuangan wajib tidak memperpanjang fasilitas kredit S$ kepada entitas keuangan bukan penduduk jika tidak ada alasan untuk percaya bahwa pinjaman S$ tersebut akan digunakan untuk spekulasi mata uang.	(1) Tidak ada (2) Tidak ada (3) Setiap peminjaman bank luar negeri dalam dolar Singapura kepada penduduk tidak diperbolehkan melebihi S$500 juta batas pinjaman. Bank luar negeri tidak diperbolehkan menggunakan bank pedagang-nya untuk memperdayai batas pinjaman S$500 juta. Tidak terikat untuk pendirian mesin pengeluaran uang tunai di luar premis bagi penerbit kartu kredit dan kartu biaya.	
	(iii) Pendirian perusahaan kredit		

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	yang tidak melaksanakan aktifitas yang memelurkan persetujuan MAS, diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(c) Penyewaan Keuangan	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan untuk aktifitas B(b) di atas (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan untuk aktifitas B(b) di atas (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(d) Jasa Transmisi Pembayaran dan Uang, termasuk kartu kredit, biaya dan debit, cek perjalanan dan draft bankir	(1) Tidak terikat. (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Toko pengiriman uang, kecuali dimana usaha pengiriman uang dilakukan oleh bank dan bank pedagang, diwajibkan untuk sebagian besar dimiliki oleh penduduk Singapura. Draft bankir hanya dapat diterbitkan oleh bank. Kartu nilai tambah serba guna hanya dapat diterbitkan oleh bank di Singapura yang memiliki izin dari MAS. Limitasi yang sebagaimana ditunjukkan dalam B.b)3) di atas juga dapat diterapkan pada aktifitas yang tertera dalam B.d) (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(e) Jaminan dan Komitmen	(1) Tidak ada, kecuali limitasi yang	(1) Tidak ada	

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	sebagaimana ditunjukkan dalam aktifitas A.b) untuk perusahaan asuransi yang menyediakan kontrak obligasi kesetiaan, obligasi kinerja atau jaminan kontrak serupa. (2) Tidak ada (3) Tidak ada, kecuali limitasi yang sebagaimana ditunjukkan dalam aktifitas A.b) untuk perusahaan asuransi yang menyediakan kontrak obligasi kesetiaan, obligasi kinerja atau jaminan kontrak serupa, dan B.b)3)(ii) di atas. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(f) Perdagangan untuk rekening sendiri atau rekening pelanggan, apakah di bursa, pasar di balik meja atau lainnya, sebagai berikut: - Instrumen pasar uang (termasuk cek, tagihan, sertifikat atau simpanan) - Mata uang asing - Produk turunan, termasuk keuangan berjangka dan opsi - Instrumen nilai tukar dan nilai bunga, termasuk perjanjian pertukaran dan nilai ke depan - Surat berharga yang dapat dipindahtangankan - Instrumen dan aset keuangan yang dapat	(1) Tidak terikat, kecuali untuk perdagangan dalam produk yang tercantum dalam B.(f) untuk rekening sendiri. Perdagangan dalam instrumen pasar uang, mata uang asing, dan juga nilai tukar dan nilai bunga hanya dapat dilaksanakan dengan lembaga keuangan saja. Kebijakan yang diambil juga merupakan limitasi pada perlakuan nasional. (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Bank dan bank pedagang wajib menyiapkan anak perusahaan untuk berdagang keuangan berjangka bagi pelanggan. Pialang keuangan berjangka dapat berupa cabang atai anak perusahaan.	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan untuk aktifitas B(b) di atas.	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

dinegosiasikan, termasuk batangan emas	Penawaran produk turunan oleh lembaga keuangan lokal maupun asing dizinkan apabila: - Produk tersebut telah ditawarkan oleh lembaga keuangan tersebut di dalam pusat keuangan yang sudah diakui secara internasional dan pengawas yang berwenang pada pusat tersebut menyetujui produk tersebut di dalam pasar mereka; - Pengawas induk dari lembaga keuangan dan kantor pusatnya harus menyadari dan tidak berkeberatan atas penawaran produk pada cabang / anak perusahaan di Singapura; dan		
	- MAS puas bahwa lembaga keuangan tersebut telah dan akan terus memiliki kekuatan keuangan dan kendali internal yang memadai dan sistem penanganan resiko untuk memperdagangkan produk-produk tersebut. Penawaran produk turunan yang melibatkan dolar Singapura tunduk pada persyaratan yang tercantum pada B.b)3)(ii). Penukar uang, kecuali dimana usaha penukaran uang dilaksanakan oleh bank, wajib sebagian besar dimiliki oleh warga Singapura.		

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	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(g) Keikutsertaan dalam isu-isu seluruh jenis surat berharga, termasuk penjamin emisi dan penempatan sebagai agen dan persyaratan jasa yang terkait dengan isu serupa.	(1) Tidak terikat, kecuali untuk keikutsertaan dalam isu-isu surat berharga rekening sendiri, dan penjamin emisi dan penempatan surat berharga melalui perusahaan pialang saham, bank atau bank pedagang di Singapura. Kebijakan yang diambil juga merupakan limitasi pada perlakuan nasional. (2) Tidak ada (3) Kebijakan yang diambil juga merupakan limitasi pada perlakuan nasional. PT. Pertukaran Perdagangan Surat Berharga Singapura (SGX-ST) akan memasukkan anggota perdagangan baru. Anggota baru akan dapat berdagang denominasi surat berharga dalam S$ secara langsung perusahaan Singapura dengan penanam modal penduduk paling kecil sebanyak S$150,000. Kantor perwakilan tidak dapat melakukan usaha atau bertindak sebagai agen. Tidak terikat untuk pengambil alihan asing atas bunga ekuitas yang baru dan yang telah ada dalam perusahaan anggota SGX-ST. Keanggotaan bank dan bank pedagang pada SGX-ST dan PT. PT. Pertukaran Perdagangan Turunan Singapura (SGX-DT)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan untuk aktifitas B(b) di atas.	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	harus diadakan melalui anak perusahaan. Tidak terikat untuk penyalur Utama dan Terdaftar Surat Berharga		
	Pemerintah Singapura yang baru. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(h) Pialang Uang	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat untuk pialang uang yang baru. Kebijakan yang diambil juga merupakan limitasi pada perlakuan nasional. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(i) Penanganan aset, seperti jasa penanganan tunai atau portofolio, seluruh bentuk penanganan penanaman modal kolektif, penanganan dana pensiun, kustodial, penyimpanan dan dana perwalian	(1) Tidak terikat (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Tidak ada, kecuali perusahaan penanganan aset, penyimpanan kustodial, dan jasa dana perwalian dapat didirikan sebagai cabang, anak perusahaan atau usaha bersama; hanya PT. Penyimpanan Pusat yang diizinkan untuk menyediakan jasa penyimpanan surat berharga kustodial di bawah sistem perdagangan tanpa warkat; dan untuk aktifitas yang terkait dengan penggunaan, termasuk melalui penanaman modal, uang dari jaminan sosial apapun, pensiunan publik atau program penyimpanan wajib. (4) Tidak terikat, kecuali sebagaimana	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali	

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	ditunjukkan dalam bagian horisontal	sebagaimana ditunjukkan dalam bagian horisontal	
(j) Jasa penyelesaian dan kliring untuk aset keuangan, termasuk surat berharga, produk turunan dan instrumen lain yang dapat dinegosiasikan	(1) Tidak terikat, kecuali untuk ketentuan jasa penyelesaian dan kliring untukaset keuangan yang terdaftar pada pertukaran luar negeri saja. (2) Tidak ada (3) Peraturan ini juga merupakan limitasi pada perlakuan nasional. Jasa penyelesaian dan kliring untuk pertukaran perdagangan surat berharga dan keuangan berjangka masing-masing hanya dapat disediakan oleh PT. Penyimpanan Pusat (Pte) dan SGX-DT. Hanya satu rumah kliring didirikan di bawah Undang Undang Perbankan yang dapat menyediakan jasa kliring untuk cek dolar Singapura dan transfer dana antar bank. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(k) Jasa penasehat dan jasa keuangan pendukung lainnya, termasuk referensi kredit dan analisis, penelitian penanaman modal dan portofolio dan nasehat, nasehat mengenai pengambil alihan dan mengenai restrukturisasi dan strategi perusahaan.	(1) Kehadiran komersial diperlukan untuk ketentuan penelitian penanaman modal dan portofolio dan nasehat kepada masyarakat. (2) Tidak ada (3) Penasehat keuangan dapat berupa cabang, anak perusahaan atau kantor perwakilan. Kantor perwakilan tidak dapat melakukan usaha atau bertindak sebagai agen. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	horisontal	horisontal	
(l) Penyediaan dan transfer informasi keuangan, dan pemrosesan data keuangan dan perangkat lunak terkait oleh penyedia jasa keuangan lainnya.	(1) Tidak terikat, kecuali untuk penyediaan informasi keuangan oleh penyedia seperti Ruters dan Bloomberg. Kebijakan yang diambil juga merupakan limitasi atas perlakuan nasional. Cabang-cabang bank asing yang berada di Singapura dapat mengirimkan data kepada kantor pusat dan kantor cabang yang lain untuk menghasilkan pemrosesan dengan kendali yang tepat, keutuhan dan kerahasiaan data/informasi tersebut dijaga dengan ketat, dan MAS memiliki izin atas data/informasi dimana data/informasi tersebut diproses. (2) Hanya penyediaan informasi keuangan oleh penyedia seperti Reuters dan Bloomberg yang diizinkan. Kebijakan yang diambil juga merupakan limitasi atas perlakuan nasional. (3) Penyediaan informasi keuangan oleh penyedia, seperti Reuters dan Bloomberg, diizinkan. Penyediaan jasa pemrosesan data keuangan kepada bank dan bank pedagang tunduk pada peraturan domestik mengenai perlindungan kerahasiaan informasi pelanggan bank dan bank pedagang. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada untuk penyediaan informasi keuangan oleh penyedia seperti Reuters dan Bloomberg. (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
8. JASA TERKAIT KESEHATAN DAN SOSIAL			

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Jasa pengawasanhukumsebagaimana tercantum dalamLampiranJadwalinidikecualikan dari ruang lingkupdari komitmen ini			
B. Rumah sakit perawatan penyakit akut, rumah perawatan dan rumah sakit pemulihan sebagaimana dijelaskan pada Undang-Undang Rumah Sakit Swasta dan Klinik Kesehatan, yang dijalankan dengan prinsip komersial (CPC 93193**)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
C. Jasa sosial yang disalurkan melalui lembaga kependudukan untuk lanjut usia dan orang cacat (CPC 93311) Jasa sosial yang disalurkan melalui lembaga kependudukan untuk anak-anak dan klien lain (CPC 93312**)	(1) Tidak terikat* (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat, kecuali sebagaimana ditunjukkan	(1) Tidak terikat* (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	dalam komitmen horisontal		
Jasa Penitipan anak, termasuk jasa penitipan untuk orang cacat (CPC 93321) Jasa rehabilitasi kejuruan (CPC 93324)	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat	
C. Jasa bimbingan dan penyuluhan yang tidak diklasifikasikan dimana pun terkait dengan anak-anak (CPC 93322)	(1) Tidak terikat (2) Tidak ada, kecuali tidak mengikat untuk pemasok jasa bukan penduduk yang menjalankan usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak mengikat untuk fasilitas/ pelayanan jasa yang dilaksanakan oleh pemasok	(1) Tidak terikat (2) Tidak ada, kecuali tidak mengikat untuk pemasok jasa bukan penduduk yang menjalankan usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak mengikat untuk fasilitas/ pelayanan jasa yang dilaksanakan oleh pemasok	

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	jasa nirlaba yang sekomitmen atau seluruhnya didanai Negara (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	jasa nirlaba yang sekomitmen atau seluruhnya didanai Negara (4) Tidak terikat	
C. Jasa Kesejahteraan yang tidak disalurkan melalui lembaga perumahan (CPC 93323)	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura. (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
C. Jasasosial lainnya tanpa akomodasi (CPC 93329 **)	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat	(1) Tidak terikat (2) Tidak ada, kecuali Singapura menggunakan kewenangan penuh untuk menentukan apakah sebuah pemasok jasa bukan penduduk dapat	

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	memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	memiliki usaha atau melakukan pemasaran aktif di Singapura (3) Tidak ada, kecuali tidak terikat untuk fasilitas / pelayanan jasa yang dilakukan oleh pemasok jasa nirlaba yang sekomitmen atau seluruhnya didanai negara. (4) Tidak terikat	
9. JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			
Hotel dan Restoran (termasuk katering) Jasa Hotel (CPC 6411)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa restoran dan katering (CPC 64210, 64230)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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b. Jasa Agen Perjalanan dan Penyelenggara Tur (CPC 7471)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
c. Jasa Pemandu Turis (CPC 7472)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam Bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
10. JASA-JASA REKREASI, BUDAYA DAN OLAH RAGA (KECUALI DARIPADA JASA-JASA AUDIO VISUAL)			
A. Jasa Hiburan (termasuk jasa-jasa teater, pertunjukan musik langsung & sirkus) (CPC 9619)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat	
C. Jasa-jasa Arsip kecuali untuk jasa-jasa sebagaimana diuraikan berdasarkan Undang-Undang Dewan Warisan Nasional (CPC 963**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
C. Jasa Kepustakaan (CPC 96311)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Taman-taman kecuali untuk taman nasional, cagar alam dan lahan pertamanan sebagaimana ditetapkan berdasarkan Undang-Undang Taman Nasional (CPC 9633**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
D. Jasa-jasa Olahraga dan	(1) Tidak terikat*	(1) Tidak terikat*	

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rekreasi, kecuali jasa perjudian dan taruhan (964*)	(2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(2) Tidak ada (3) Tidak ada (4) Tidak terikat	
11. JASA ANGKUTAN			
A. Jasa Angkutan Laut Angkutan laut internasional (barang dan penumpang) tidak termasuk angkutan *cabotage* (CPC 7211**, 7212**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal; tidak terikat untuk transfer dalam perusahaan dari kapal dari awak kapal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	Ketika layanan berikut ini tidak tercakup dalam kewajiban yang tercantum pada Pasal XXVIII(c) (ii) Perjanjian Umum Mengenai Perdagangan Jasa pada Lampiran 1B Perjanjian WTO, layanan-layanan tersebut akan tersedia bagi pemasok transportasi laut internasional dengan persyaratan dan kondisi yang masuk akal dan non diskriminatif: - kapal pandu; - bantuan menderek dan menarik; - penyediaan bahan bakar dan air; - pengumpulan sampah dan; pembuangan limbah berat - jasa Syah Bandar;

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

			- alat bantu navigasi darurat; - perbaikan fasilitas; - penjangkaran; dan - jasa operasional tepi laut lainnya, termasuk pemasok komunikasi, air dan listrik.
Jasa Angkutan Laut Pendukung: Jasa agen pengapalan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa Angkutan Laut Pendukung: Jasa perantara pengapalan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa Angkutan Laut Pendukung: Penderekan Internasional	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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Jasa Angkutan Laut Pendukung: Masyarakat klasifikasi, kecuali untuk jasa hukum untuk kapal berbendera Singapura.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
D. Jasa Transportasi Udara Penjualan dan pemasaran jasa transportasi udara	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
angkutan barang: a) Barang yang dibekukan (CPC 71231) b) Cairan atau gas (CPC 71232) c) Barang yang dipeti-kemaskan (CPC 71233) d) Perabot (CPC 71234)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa pemeliharaan dan perbaikan kendaraan bermotor (CPC 61120) Jasa pemeliharaan dan	(1) Tidak ada (2) Tidak ada (3) Tidak ada	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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perbaikan suku cadang kendaraan bermotor (CPC 88**)	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(4) Tidak terikat	
Jasa Parkir (CPC 74430)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
12. JASA-JASA LAIN YANG TIDAK TERCANTUM DI TEMPAT LAIN			
Jasa pencucian, pembersihan dan pengecatan (CPC 9701)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa penata rambut dan jasa kecantikan lainnya (CPC 9702)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
Jasa pemakaman, kremasi dan penguburan, kecuali jasa pemeliharaan tempat pemakaman, pekuburan dan lahan pekuburan (CPC	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

97030**)	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(4) Tidak terikat	

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SINGAPURA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

LAMPIRAN

JENIS JASA SOSIAL YANG DIKECUALIKAN DARI JADWAL KOMITMEN SINGAPURA

1 Jasa Pengawasan Hukum Dengan Akomodasi untuk Jenis Klien sebagai berikut (CPC 9331):

a) Wanita dewasa dan remaja putri yang ditahan di suatu tempat yang aman sesuai dengan Komitmen 160 Piagam Wanita (CPC 93312);

b) Anak-anak yang ditahan di suatu tempat yang aman sesuai dengan Komitmen 8 Undang-undang Anak-anak dan Remaja (CYP) (CPC 93312);

c) Anak-anak dan remaja yang ditahan di suatu tempat penahanan menurut Komitmen 44 (1) (f) Undang-undang CYP, atau dalam masa percobaan pada suatu sekolah yang disetujui[5] sesuai dengan Komitmen 44 (1) (g) Undang-undang CYP (CPC 93319);

d) Anak-anak dan remaja yang diterima di suatu rumah yang disetujui dalam pengawasan hukum sesuai Komitmen 49(ii) Undang-undang CYP (CPC 93312);

e) Orang dalam masa percobaan dengan persyaratan tinggal dalam suatu lembaga yang disetujui sesuai dengan Komitmen 12 dari Undang-undang Masa Percobaan bagi Pelanggar Hukum (CPC 93319).

2 Jasa Pengawasan Hukum Tanpa Akomodasi untuk Jenis Klien sebagai berikut (CPC 9332):

a) Anak-anak dan remaja yang ditempatkan dibawah pengawasan petugas kesejahteraan yang ditunjuk sesuai denga Komitmen 49 (i) Undang-undang CYP (CPC 93329);

b) Orang dalam masa percobaan tanpa persyaratan tinggal dalam suatu lembaga yang disetujui sesuai dengan Komitmen 5 Undang-undang Masa Percobaan bagi Pelanggar Hukum (CPC 93329)

[5] Istilah "sekolah yang disetujui" yang digunakan dalam Komitmen 44 (i) (g) Undang-undang CYP diartikan sebagai suatu tahanan rumah untuk remaja pelanggar hukum, dan bukan lembaga pendidikan umum. Remaja pelanggar hukum ditahan dalam suatu "sekolah yang disetujui" dimaksudkan lebih kepada rehabilitasi dari pada pendidikan formal.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

THAILAND

Jadwal Komitmen Khusus

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORISONTAL			
SELURUH SEKTOR YANG DICAKUP DALAM DAFTAR INI	3) Kehadiran komersial di sektor atau sub-sektor dalam daftar ini diperbolehkan hanya melalui perusahaan perseroan terbatas yang dimiliki dan dikendalikan oleh (para) orang asing yang diperbolehkan mengambil manfaat dari komitmen Thailand. Kecuali disebutkan sebaliknya pada spesifik sektor, kehadiran komersial pada sektor atau sub sektor dalam daftar ini hanya dijinkan melalui perusahaan terbatas yang terdaftar di Thailand dan memenuhi persyaratan sebagai berikut: (a) Keikutsertaan modal asing harus tidak melebihi 49% dari modal dasar; dan (b) Jumlah pemegang saham asing harus kurang dari separuh dari jumlah keseluruhan pemegang saham dari perusahaan yang bersangkutan,	i. Kehadiran komersial di sektor atau sub-sektor dalam daftar ini diperbolehkan hanya melalui perusahaan perseroan terbatas yang dimiliki dan dikendalikan oleh (para) orang asing yang diperbolehkan mengambil manfaat dari komitmen Thailand. Kecuali disebutkan sebaliknya di spesifik sektor, entitas komersial yang digabungkan sesuai dengan peraturan perundang-undangan Thailand dimana keikutsertaan modal asing tidak melebihi 49% dari modal dasar : Tidak ada. Manager atau perwakilan dari badan hukum yang mengajukan ijin harus seorang yang berkewarganegaraan Thailand. Direktur dan wakil direktur harus berkewarganegaraan Thailand. Manager dan Manager Eksekutif harus berkewarganegaraan Thailand. Yang lainnya : Tidak terikat, termasuk subsidi	
	4) Kecuali disebutkan sebaliknya di sektor secara spesifik, perpindahan sementara	4. Tidak terikat, kecuali sebagaimana ditetapkan dalam kolom MA	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	orang perseorangan tidak terikat kecuali dalam kategori sebagai berikut : I. Kunjungan Usaha : (a) Penjual Jasa: Perwakilan dari penyedia jasa yang masuk dan tinggal sementara di Thailand tanpa menerima renumerasi dari dalam Thailand untuk penjualan barang atau jasa atau masuk dalam perjanjian penjualan bagi penyedia jasa tersebut. (b) orang yang bertanggung jawab untuk mendirikan kehadiran komersial: Perwakilan dari penyedia jasa yang masuk dan tinggal sementara di Thailand untuk tujuan: - berpartisipasi dalam pertemuan dan kontak bisnis - kunjungan pendirian bisnis atau kegiatan serupa, - masuk dengan tujuan mendirikan kehadiran komersial penyedia jasa di Thailand ketika tidak ada penyedia jasa tersebut tidak memiliki kehadiran komersial di Thailand. Kondisi: Perwakilan badan hukum dimaksud bukan merupakan penyedia atau pekerja yang terikat dengan penjualan langsung ke		

[1] Mempertimbangkan kebutuhan manajerial, hal-hal berikut perlu dijadikan pertimbangan oleh pihak yang berwenang, sebagai berikut:
(1) Besarnya modal yang disetor sepenuhnya; (2) penciptaan lapangan kerja; (3) memperluas investasi asing; (4) promosi ekspor; (5) transfer teknologi; (6) kebutuhan khusus manajemen.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	masyarakat umum atau dalam menyediakan jasa itu sendiri. Lama tinggal: Tinggal sementara diijinkan dan pemberian ijin kerja, saat diterapkan, untuk periode pertama tidak lebih dari 90 hari. Perwakilan dari kategori (b) dapat diperpanjang untuk periode yang lebih lama tidak lebih dari 1 tahun dari tanggal kelahiran, diberikan apabila kriteria yang ditetapkan oleh Biro Imigrasi dan Departemen Tenaga Kerja telah dipenuhi. II. Transfer antar perusahaan : Pekerja dari perusahaan yang didirikan di wilayah pihak lain yang ditransfer sementara sebagai penyedia jasa melalui kehadiran komersil di Thailand. Pekerja tersebut adalah manajer eksekutif, spesialis yang didefinisikan sebagai berikut: Manajer didefinisikan sebagai: orang dalam perusahaan yang memimpin perusahaan atau departemen atau sub divisi dari suatu organisasi; mengawasi dan mengontrol pekerjaan dari pengawas lain, profesional atau pekerja manajemen; yang memiliki kewenangan untuk merekrut dan memberhentikan atau memberikan rekomendasi perekrutan, pemberhentian atau kegiatan personalia lainnya (seperti promosi dan memberikan kewenangan);		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	dan menerapkan wewenang kebijakan di hari operasional. Tidak termasuk pengawas tingkat atas, kecuali pegawai pengawas itu profesional, dan tidak pula pegawai yang melakukan pekerjaan yang dibutuhkan dalam penyediaan jasa. Eksekutif didefinisikan sebagai: seseorang dari dalam organisasi yang memimpin manajemen organisasi, melakukan pengambilan keputusan, dan hanya menerima pengawasan umum atau arahan dari eksekutif yang lebih tinggi, (jajaran direktur, atau pemegang saham bisnis). Seorang eksekutif tidak secara langsung melakukan tugas terkait dengan penyediaan jasa atau jasa dari organisasi. Spesialis didefinisikan sebagai: seseorang dalam organisasi yang memiliki pengetahuan tinggi dan keahlian terkait pengetahuan organisasi jasa, peralatan riset, teknik atau manajemen. Kondisi: Pegawai-pegawai tersebut harus dipekerjakan oleh perusahaan yang berpusat di luar Thailand selama satu periode tidak kurang dari satu tahun tepat sebelum hari aplikasi untuk ijin masuk; memenuhi kriteria yang ditetapkan oleh Biro Imigrasi dan memegang visa non-imigrasi; dan memenuhi kriteria kebutuhan manajemen [1] yang ditetapkan oleh Departemen Tenaga Kerja.		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	Lama tinggal: Tinggal sementara diijinkan dan diberikan ijin kerja, apabila mengajukan, untuk periode satu tahun, dan dapat diperpanjang selama tiga kali dengan tidak lebih dari satu tahun masing-masing tunduk pada verifikasi lapangan kerja yang berkelanjutan dengan pemberi kerja dan sesuai dengan undang-undang dan peraturan Thailand yang relevan.		

[1] Didalam mempertimbangkan kebutuhan pengelolaan, fakta-fakta sebagai berikut wajib dipakai sebagai bahan pertimbangan oleh pejabat berwenang , yaitu : 1) besarnya modal - setor penuh; 2) penciptaan lapangan kerja; 3) perluasan penanaman modal asing; 4) promosi ekspor; 5) transfer teknologi; 6) kebutuhan khusus dari pengelolaan.

	3), 4) Penguasaan dan penggunaan tanah : sesuai dengan Hukum Pertanahan Thailand, perusahaan nasional asing atau perusahaan domestik yang dimiliki orang asing tidak diijinkan untuk membeli atau memiliki tanah di Thailand. Tetapi, mereka diperbolehkan menyewa tanah dan memiliki bangunan. Orang asing juga diijinkan untuk memiliki sebagian dari unit kondominium sesuai dengan undang-undang dan peraturan yang mengatur kepemilikan kondominium. (1, 2, 3, 4) Undang-undang Perpajakan tunduk pada undang-undang domestik, aturan dan peraturan, konsisten dengan GATS	3), 4) Penguasaan dan penggunaan tanah : Tidak terikat, kecuali sebagaimana ditetapkan dalam kolom MA. (1, 2, 3, 4) Undang-undang Perpajakan tunduk pada undang-	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
		undang domestik, aturan dan peraturan, konsisten dengan GATS	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
THAILAND			
1. JASA BISNIS A. Jasa Profesi			
(a) Jasa hukum (CPC 86111+ 86119+86120+ 86130+86190)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
(b) Jasa akuntansi, audit dan pembukuan (CPC 862)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(d) Jasa arsitektur (CPC 8671)	(1) Tidak ada	(1) Jasa harus disahkan oleh arsitek berlisensi di Thailand	
	(2) Tidak ada	(2) Tidak ada	
	(3) Kehadiran komersial diizinkan baik dalam bentuk perseroan terbatas atau kemitraan terbatas atau kemitraan biasa yang terdaftar dimana kantor pusatnya terdaftar di Thailand dan memenuhi persyaratan-persyaratan berikut : a) Keikutsertaan modal asing harus tidak melebihi 49% dari modal dasar; <u>Perseroan Terbatas</u> b) Paling sedikit separoh dari direkturnya, atau direktur utama harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek	(3) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Kemitraan Terbatas atau Kemitraan Biasa yang Terdaftar c) Mitra pengelola atau manajer harus berkewarganegaraan Thailand; dan d) Paling sedikit setengah dari mitra atau mitra pengelola harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek. (4) Tidak terikat	(4) Tidak terikat	
(e) Jasa Perekayasaan (CPC 8672)	(1) Tidak ada (2) Tidak ada (3) Kehadiran komersial diizinkan baik dalam bentuk perseroan terbatas atau kemitraan terbatas atau kemitraan biasa yang terdaftar dimana kantor pusatnya terdaftar di Thailand dan memenuhi	1) Tidak terikat 2) Tidak ada 3) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	persyaratan-persyaratan berikut : a) Keikutsertaan modal asing harus tidak melebihi 49% dari modal dasar; <u>Perseroan Terbatas</u> b) Paling sedikit separoh dari direkturnya, atau direktur utama harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Insiyur <u>Kemitraan Terbatas atau Kemitraan Biasa yang Terdaftar</u> c) Mitra pengelola atau manajer harus berkewarganegaraan Thailand; dan d) Paling sedikit setengah dari mitra atau mitra pengelola harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Insiyur		
	(4) a) Seperti ditunjukkan dalam komitmen horizontal b) Tidak terikat untuk insinyur sipil	(4) Seperti ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(g) Jasa perencanaan perkotaan(CPC 86741)	1) Tidak ada 2) Tidak ada 3) Kehadiran komersial diizinkan baik dalam bentuk perseroan terbatas atau kemitraan terbatas atau kemitraan biasa yang terdaftar dimana kantor pusatnya terdaftar di Thailand dan memenuhi persyaratan-persyaratan berikut : a) Keikutsertaan modal asing harus tidak melebihi 49% dari modal dasar; <u>Perseroan Terbatas</u> b) Paling sedikit separoh dari direkturnya, atau direktur utama harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek	1) Tidak terikat 2) Tidak ada 3) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Kemitraan Terbatas atau Kemitraan Biasa yang Terdaftar c) Mitra pengelola atau manajer harus berkewarganegaraan Thailand; dan d) Paling sedikit setengah dari mitra atau mitra pengelola harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek. 4) Tidak terikat	(4) Tidak terikat	
(g) Jasa arsitektur tata ruang (CPC 86742)	1) Tidak ada 2) Tidak ada 3) Kehadiran komersial diizinkan baik dalam bentuk perseroan terbatas atau kemitraan terbatas atau kemitraan	1) Jasa harus disahkan oleh arsitek berlisensi di Thailand 2) Tidak ada 3) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	biasa yang terdaftar dimana kantor pusatnya terdaftar di Thailand dan memenuhi persyaratan-persyaratan berikut : a) Keikutsertaan modal asing harus tidak melebihi 49% dari modal dasar; <u>Perseroan Terbatas</u> b) Paling sedikit separoh dari direkturnya, atau direktur utama harus seorang yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek <u>Kemitraan Terbatas atau Kemitraan Biasa yang Terdaftar</u> c) Mitra pengelola atau manajer harus berkewarganegaraan Thailand; dan d) Paling sedikit setengah dari mitra atau mitra pengelola harus seorang		
	yang berkewarganegaraan Thailand dan mendapatkan izin dari Dewan Arsitek. 4) Tidak terikat	4) Tidak terikat	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa Komputer dan Jasa yang Terkait dengan Komputer	(1) Tidak terikat	(1) Tidak terikat	
(a) Jasa konsultasi terkait dengan pemasangan perangkat keras komputer (CPC 84100)	(2) Tidak ada	(2) Tidak ada	
	(3) Tidak ada	(3) Tidak ada	
	(4) Masuknya penyedia jasa kontrak harus tunduk pada pagu numerik dan persyaratan kualifikasi khusus yang ditetapkan oleh Kementerian Teknologi informasi dan komunikasi (atau kementerian ICT), jika tidak maka merujuk pada komitmen horizontal.	(4) Tidak terikat, Seperti ditunjukkan dalam komitmen horizontal	
(b) Jasa pemasangan perangkat lunak (kecuali jasa pemrograman dan pemeliharaan sistem) (CPC 84210+ 84220+ 84230)	(1) Tidak terikat	(1) Tidak terikat	
	(2) Tidak ada	(2) Tidak ada	
	(3) Tidak ada, kecuali ditunjukkan dalam komitmen horizontal	(3) Tidak ada	
	(4) Masuknya penyedia jasa kontrak harus tunduk pada pagu numerik dan persyaratan kualifikasi khusus yang ditetapkan oleh Kementerian Teknologi informasi dan komunikasi (atau kementerian ICT), jika tidak maka merujuk pada komitmen horizontal.	(4) Tidak terikat, kecuali seperti yang tertera pada komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(c) Jasa pemrosesan data (tidak termasuk yang disediakan untuk jaringan telekomunikasi umum) (CPC 84310+84320+84330+84390)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada, kecuali ditunjukkan di komitmen horizontal (4) Masuknya penyedia jasa kontrak harus tunduk pada pagu numerik dan persyaratan kualifikasi khusus yang ditetapkan oleh Kementerian Teknologi informasi dan komunikasi (atau kementerian ICT), jika tidak maka merujuk pada komitmen horizontal.	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang tertera pada komitmen horizontal	
(d) Jasa basis data (tidak termasuk yang disediakan untuk jaringan telekomunikasi umum) (CPC 84400)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada, Tidak ada, kecuali ditunjukkan di komitmen horizontal (4) Masuknya penyedia jasa kontrak harus tunduk pada pagu numerik dan persyaratan kualifikasi khusus yang ditetapkan oleh Kementerian Teknologi informasi dan komunikasi (atau kementerian ICT), jika tidak maka merujuk pada komitmen horizontal.	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
E. Jasa Penyewaan/*Leasing* tanpa Operator (d) Jasa penyewaan dan *leasing* terkait mesin pertanian, mesin konstruksi, mesin dan peralatan kantor, mesin dan peralatan lainnya tanpa operator (CPC 83106 - 83109)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
F. Jasa Bisnis Lainnya (a). Jasa periklanan (CPC 87110+87120 +87190)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
(b). Jasa penelitian pasar dan jajak pendapat masyarakat (CPC 86401 sampai 86402)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	

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Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(c). Jasa konsultasi manajemen (CPC 86501)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) a) Sebagaimana ditunjukkan dalam bagian horizontal b) Tidak terikat untuk konsultan hukum dan pemeriksa	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
(e). Jasa analisa dan pengujian teknis (CPC 86761+86769)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(f). Jasa terkait pertanian; jasa konsultasi pada perluasan pertanian: - penyiapan tanah - produksi benih - Perlindungan tanaman - pemanenan - penyeleksian - pengemasan - penyimpanan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
Laboratorium analisis tanah	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
Survey tanah dan perencanaan penggunaan lahan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Survey tanah dan perencanaan penggunaan lahan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
Perbanyakan benih tanaman penutup tanah	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
(f). Jasa terkait kehutanan: jasa konsultan kehutanan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(g). Jasa terkait perikanan: Perdagangan internasional, jasa produk ekspor (broker)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
Jasa analisa kualitas	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
Jasa analisa proses pengalengan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Teknis: - Konsultasi - Penelitian pasar - Pengendalian mutu	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
(h). Jasa terkait pertambangan di bidang minyak dan gas	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) (a) Seperti ditunjukkan dalam komitmen horizontal (b) Tidak terikat untuk insinyur sipil	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
(n). Pemeliharaan dan perbaikan mesin kantor dan peralatan termasuk komputer (CPC 84500)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Masuknya penyedia jasa kontrak berdasarkn pagu numerik dan persyaratan kualifikasi khusus yang ditetapkan oleh Kementerian ICT, atau merujuk pada komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(q). Jasa pengepakan (CPC 87600)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
(r). Jasa penerbitan dan pencetakan tidak termasuk penerbitan surat kabar (CPC 88442)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horizontal	
(t). Lainnya: Jasa penterjemahan dan interpretasi (CPC 87905)	1) Tidak ada 2) Tidak ada 3) Tidak ada 4) Seperti ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horizontal	
2. JASA KOMUNIKASI			

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Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Telekomunikasi			
Komitmen yang diberikan dalam penawaran ini tunduk pada persyaratan umum sebagai berikut :			
a. Setiap jasa yang akan dipasok di Thailand memerlukan suatu izin khusus pemerintah.			
b. Perizinan hanya diberikan untuk para pemasok jasa yang didirikan sesuai dengan peraturan Thailand, yang mensyaratkan kantor pusat dan pengelolaan berlokasi di wilayah Thailand.			
c. Disebabkan karena sumber daya yang terbatas, jumlah perizinan dapat dibatasi.			
d. Jasa Jadwal Komitmen Spesifik wajib berbasis fasilitas.			
e. Pemasok jasa wajib merupakan perusahaan Thailand dengan kepemilikan saham asing tidak melebihi dari 20% dari modal yang disetor dan jumah pemilik saham asing harus tidak lebih dari 20% dari keseluruhan jumlah pemegang saham perusahaan.			
f. Otoritas komunikasi Thailand memiliki hak istimewa untuk berhubungan dengan Intelsat dan Inmarsat.			
g. Ketentuan peralihan dan mulai berlakunya seluruh undang-undang komunikasi baru yang diperlukan, dimuali sejak tahun 2006, komitmen-komitmen mengenai jasa telekomunikasi publik akan diperkenalkan dan diperlakukan sesuai dengan peraturan-peraturan pelaksanaan yang akan diterbitkan berdasarkan undang-undang dimaksud.			

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Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa telepon umum lokal, jarak jauh domestik dan internasional : a) Jasa telepon suara b) Jasa teleks c) Jasa telegraf d) Jasa faksimili	(1) Tidak ada, selain daripada lalulintas komunikasi wajib diarahkan melalui portal di Thailand yang dijalankan oleh pemasok yang berlisensi; penyelenggaraan dari jasa terkait wajib disetujui oleh para pemasok berdasarkan izin untuk kedua tujuan dimaksud (2) Tidak ada, selain daripada - lalulintas komunikasi wajib disalurkan melalui portal di Thailand yang dijalankan oleh pemasok yang berlisensi - penyelenggaraan dari jasa terkait wajib disetujui oleh para pemasok berdasarkan izin untuk kedua tujuan dimaksud (3) Pemberlakuan bersyarat dan mengikat atas seluruh Undang-undang komunikasi baru yang diperlukan, yang berlaku mulai dari tahun 2006, Thailand akan memperkenalkan elemen akses pasar yang termasuk dalam Undang-undang tersebut ke dalam bagian-bagian yang terkait dalam Jadwal Komitmen Spesifik sehubungan dengan ketersediaan jasa telekomunikasi umum. (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Pemberlakuan bersyarat dan mengikat atas seluruh Undang-undang komunikasi baru yang diperlukan, yang berlaku mulai dari tahun 2006, Thailand akan memperkenalkan elemen akses pasar yang termasuk dalam Undang-undang tersebut ke dalam bagian-bagian yang terkait dalam Jadwal Komitmen Spesifik sehubungan dengan ketersediaan jasa telekomunikasi umum (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	Pemberlakuan bersyarat dan mengikat atas seluruh Undang-undang komunikasi baru yang diperlukan, yang berlaku mulai dari tahun 2006. Thailand akan memperkenalkan ke dalam Jadwal Komitmen Spesifiknya tentang jasa telekomunikasi umum dan perlakuan tertentu terkait dengan pengamanan persaingan, interkoneksi, layanan universal, penyediaan kriteria perizinan umum, pemisahan peraturan dan fungsi operasional, alokasi dan penggunaan sumber daya terbatas.

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JADWAL KOMITMEN SPESIFIK

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(j) Jasa akses basis data (bagian CPC 7523)	(1) 1.1 Penyedia jasa harus menggunakan jaringan telekomunikasi umum dibawah kewenangan telekomunikasi nasional. 1.2 Jasa aplikasi radio tunduk pada frekuensi yang tersedia	(1) Tidak ada	
	(2) Tidak ada	(2) Tidak ada	
	(3) a) Wajib sebuah perusahaan Thailand terdaftar dengan kepemilikan modal asing tidak melebihi 40 persen dari modal dasar dan jumlah pemegang saham asing tidak melebihi 40 persen dari total jumlah pemegang saham perusahaan b) Perusahaan tersebut wajib diberikan izin sesuai konsep operasi-transfer-pembangunan c) Wajib menggunakan jaringan telekomunikasi umum berdasarkan otoritas telekomunikasi nasional	(3) Tidak ada pembatasan sepanjang kepemilikan modal asing tidak melebihi 40 persen	
	(4) Seperti ditunjukkan dalam bagian horisontal	(4) Tidak terikat, seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(n) Informasi *on-line* dan/atau jasa pemrosesan data (bagian dari CPC 843)	(1) 1.1 Penyedia jasa harus menggunakan jaringan telekomunikasi umum dibawah kewenangan telekomunikasi nasional. 1.2 Jasa aplikasi radio tunduk pada frekuensi yang tersedia	(1) Tidak ada	
	(2) Tidak ada	(2) Tidak ada	
	(3) a) Wajib sebuah perusahaan Thailand terdaftar dengan kepemilikan modal asing tidak melebihi 40 persen dari modal dasar dan jumlah pemegang saham asing tidak melebihi 40 persen dari total jumlah pemegang saham perusahaan b) Perusahaan tersebut wajib diberikan izin sesuai konsep operasi-transfer-pembangunan c) Wajib menggunakan jaringan telekomunikasi umum berdasarkan otoritas telekomunikasi nasional	(3) Tidak ada pembatasan sepanjang kepemilikan modal asing tidak melebihi 40 persen	
	(4) Seperti ditunjukkan dalam bagian horisontal	(4) Tidak terikat, seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(o) Lainnya Jasa penjualan perangkat telekomunikasi (bagian dari CPC 75420)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) a) Seperti ditunjukkan dalam bagian horisontal b) Tidak terikat untuk insinyur sipil	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Konsultasi Telekomunikasi (CPC 75440)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) a) Seperti ditunjukkan dalam bagian horisontal b) Tidak terikat untuk insinyur sipil	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Naskah video (bagian dari CPC 75299) Telekonferensi (bagian dari CPC 75292) Sirkit-sewa domestik (bagian dari CPC 75299)	(1) (a) Penyedia jasa harus menggunakan jaringan telekomunikasi umum dibawah otoritas telekomunikasi nasional (b) Jasa penggunaan radio tunduk pada ketersediaan frekuensi (2) Tidak ada (3) (a) Wajib bagi perusahaan Thailand yang terdaftar dengan kepemilikan modal asing tidak melebihi 40 persen dari modal dasar dan jumlah pemegang saham asing harus tidak melebihi 40 persen dari keseluruhan jumlah pemegang saham perusahaan. (b) Perusahaan tersebut wajib diberikan izin sesuai konsep operasi-transfer-pembangunan oleh otoritas telekomunikasi nasional[2] (c) Harus menggunakan jaringan telekomunikasi umum dibawah otoritas telekomunikasi nasional (d) Seleksi penyedia jasa harus berdasarkan lelang terbuka. (4) Seperti ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada pembatasan sepanjang partisipasi modal asing tidak melebihi 40 persen (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
D. Jasa Audiovisual			
(a) Jasa produksi dan distribusi film dan video: Jasa produksi dan distribusi film/video tidak termasuk jasa promosi atau periklanan (CPC 96112+96113)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	
(c) Jasa radio/televisi hanya untuk: - Jasa produksi program radio (CPC 96131) - Jasa produksi program televisi (CPC 96132)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	
JASA KONSTRUKSI DAN JASA REKAYASA TERKAIT			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A Pekerjaan pra-pendirian pada lokasi konstruksi B Pekerjaan Konstruksi untuk Bangunan (CPC 512) C Pekerjaan Konstruksi untuk Rekayasa Sipil (CPC 513) D Pekerjaan pemasangan dan perakitan (CPC 514) E Konstruksi perdagangan khusus F Pekerjaan penginstalan (CPC 516) G Pekerjaan Penyelesaian dan Pengakhiran Bangunan (CPC 517) H Jasa penyewaan yang terkait dengan peralatan untuk konstruksi atau penghancuran bangunan atau pekerjaan rekayasa sipil, dengan operator (CPC 518)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) a) Seperti ditunjukkan dalam komitmen horisontal b) Tidak terikat untuk insinyur sipil	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	
JASA DISTRIBUSI			

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa agen komisi (CPC 62111 sampai 62118)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	
JASA PENDIDIKAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa pendidikan menengah: A + B. Jasa pendidikan sekolah nasional dan internasional tidak termasuk pendidikan dewasa dan lainnya (CPC 9219+9221, 9222)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Orang asing diperbolehkan memasuki Thailand untuk menyediakan jasa pendidikan dengan syarat: a)Orang asing tersebut diundang atau dipekerjakan oleh lembaga pendidikan yang didirikan dan terdaftar di Thailand; b)Orang asing tersebut memiliki kualifikasi dan pengalaman sesuai yang ditetapkan oleh lembaga tersebut dan memenuhi kriteria yang ditetapkan oleh Kementerian Pendidikan yang berlaku c) Tinggal sementara pertama adalah satu tahun atau selama waktu bekerja, bisa lebih cepat, dengan kemungkinan untuk diperpanjang. d)Lainnya: seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali yang tercantum dalam komitmen horizontal. Orang yang ingin mendapatkan ijin beroperasi harus berdomisilidi Thailand	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa pendidikan tinggi: Jasa pendidikan teknik dan kejuruan menengah atas (CPC 9223, 9224)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Orang asing diperbolehkan memasuki Thailand untuk menyediakan jasa pendidikan dengan syarat: a) Orang asing tersebut diundang atau dipekerjakan oleh lembaga pendidikan yang didirikan dan terdaftar di Thailand; b) Orang asing tersebut memiliki kualifikasi dan pengalaman sesuai yang ditetapkan oleh lembaga tersebut dan memenuhi kriteria yang ditetapkan oleh Kementerian Pendidikan yang berlaku c) Tinggal sementara pertama adalah satu tahun atau selama waktu bekerja, bisa lebih cepat, dengan kemungkinan untuk diperpanjang. (d) Lainnya: seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjuukan dalam komitmen horisontal	
D. Jasa pendidikan profesi dan/atau kursus jangka pendek (CPC 92400)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
E. Jasa pendidikan lainnya: Jasa pendidikan bahasa China(bagian dari CPC 92900)	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Orang asing diperbolehkan memasuki Thailand untuk menyediakan jasa pendidikan dengan syarat: a) Orang asing tersebut diundang atau dipekerjakan oleh lembaga pendidikan yang didirikan dan terdaftar di Thailand; b) Orang asing tersebut memiliki kualifikasi dan pengalaman sesuai yang ditetapkan oleh lembaga tersebut dan memenuhi kriteria yang ditetapkan oleh Kementerian Pendidikan yang berlaku c) Tinggal sementara pertama adalah satu tahun atau selama waktu bekerja, bisa lebih cepat, dengan kemungkinan untuk diperpanjang. d) Lainnya: seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
JASA LINGKUNGAN HIDUP			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa konsultasi lingkungan atas sistim limbah, pembuangan sampah, pengelolaan limbah berbahaya, pengelolaan polusi udara dan kebisingan, sanitasi dan jasa pengelolaan lingkungan hidup lainnya (CPC 9401)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
Jasa Perlindungan Lingkungan Hidup dan Penanggulangan Lingkungan Hidup (CPC 9401)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
Jasa limbah (termasuk sistim pengelolaan air limbah industri (CPC 9401)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
B. Jasa Pembuangan Sampah (termasuk pengelolaan dan tempat pembakaran limbah berbahaya) (CPC 9402)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Sanitasi dan Sejenisnya (CPC 9403)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
D. Lainnya : Jasa pembersihan gas buangan (termasuk penanggulangan emisi industri) (CPC 9404)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
Jasa penanggulangan kebisingan (CPC 9405)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
Jasa perlindungan alam dan landskap (CPC 9406)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa perlindungan lingkungan hidup lainnya (CPC 9409)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali ditunjukkan dalam komitmen horisontal	
7. JASA KEUANGAN			
- Terkait dengan lingkup operasi dan jenis jasa keuangan yang dapatdisediakan, setiapjenis lembaga keuangan diizinkan menjalankan sektor atau subsektor perbankan dan jasa keuangan lainnya hanya jika undang-undang pemerintah mereka mengizinkan. - Semuakomitmen di sektor ini tunduk pada komitmen horisontal dalam jadwal komitmen spesifik Thailand di GATS			
A. Asuransi termasuk re-asuransi dan retrosesi a) Jasa asuransi jiwa (CPC 81211)	(1) Tidak ada (2) Tidak ada (3) (a) Keikutsertaan saham asing dibatasi hingga 25% dari modal yang terdaftar b) Pendirian baru tunduk pada perizinan yang disetujui oleh Menteri dengan rekomendasi kabinet. (4) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan komisaris asuransi	(1) Tidak ada (2) Asuransi jiwa premium merupakan pajak yang dikurangkan hingga jumlah tertentu bagi pemegang kebijakan yang dikeluarkan oleh perusahaan (3) Tidak ada selain daripada yang ditunjukkan dalam kolom komitmen tambahan (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(b) Jasa asuransi non-jiwa (CPC 8129)	(1) Tidak terikat, kecuali untuk armada laut dan penerbangan internasional dan perjalanan dan semua jenis re-asuransi (2) Tidak ada (3) (a) Keikutsertaan saham asing dibatasi hingga 25% dari modal yang terdaftar (b) Pendirian baru tunduk pada perizinan yang disetujui oleh Menteri dengan rekomendasi kabinet. (4) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan komisaris asuransi	(1) Tidak terikat (2) Tidak ada (3) Tidak ada selain daripada yang ditunjukkan dalam kolom komitmen tambahan (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	
(d) Jasa pembantu asuransi (tidak termasuk jasa dana pensiun) Jasa agen dan broker asuransi (CPC 81401) (Broker tidak boleh membujuk, memberi nasehat dan melakukan kegiatan yang menyebabkan seseorang menandatangani kontrak asuransi dengan asuran asing, kecuali untuk kontrak re-asuransi)	(1) Tidak terikat (2) Tidak terikat (3) Keikutsetaan modal asing tidak boleh melebihi 5 persen (4) (a) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan komisaris asuransi (b) Tidak terikat untuk broker dan agen perorangan	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada selain daripada yang ditunjukkan dalam kolom komitmen tambahan (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa konsultasi asuransi tidak termasuk jasa konsultasi pensiun (CPC 81402)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan komisaris	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	
Jasa pengaturan rata-rata dan kerugian (CPC 81403)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	
Jasa aktuaria (CPC 81404) Pembantu jasa pada intermediasi keuangan selain daripada asuransi dan jasa dana pensiun	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Hanya pegawai manajemen senior, spesialis dan pembantu teknis dengan persetujuan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalamkomitmen horisontal	
Jasa kartu kredit (CPC 81133) (dana bergerak dari masyarakat tidak diperbolehkan kecuali mendapat izin dari undang-undang keuangan)	(1) Tidak ada (2) Tidak ada (3) (a) seperti yang ditunjukkan B(3) (j) dibawah. (b) lembaga keuangan harus mendapat persetujuan dari Bank Thailand (4) Seperti yang ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa konsultasi keuangan (CPC 81332)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Perbankan dan jasa keuangan lainnya Penerimaan deposit dan dana pembayaran lain dari masyarakat Semua jenis pinjaman, termasuk kredit konsumen, kredit gadai, perusahaan dan transaksi komersial keuangan Pinjaman keuangan Jasa transmisi uang dan pembayaran termasuk kredit, biaya dan kartu debit, cek perjalanan dan draft bankir Jaminan dan komitmen Perdagangan untuk akun milik sendiri, atau untuk akun pelanggan dalam: (a) Instrumen pasar uang (b) Kurs asing (c) Tingkat kurs dan instrumen tingkat bunga (d) Surat berharga yang trasparan	(1) Tidak ada untuk penasehat keuangan dan pemrosesan data keuangan. Tidak terikat untuk semua jasa lainnya (2) Tidak ada untuk penasehat keuangan dan pemrosesan data keuangan. (3) (a) kantor perwakilan bank: tidak ada (b) cabang bank asing: I. Tidak ada untuk cabang bank asing yang ada dibawah struktur pemegang saham saat ini. Pendirian baru tunduk pada izin yang disetujui oleh Menteri Keuangan dengan persetujuan Kabinet II. operasi ATM diizinkan dibawah kondisi berikut: 1) Bergabung dengan ATM yang dioperasikan oleh Bank Thailand; atau 2) Operasi di tempat sendiri atau berbagi fasilitas dengan bank komersial lain di Thailand III. Bank asing yang ada yang telah memiliki kantor cabang pertama di Thailand sejak Juli 1995 diizinkan membuka tidak lebih dari 2 cabang tambahan. IV. Tidak ada untuk keikutsertaan cek kliring dan sistem penyelesaian (4) komitmen horisontal	(1) tidak ada (2) (3)	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Keikutsertaan dalam isu semua jenis sekuritas, termasuk penjaminan dan penempatan sebagai agen (baik secara umum atau perorangan) dan penyediaan jasa terkait isu tersebut. Manajemen aset adalah sebagai berikut: - Manajemen portofolio atau tunai - Manajemen investasi kolektif - Jasa deposit dan pemelihara Penasehat, perantaraan dan jasa pembantu keuangan lainnya. Penyediaan dan transfer informasi keuangan, dan proses data keuangan dan terkait perangkat lunak	(c) Bank gabungan lokal I. Akses pasar terbatas pada akuisisi saham bank yang ada II. (i) keikutsertaan saham asing maksimum dibatasi sampai 25 persen dari saham terdaftar yang disetor. Saham gabungan dari perorangan dan relasinya tidak lebih dari 5 persen dari saham terdaftar yang disetor. (ii) Menteri keuangan atas rekomendasi Bank Thailand boleh memberikan kelonggaran batasan yang tersebut diatas pada maksimum keikutsertaan saham asing dan saham gabungan perorangan dan relasinya, tunduk pada syarat dan ketentuan yang dikelurakan oleh Menteri Keuangan, termasuk sebagai berikut: - Kelonggaran dianggap penting untuk meningkatkan kondisi atau bisnis bank komersial;		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	- Keikutsertaan saham tersebut disahkan selama satu periode hingga 10 tahun dengan saham asing yang memasuki periode ini menjadi "grandfather" setelahnya terkait dengan jumlah mutlak pemegang saham. III. Sedikitnya tiga-perempat direktur adalah warga negara Thailand. Menteri Keuangan atas rekomendasi Bank Thailand mengizinkan lebih banyak nasional asing yang tersebut diatas tunduk pada syarat dan ketentuan yang dicantumkan pada II (ii) diatas. (d) Fasiltas Bank Internasional[3] Pendirian baru tunduk pada izin yang disetujui oleh Menteri Keuangan (e) Perusahaan keuangan dan perusahaan kredit foncier. I. Tidak ada untuk kantor perwakilan II. Akses pasar terbatas pada akuisisi saham bank yang ada		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	III. (i) keikutsertaan saham asing maksimum dibatasi sampai 25 persen dari saham terdaftar yang disetor. Saham gabungan dari perorangan dan relasinya tidak lebih dari 5 persen dari saham terdaftar yang disetor. (ii) Menteri keuangan atas rekomendasi Bank Thailand boleh memberikan kelonggaran batasan yang tersebut diatas pada maksimum keikutsertaan saham asing dan saham gabungan perorangan dan relasinya, tunduk pada syarat dan ketentuan yang dikelurakan oleh Menteri Keuangan, termasuk sebagai berikut: - Kelonggaran dianggap penting untuk meningkatkan kondisi atau bisnis perusahaan keuangan dan perusahaan kredit foncier; - Keikutsertaan saham tersebut disahkan selama satu periode hingga 10 tahun dengan saham asing yang memasuki periode ini menjadi "grandfather" setelahnya terkait dengan jumlah mutlak pemegang saham.		AC-TIS/SC2/THA

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	IV. Sedikitnya tiga-perempat direktur adalah warga negara Thailand. Menteri Keuangan atas rekomendasi Bank Thailand mengizinkan lebih banyak nasional asing yang tersebut diatas tunduk pada syarat dan ketentuan yang dicantumkan pada III (ii) diatas. (f) Perusahaan sekuritas, broker sekuritas, urusan rekuritas, jasa penasehat investasi dan jaminan sekuritas: I. Tidak ada untuk kantor perwakilan II. Akses pasar terbatas pada bagian akuisisi hanya untuk perusahaan yang ada. Tidak terikat untuk perizinan baru. III. Maksimum keikutsertaan saham asing dibatasi hingga 49 persen dari modal terdaftar yang disetor. IV. Sedikitnya setengah dari direktur dari perusahaan sekuritas gabungan lokal merupakan warga negara Thailand. (g) Perusahaan pengelolaan aset: I. Tidak ada untuk kantor perwakilan		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	II. Akses pasar terbatas pada bagian akuisisi hanya untuk perusahaan yang ada III. Selama lima tahun pertama setelah izin diberikan, maksimum keikutsertaan saham asing dibatasi hingga 25 persen dari modal terdaftar yang disetor dan sedikitnya tiga-perempat direktur merupakan warga negara Thailand. IV. Setelah 5 tahun, maksimum keikutsertaan saham asing dibatasi hingga 49 persen dari modal terdaftar yang disetor dan sedikitnya setengah jumlah direktur harus warganegara Thailand. (h) Jasa peminjaman keuangan hanya dapat disediakan oleh perusahaan peminjam yang tunduk pada maksimum keikutsertaan asing hingga 49 persen dari modal terdaftar yang disetor, atau oleh perusahaan keuangan yang tunduk pada maksimum keikutsertaan saham asing hingga 25 persen dari modal terdaftar yang disetor, kecuali pada (e) III (ii)		AC-TIS/SC2/THA

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(i) Jasa industri, hanya dapat disediakan oleh persuhaan industri yang tunduk pada maksimum keikutsertaan hingga 49 persen dari modal terdaftar yang disetor, atau oleh perusahaan keuangan yang tunduk pada pada maksimum keikutsertaan saham asing hingga 25 persen dari modal terdaftar yang disetor, kecuali pada (e) III (ii) (j) Kredit, biaya dan kredit kartu debit, biaya dan kartu debit hanya dapat disediakan oleh perusahaan yang tunduk pada maksimum keikutsertaan saham asing hingga 49 persen dari modal terdaftar yang disetor atau bank gabungan lokal dan cabang bank asing. Pelaku bisnis dibawah h), i), dan j) tunduk pada perizinan dan peraturan yang akan dikeluarkan. (4) Seperti yang ditunjukkan pada komitmen horisontal	(4) tidak terikat kecuali seperti yang ditunjukkan pada komitmen horisontal	
JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
i. Jasa penginapan hotel (CPC 64110)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana diatur dalam bagian horisontal	
Jasa restoran (CPC 64120)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana diatur dalam bagian horisontal	
Jasa katering (CPC 64230)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana diatur dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa agen perjalanan dan penyelenggara tur (CPC 7471)	(1) Tidak terikat (2) Tidak ada (3) Sebagai tambahan sebagaimana ditunjukkan dalam bagian horisontal, tidak kurang dari setengah dari dewan direktur perusahaan harus berkewarganegaraan Thailand. (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana diatur dalam bagian horisontal	
D. Jasa-jasa lain pengelolaan hotel	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana diatur dalam bagian horisontal	
JASA-JASA REKREASI, BUDAYA DAN OLAH RAGA			
D. Jasa-jasa olah raga (tidak termasuk jasa-jasa olahraga lainnya sebagaimana diuraikan dalam CPC 96419) (CPC 96411+96412+96413)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana yang ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa-jasa taman rekreasi dan pantai (CPC 96494)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana yang ditunjukkan dalam bagian horisontal	
JASA ANGKUTAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa Angkutan Laut			
1. Angkutan penumpang (CPC 7211 tidak termasuk angkutan cabotage : sebagaimana didefinisikan di bawah – 3.1)	(1) Tidak ada (2) Tidak ada (3) a) Tidak terikat untuk pendirian badan hukum untuk tujuan pengoperasian suatu armada dibawah bendera nasional Thailand b) Bentuk lain kehadiran komersial untuk pemasok jasa angkutan laut internasional (sebagaimana dijelaskan dibawah 3.2) kecuali kantor cabang : sebagaimana ditunjukkan dalam komitmen horisontal (4) a) Anak buah kapal : tidak terikat b) Tenaga kerja lainnya : sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) a) Tidak terikat b) Tidak ada (4) a) Tidak terikat b) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
b. Angkutan barang (CPC 7212 tidak termasuk angkutan cabotage – sebagaimana didefinisikan dibawah – 3.1)	(1) Tidak ada (2) Tidak ada (3) a) Tidak terikat untuk pendirian badan hukum untuk tujuan pengoperasian suatu armada dibawah bendera nasional Thailand b) Bentuk lain kehadiran komersial untuk pemasok jasa angkutan laut internasional (sebagaimana didefinisikan dibawah-3.2) kecuali kantor cabang : sebagaimana ditunjukkan dalam komitmen horisontal (4) a) Anak buah kapal : tidak terikat b) Tenaga kerja lainnya : seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) a) Tidak terikat b) Tidak ada selain daripada : (i) Pemilik saham perusahaan angkutan laut Thailand dengan kepemilikan kapal berbendera Thailand dapat diberikan pengecualian atau pengurangan nilai pengenaan pajak penghasilan yang dipungut atas pembayaran deviden oleh beberapa perusahaan. (ii) Eksportir atau importir barang yang dikapalkan dari atau ke Thailand oleh kapal berbendera Thailand berhak memperoleh pengurangan khusus tidak melebihi 50% dari nilai pengiriman barang atau biaya lainnya yang dibayarkan atas pengeluaran riil dari penghasilan bersih mereka untuk tujuan penghitungan pajak penghasilan. (4) a) Tidak terikat b) Tidak terikat, kecusli seperti yang ditunjukkan	AC-TIS/SC2/THA

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Badan Kelautan (seperti yang didefiniskan dibawah-3.6)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada[4] (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(e) Kapal tunda internasional (CPC 7214)	(1) Tidak ada (2) Tidak ada (3) (a) Tidak terikat untuk pendirian badan hukum untuk tujuan pengoperasian suatu armada dibawah bendera nasional Thailand (b) Bentuk lain kehadiran komersial untuk pemasok jasa angkutan laut internasional (sebagaimana didefinisikan dibawah-3.2) kecuali kantor cabang : sebagaimana ditunjukkan dalam komitmen horisontal (4) a) Anak buah kapal : tidak terikat b) Tenaga kerja lainnya : Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) a) Tidak terikat b) Tidak ada (4) a) Tidak terikat b) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(f) Jasa pendukung untuk angkutan laut (CPC 745) Fasilitas penampungan tepi laut (pengumpulan limbah/air berminyak dari kapal-kapal)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	
Jasa kapten pelabuhan yang terkait dengan kapal asing tertentu	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	
Badan survei kelautan dan klasifikasi masyarakat untuk penyediaan dokumentasi yang akurat dan sertifikat kapal	(1) Tidak ada, selain yang tercantum dalam peraturan yang ditetapkan oleh Departemen Pelabuhan (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam kolom Komitmen Tambahan	
Jasa Pengantaran Muatan	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa penanganan kargo laut[5]	(1) Tidak terikat (2) Tidak ada (3) Pemasokan jasa di wilayah yuridiksi Otoritas Pelabuhan Thailand wajib tunduk pada kondisi tertentu sebagaimana diatur dalam Peraturan Menteri yang dikeluarkan dibawah Undang-Undang Thailand B.E. 2494 tentang Otoritas Pelabuhan (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	
1. Jasa Angkutan Udara (d) Jasa perbaikan dan pemeliharaan kapal udara	(1) Tidak ada (2) Tidak ada (3) Penyedia jasa harus menunjukkan layanannya di luar apron yang ditentukan. (4) sebagaimana yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	
(e) Jasa pendukung untuk angkutan udara (CPC 746) Jasa penjualan dan pemasaran angkutan udara	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Sebagaimana yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada (4) Tidak terikat, kecuali Sebagaimana yang ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa sistem reservasi komputer	(1) Tidak ada, selain daripada: a. Penyedia jasa harus menggunakan jaringan telekomunikasi umum di bawah otoritas telekomunikasi nasional b. Jasa aplikasi radio tunduk pada ketersediaan frekuensi (2) Tidak ada (3) a. Distribusi melalui CRS diizinkan untuk kantor maskapai penerbangan dan satu kantor Agen Penjualan Umum b. penyedia jasa harus menggunakan jaringan telekomunikasi umum Thailand di bawah otoritas telekomunikasi nasional dan harus sesuai dengan syarat-syarat dan ketentuan sebagaimana tercantum dalam penawaran sektor telekomunikasi Thailand pada GATS (4) sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat	
E. Jasa Angkutan Jalur Rel			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(d) Pemeliharaan dan perbaikan peralatan angkutan jalur rel (CPC 8868)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditetapkan dalam komitmen horisontal	
(e) Jasa pendukung untuk jasa angkutan jalur rel - Jasa kebersihan gerbong penumpang dan muatan - Jasa keamanan di stasiun kereta api	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagain horisontal	
F. Jasa Angkutan Jalan Raya **Angkutan penumpang tidak terjadwal lainnya**			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(b) Angkutan barang hanya untuk barang yang dibekukan atau didinginkan, cairan atau gas volume besar dan muatan dikemas (CPC 71231 sampai 71233)	(1) Tidak terikat (2) Tidak ada (3) Sebagai tambahan pada yang ditunjukkan dalam komitmen horisontal, tidak kurang dari separuh dari dewan direktur perusahaan harus berkewarganegaraan Thailand (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagain horisontal	
(c) Jasa penyewaan mobilpenumpang dengan operator (CPC 71222)	(1) Tidak terikat (2) Tidak ada (3) Sebagai tambahan pada yang ditunjukkan dalam komitmen horisontal, tidak kurang dari separuh dari dewan direktur perusahaan harus berkewarganegaraan Thailand (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagain horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(c) Jasa penyewaan bus dan pemandu dengan operator (CPC 71223)	(1) Tidak terikat (2) Tidak ada (3) Sebagai tambahan pada yang ditunjukkan dalam komitmen horisontal, tidak kurang dari separuh dari dewan direktur perusahaan harus berkewarganegaraan Thailand (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam bagain horisontal	
H. Jasa Penunjang untuk Semua Moda Angkutan			
b) Jasa penyimpanan dan pergudangan untuk angkutan laut (CPC 742)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

CATATAN TERHADAP JADWAL ANGKUTAN LAUT

1. Apabila jasa angkutan darat, kereta api, jalur perairan sungai, dan jasa penunjang terkait lainnya apabila tidak sepenuhnya tercakup dalam jadwal dimaksud,operator angkutan multimoda wajib memiliki kemampuan untuk menyewa atau sewa beli truk, angkutan jalur rel atau tongkang, dan peralatan terkait, untuk tujuan pengantaran kargo didarat, atau memiliki akses terhadap, dan bisa menggunakan bentuk-bentuk kegiatan multimoda dalam kondisi dan ketentuan yang wajar dan non-diskriminasi untuk maksud pelaksanaan operasi angkutan multimoda.

2. "Kondisi dan ketentuan yang wajar dan non diskriminasi" berarti, untuk maksud pelaksanaan operasi angkutan multimoda, kemampuan operator angkutan multimoda untuk mengatur pengantaran barang-barangnya secara tepat waktu, termasuk prioritas atas barang lain yang telah masuk ke pelabuhan pada waktu kemudian.

3. Definisi - Definisi :

3.1 "cabottage" : untuk maksud dalam jadwal ini, berarti angkutan atau kapal tongkang (towage) penumpang atau barang, antara satu pelabuhan atau tempat lokasi di perairan Thailand dan pelabuhan atau tempat lokasi lainnya di perairan Thailand.

3.2 "Bentuk lain kehadiran komersial untuk pasokan jasa angkutan laut internasional" : untuk maksud dalam jadwal ini, berarti kemampuan pemasok jasa angkutan laut internasional dari anggota lain untuk melakukan secara lokal hal-hal berikut ini:

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a) Pemasaran dan penjualan jasa angkutan laut melalui kontak langsung dengan para pelanggan, mulai dari penawaran harga sampai penagihan, sepanjang jasa ini merupakan jasa yang dioperasikan atau ditawarkan oleh pemasok jasa itu sendiri;
b) Pengadaan, berdasarkan tanggungan mereka sendiri untuk setiap jenis angkutan dan jasa terkait, yang perlu bagi pasokan jasa yang terintegrasi;
c) Penyiapan dokumentasi yang berkaitan dengan dokumen angkutan, dokumen pelanggan, atau dokumen-dokumen lain yang terkait dengan asal dan sifat barang yang diangkut;
d) Pembentukan setiap kesepakatan usaha (termasuk penyertaan di dalam saham sebuah perusahaan) dan pengangkatan personil yang direkrut secara lokal dengan setiap agen perkapalan yang didirikan secara lokal : sebagaimana diuraikan dalam komitmen horisontal.

3.3 "Operator angkutan multimoda" berarti seseorang yang atas namanya surat muatan kapal/dokumen angkutan multimoda atau dokumen-dokumen lain yang membuktikan sebuah kontrak angkutan barang multimoda, diterbitkan dan yang bertanggungjawab atas angkutan barang sesuai dengan kontrak angkutan tersebut.

3.4 Jasa pengantaran muatan berarti kegiatan yang terdiri dari pengorganisasian dan pemantauan operasi pengiriman atas nama pengirim (shipper), melalui pengadaan jasa angkutan dan jasa terkait, persiapan dokumentasi dan ketentuan dari informasi usaha.

3.5 "Jasa penanganan kargo laut" berarti kegiatan-kegiatan yang dilaksanakan oleh perusahaan buruh pelabuhan, termasuk operator terminal, tetapi tidak termasuk kegiatan bongkar muat langsung apabila angkatan kerja ini dikelola secara mandiri oleh perusahaan buruh pelabuhan atau operator terminal. Kegiatan dimaksud meliputi pengorganisasian dan pengawasan atas :

- pemuatan / pembongkaran kargo ke/dari sebuah kapal;
- pengikatan / pelepasan ikatan kargo;
- penerimaan / pengiriman dan pengamanan kargo sebelum pengapalan atau setelah pembongkaran

3.6 "Jasa agen kelautan" berarti kegiatan-kegiatan mewakili sebagai agen, kepentingan usaha dari satu atau lebih maskapai perkapalan, untuk maksud berikut :

- pemasaran dan penjualan jasa angkutan laut dan jasa terkait, mulai dari penawaran harga sampai penagihan, dan pengeluaran surat muatan kapal atas nama maskapai perkapalan; perolehan atau penjualan kembali jasa-jasa terkait yang diperlukan, penyiapan dokumentasi, dan penyediaan informasi usaha;
- bertindak atas nama maskapai perkapalan meng~~koordinasikan panggilan~~ sebuah kapal atau mengambil alih kargo bilamana diperlukan.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

PERSETUJUAN PERDAGANGAN JASA ASEAN-CHINA ANNEX 1/SC2

VIETNAM

Jadwal Komitmen Khusus

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORIZONTAL			
SELURUH SEKTOR YANG DICAKUP DALAM JADWAL INI	(3) Tidak ada, kecuali: Kecuali ditetapkan sebaliknya dalam setiap sektor atau sub-sektor spesifik dalam Jadwal ini, perusahaan asing diijinkan mendirikan kehadiran komersial di Vietnam dalam bentuk kontrak kerjasama usaha[1], perusahaan usaha patungan, perusahaan 100% asing. Kantor perwakilan dari pemasok jasa asing diijinkan untuk didirikan di Vietnam, tetapi mereka wajib tidak terlibat pada setiap aktifitas yang secara langsung menghasilkan keuntungan[2].	(3) Tidak ada, kecuali: Pemberian subsidi hanya dibatasi untuk pemasok jasa dari orang Vietnam, sebagai contoh: badan hukum yang didirikan di wilayah Vietnam, atau bagian dari wilayahnya. Pemberian satu kali subsidi untuk meningkatkan dan memfasilitasi proses pemilikan tidak dalam pelanggaran dalam komitmen ini. Tidak terikat untuk subsidi dalam bidang Penelitian dan Pengembangan. Tidak terikat untuk subsidi di sektor Kesehatan, Pendidikan dan Audio-visual. Tidak terikat untuk subsidi yang bertujuan untuk meningkatkan kesejahteraan dan lapangan kerja bagi etnis minoritas.	

[1] Kontrak kerjasama usaha adalah suatu dokumen yang ditandatangani oleh dua pihak atau lebih (yang setidak-tidaknya satu pihak wajib merupakan entitas hukum Vietnam dan satu pihak wajib merupakan entitas hukum asing) dan yang menetapkan tanggung jawab dan bagi hasil usaha antara, para pihak untuk maksud melakukan penanaman modal dan usaha di Vietnam tanpa menciptakan suatu entitas hukum.

[2] Kantor perwakilan adalah unit bawahan dari perusahaan asing, didirikan berdasar hukum Vietnam dalam rangka mengupayakan, meningkatkan peluang perdagangan dan pariwisata tetapi tidak diijinkan untuk terlibat dalam aktifitas komersial yang menghasilkan keuntungan secara langsung.

	Kecuali ditetapkan sebaliknya dalam setiap sektor maupun sub-sektor spesifik dalam Jadwal ini, pendirian kantor cabang adalah tidak terikat. Ketentuan kepemilikan, operasional dan bentuk dan cakupan aktifitas badan hukum sebagaimana diatur dalam perijinan atau bentuk lain dari persetujuan pendirian atau penguasaan operasional atau pasokan		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	jasa oleh pemasok jasa asing yang telah ada wajib tidak lebih dibatasi daripada yang sudah ada Perusahaan penanaman modal asing wajib diijinkan oleh otoritas yang berwenang Vietnam untuk menyewa-belikan tanah untuk menyelenggarakan proyek penanaman modalnya. Jangka waktu sewa-beli tanah wajib disesuaikan dengan lamanya menjalankan perusahaan tersebut dan wajib dituangkan dalam perijinan penanaman modalnya dan wajib diperpanjang kapan pun saat operasional perusahaan tersebut diperpanjang oleh pihak yang berwenang. Pemasok jasa asing diijinkan untuk membuat kontribusi modal dalam bentuk pembelian saham dari perusahaan-perusahaan Vietnam. Dalam hal ini, total saham yang dimiliki oleh penanaman modal asing di setiap perusahaan tidak boleh lebih dari 30% dari modal perusahaan yang disetor kecuali sebaliknya diatur oleh hukum Vietnam atau diijinkan oleh otoritas yang diberikan oleh lembaga yang berwenang di Vietnam. Setelah Mulai Berlakunya dari perjanjian paket kedua ini, pembatasan saham asing 30% untuk akuisisi perusahaan Vietnam wajib dihapuskan, kecuali untuk kontribusi modal dalam bentuk pembelian saham dari bank komersial saham-bersama dan kecuali untuk sektor yang tidak dikomitmenkan dalam Jadwal ini. Untuk		

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	sektor dan sub-sektor lain yang dikomitmenkan dalam Jadwal ini, tingkat kepemilikan yang dimiliki oleh penanam modal asing dalam akuisisi perusahaan Vietnam wajib sesuai dengan pembatasan atas keikutsertaan modal asing yang ditentukan didalamnya, apabila ada, termasuk pembatasan dalam bentuk jangka waktu transisi, jika dapat diterapkan.		
	(4) Tidak terikat, kecuali kebijakan yang terkait dengan ijin masuk dan tinggal sementara orang perseorangan yang masuk dalam salah satu kategori berikut ini: (a) <u>Perpindahan antar perusahaan</u> Manajer, eksekutif dan spesialis, sebagaimana didefinisikan di bawah ini, dari perusahaan asing yang telah mendirikan kehadiran komersial di wilayah Vietnam, perpindahan sementara sebagai pegawai yang dipindahkan ke kehadiran komersial dan yang telah dipekerjakan sebelumnya oleh perusahaan asing setidak-tidaknya selama satu tahun, wajib diberikan ijin untuk masuk dan tinggal untuk jangka waktu 3 tahun pertama yang dapat diperpanjang berdasarkan syarat operasional entitas dimaksud di Vietnam. Setidak-tidaknya 20% dari total manajer, eksekutif dan spesialis wajib merupakan	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam kolum akses pasar.	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	warga negara Vietnam. Namun demikian, minimal 3 dari manajer, eksekutif, dan spesialis yang bukan warga negara Vietnam wajib diijinkan pada setiap perusahaan. Manajer dan eksekutif adalah mereka yang mengarahkan pengelolaan perusahaan asing yang telah mendirikan kehadiran komersial di Vietnam, hanya menerima pengawasan atau arahan umum dari dewan direksi atau pemegang saham usaha atau yang setara dengannya, termasuk mengarahkan pendirian atau suatu bagian atau subdivisi dari pendirian, pengawasan atau pengontrolan kerja dari pekerja pengawas, profesional atau, manajer lainnya, yang memiliki kewenangan secara pribadi untuk mempekerjakan atau memberhentikan atau merekomendasikan untuk mempekerjakan, memberhentikan, atau melakukan tindakan kepegawaian lainnya dan yang secara langsung tidak melaksanakan pekerjaannya berkenaan dengan pasokan jasa pendirian yang aktual. Spesialis adalah orang perseorangan yang bekerja dalam suatu organisasi yang memiliki pengetahuan pada tingkat keahlian tinggi dan memiliki pengetahuan tentang jasa, perlengkapan penelitian, metoda-metoda atau pengelolaan organisasi. Dalam menilai pengetahuan		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	tersebut, pertimbangan tidak hanya berdasarkan pengetahuan khusus tentang kehadiran komersial, tetapi juga apakah orang tersebut memiliki keahlian atau kualifikasi tinggi terkait dengan jenis pekerjaan atau perdagangan yang membutuhkan pengetahuan teknis yang khusus. Spesialis dapat meliputi tetapi tidak terbatas untuk anggota profesi yang berijin. (b) Personel lain Manajer, eksekutif dan spesialis sebagaimana disebutkan pada poin (a) diatas, yang tidak dapat digantikan posisinya oleh orang Vietnam dan yang dipekerjakan di luar wilayah Vietnam oleh perusahaan asing yang telah mendirikan kehadiran komersial di wilayah Vietnam dengan maksud untuk berpartisipasi dalam aktifitas perusahaan asing di Vietnam wajib diberikan ijin masuk dan tinggal sesuai dengan ketentuan dalam kontrak kerja dimaksud atau jangka waktu tiga tahun pertama yang mana saja yang lebih singkat, yang dapat diperpanjang berdasarkan konrak kerja antara mereka dan kehadiran komersial. (c) Pihak penjual jasa Pihak yang tidak berbasis di wilayah VietNam dan tidak menerima pendapatan dari sumber yang berlokasi di Vietnam, dan		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	yang terlibat dalam kegiatan yang terkait dengan perwakilan penyedia jasa untuk maksud merundingkan penjualan jasa dari penyedia penjual jasa dimana : (i) penjualan tersebut tidak secara langsung dibuat untuk masyarakat umum; dan (ii) penjual jasa tersebut tidak terlibat secara langsung dalam penyediaan jasa. Masa tinggal penjual jasa tersebut dibatasi hanya sampai 90 hari saja. (d) Pihak yang bertanggung jawab untuk mendirikan kehadiran komersial Manajer dan eksekutif (sebagaimana yang disebutkan pada item (a) diatas) dalam suatu badan hukum, yang bertanggung jawab untuk mendirikan, di Vietnam, kehadiran komersial penyedia jasa dari suatu Negara Anggota apabila (i) orang-orang tersebut tidak terlibat dalam penjualan atau pemasokan jasa langsung; dan (ii) pemasok jasa yang tempat usaha utamanya di wilayah dari suatu Anggota selain daripada Vietnam dan tidak memiliki kehadiran komersial lainnya di Vietnam. Masa tinggal penjual jasa tersebut dibatasi hanya sampai 90 hari saja. (e) Pemasok jasa kontrak (CSS) Orang perseorangan yang merupakan pekerja dari suatu perusahaan asing yang tidak memiliki kehadiran komersial di Vietnam dapat memasuki dan tinggal di		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	Vietnam dalam jangka waktu selama 90 hari atau sesuai dengan jangka waktu dalam kontrak, yang mana yang lebih singkat dengan syarat bahwa ketentuan dan persyaratan-persyaratan berikut ini wajib diberlakukan: - Perusahaan asing yang telah memperoleh suatu kontrak jasa dari perusahan Vietnam yang telibat dalam operasi usaha di Vietnam. Otoritas berwenang di Vietnam wajib mampu menyusun prosedur yang diperlukan untuk menjamin sifat *bonafide* dari kontrak tersebut. - Pihak-pihak tersebut wajib memiliki: (a) gelar setingkat universitas atau suatu dokumen kualifikasi teknis yang menunjukan pengetahuan setara ; (b) kualifikasi professional dimana dibutuhkan untuk melakukan aktifitas di sektor yang bersangkutan yang sesuai dengan hukum dan peraturan perundang-undangan Vietnam; dan (c) pengalaman profesional paling sedikit 5 tahun di sektor tersebut. - Jumlah dari pihak-pihak yang dicakup dalam kontrak jasa wajib tidak lebih besar daripada yang diperlukan untuk memenuhi kontrak, yang mungkin ditentukan dalam hukum dan perundang-undangan dan persyaratan di Vietnam.		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub-sektor	Pembatasan pada Akses Pasar	Pembatasan pada Perlakuan Nasional	Komitmen Tambahan
	- Pihak-pihak ini wajib telah dipekerjakan oleh perusahaan asing yang tidak memiliki kehadiran komersial di Vietnam tidak kurang dari dua tahun dan telah memenuhi persyaratan sebagaimana ditentukan untuk "spesialis" diatas. Masuknya para pihak tersebut diijinkan untuk jasa komputer dan jasa terkait lainnya (CP 841-845, 849) dan jasa rekayasa (CPC 8672).		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Vietnam			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
1. JASA BISNIS			
A. Jasa Profesi (a) Jasa Layanan Hukum (CPC 861, tidak termasuk : - keikutsertaan dalam proses hukum dalam kapasitasnya sebagai pembela atau kuasa dari kliennya dihadapan pengadilan Vietnam; - Jasa pendokumentasian dan sertifikasi hukum Vietnam	(1) Tidak ada (2) Tidak ada (3) Organisasi para pengacara asing[1] diizinkan untuk mendirikan kehadiran komersial di Vietnam dalam bentuk sebagai berikut : - Kantor cabang dari organisasi pengacara asing - Kantor cabang pembantu dari organisasi pengacara asing - Firma hukum asing[2] - Kemitraan antara organisasi-organisasi pengacara asing dan kemitraan hukum Vietnam. Kehadiran komersial dari organisasi pengacara asing diizinkan untuk menyelenggarakan konsultasi berdasarkan hukum Vietnam apabila pengacara yang berkonsultasi telah lulus adari suatu sekolah tinggi hukum Vietnam dan memenuhi persyaratan untuk para praktisi hukum Vietnam sejenis. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

[1] Sebuah "Organisasi pengacara asing" adalah suatu organisasi dari pengacara yang melakukan praktik yang dibentuk di setiap bentuk korporasi komersial di negara lain (termasuk firma, perusahaan, korporasi dan sebagainya) oleh satu atau lebih pengacara atau firma-firma hukum asing.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(b) Jasa Akuntansi dan audit dan pembukuan (CPC 862)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
(c) Jasa Perpajakan (CPC 863)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

[2] Suatu Firma hukum asing adalah suatu organisasi dari pengacara yang melakukan praktik yang dibentuk di Vietnam oleh satu atau lebih organisasi pengacara asing dibawah peraturan Vietnam.

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JADWAL KOMITMEN SPESIFIK

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Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(d) Jasa arsitektur (CPC 8671)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali bagi perusahaan asing yang harus berbentuk badan hukum dari suatu pihak (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

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Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(e) Jasa Perekayasaan (CPC 8672) (f) Jasa Perekayasaan terpadu (CPC 8673)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali bagi perusahaan asing yang harus berbentuk badan hukum dari lain pihak (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali : Pasokan jasa yang berkaitan dengan survei topografi, geoteknik, hidro geologi dan survei lingkungan dan survei teknik untuk perencanaan pengembangan perkotaan- pedesaan , perencanaan pengembangan sektor adalah tunduk pada otoritas Pemerintah Vietnam[3] (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

[3] Untuk transparansi yang lebih luas, komitmen ini memperbolehkan mempertahankan atau mengadopsi atau limitasi-limitasi atau pembatasan-pembatasan untuk alasan keamanan nasional dan ketertiban umum yang dapat dibenarkan berdasarkan Pasal XIV dan Pasal XIV bis GATS

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(g) Jasa Perencanaan dan Arsitektur Tata Ruang Perkotaan (CPC 8674)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali bagi perusahaan asing yang harus berbentuk badan hukum dari lain pihak (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada, kecuali jasanya harus dibuktikan oleh arsitek yang telah memiliki serftifikat praktik bekerja di Vietnam Organisasi arsitek yang telah memiliki status badan hukum, dan patuh dengan hukum dan peraturan yang relevan di Vietnam (2) Tidak ada (3) Tidak ada, kecuali arsitek asing yang bertanggung jawab yang bekerja di perusahaan penanaman modal asing wajib memiliki sertifikat praktik profesional yang diberikan atau diakui oleh Pemerintah Vietnam. Untuk beberapa bidang, berdasarkan peraturan Pemerintah Vietnam untuk maksud keamanan nasional dan stabilitas sosial, pemasok jasa asing dapat tidak diizinkan menyediakan jasa ini[4] (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(i) Jasa kedokteran hewan (CPC 932)[5]	(1) Tidak ada (2) Tidak ada (3) Akses diberikan kepada orang-perorangan secara eksklusif untuk melaksanakan praktik profesional swasta dan dibawah pengawasan otoritas kedokteran hewan yang berwenang. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
B. Jasa komputer dan jasa yang terkait dengan komputer (CPC 841 – 845 + 849)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sejak 11 Januari 2010, pembukaan kantor cabang diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, Kepala cabang harus merupakan penduduk Vietnam (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Penelitian dan Pengembangan (a) Jasa R&D dalam pengetahuan alam (CPC 851)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
E. Jasa Penyewaan/*Leasing* tanpa Operator (b) Yang terkait dengan pesawat (CPC 83104)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
(d) Jasa Usaha Lainnya Jasa *leasing* dan penyewaan yang berkaitan dengan mesin dan peralatan lainnya (CPC 83109)	(1) Tidak terikat, kecuali untuk mesin industri dan peralatan lainnya[6]: Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak terikat, Tidak terikat, kecuali untuk mesin industri dan peralatan lainnya: Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
F. Jasa Bisnis Lainnya (a) Jasa Periklanan (CPC 871, kecuali jasa periklanan untuk rokok)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali: Pemasok jasa asing diizinkan mendirikan usaha patungan atau kontrak kerjasama usaha dengan mitra orang Vietnam yang memiliki kewenangan hukum untuk melakukan jasa periklanan Tidak akan ada pembatasan terhadap kontribusi modal asing dalam perusahaan patungan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali seperti ditunjukkan dalam Komitmen Horizontal	Iklan untuk anggur dan alkohol wajib tunduk pada peraturan Negara, yang diterapkan secara tidak diskriminatif.
(b) Jasa penelitian pasar (CPC 864, tidak termasuk CPC 86402)	(1) Tidak ada (2) Tidak ada (3) Kepemilikan perusahaan 100% modal asing wajib diizinkan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(c) Jasa Konsultasi Manajemen (CPC 865)	(1) Tidak ada (2) Tidak ada (3) Tidak ada Setelah 11 Januari 2010, pembukaan kantor cabang dibolehkan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali kepala cabang haruslah penduduk Vietnam (4) Tidak terikat, kecuali sebagaimana dinyatakan dalam bagian	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(d) Jasa yang terkait dengan konsultasi manajemen - CPC 866, kecuali CPC 86602 - Jasa arbitrasi dan konsiliasi untuk sengketa usaha antara perusahaan (CPC 86602**)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali bahwa: Setelah 3 tahun sejak tanggal berlakunya Persetujuan ini, pendirian kantor cabang diizinkan. Untuk CPC 866 kecuali CPC 86602: untuk jangka waktu 1 tahun sejak tanggal berlakunya Persetujuan ini: hanya dalam bentuk usaha patungan atau kontrak kerja sama usaha. Setelah itu:Tidak ada Untuk jasa arbitrasi dan konsiliasi untuk sengketa usaha antar perusahaan (CPC 86602**): untuk jangka waktu 3 tahun dari tanggal berlakunya Persetujuan: Tidak terikat. Setelah itu: Tidak ada (4) Tidak ada, kecuali sebagaimana dinyatakan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali kepala cabang haruslah penduduk Vietnam (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(e) Jasa analisa dan uji teknis (CPC 8676 tidak mencakup pengujian kesesuaian dari alat transportasi dan, sertifikasi dari alat transportasi)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada, kecuali dimana Vietnam mengizinkan akses pemasok swasta kepada suatu sektor yang sebelumnya ditutup untuk persaingan swasta atas dasar bahwa jasa tersebut telah disediakan di dalam pelaksanaan dari otoritas pemerintahan, usaha patungan untuk memasok jasa seperti itu wajib diizinkan tanpa hambatan pada kepemilikan asing 3 tahun setelah akses tersebut diizinkan. Sesudah lima tahun akses tersebut diberikan kepada pemasok jasa : tidak ada. Akses kepada wilayah geografis tertentu dapat dibatasi untuk alasan keamanan nasional. (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada , (4) Tidak ada, kecuali sebagaimana dinyatakan dalam bagian horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(f) Jasa percetakan, penerbitan (CPC 88442) hanya untuk paket	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali usaha patungan dengan kontribusi modal asing tidak melebihi 49% akan diizinkan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali seperti ditunjukkan dalam kolom akses pasar (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
(h) Jasa insidental untuk pertambangan (CPC 883) 1. Komitmen yang ditentukan di bawah ini tidak dimaksudkan untuk menutupi kegiatan berikut ini: pengadaan peralatan, material dan bahan kimia, jasa berbasis pasokan, dukungan terhadap kapal lepas pantai/kelautan, akomodasi dan katering, jasa helikopter. 2. Komitmen yang ditentukan di bawah ini dibuat tanpa prasangka terhadap hak dari Pemerintah Vietnam untuk menetapkan peraturan dan prosedur yang diperlukan untuk mengatur kegiatan terkait minyak dan gas yang dilaksanakan di dalam wilayah atau yurisdiksi Vietnam dalam kesesuaian penuh sesuai dengan hak dan kewajiban Vietnam di bawah GATS.			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(1) Tidak ada, kecuali: perusahaan tanpa kehadiran komersial mungkin perlu didaftarkan pada pejabat yang berwenang dari Pemerintah Vietnam berdasarkan ketentuan yang tertera dalam hukum Vietnam yang berlaku. (2) Tidak ada (3) Tidak ada, kecuali: Usaha patungan dengan kontribusi modal asing tidak melebihi 49% diizinkan. Sejak tanggal 11 Januari 2010, kontribusi modal asing menjadi 51%. Dua tahun selanjutnya, 100% investasi asing dalam perusahaan diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada, kecuali sebagaimana ditunjukkan dalam kolom market akses (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam kolom market akses (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
(i) Jasa insidental untuk manufaktur (CPC 884 dan 885)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali: Sejak tanggal 11 Januari 2010, usaha patungan dengan kontribusi modal asing tidak melebihi 50% diizinkan. Lima tahun selanjutnya, 100% investasi asing dalam perusahaan diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(m) Jasa terkait konsultasi ilmiah dan teknik (hanya CPC 86751, 86752, dan 86753)	(1) Tidak ada, kecuali: perusahaan tanpa kehadiran komersial mungkin perlu didaftarkan pada pejabat yang berwenang dari Pemerintah Vietnam berdasarkan ketentuan yang tertera dalam hukum Vietnam yang berlaku. (2) Tidak ada (3) Tidak ada, kecuali: Usaha patungan dengan kontribusi modal asing tidak melebihi 49% diizinkan. Sejak tanggal 11 Januari 2010, kontribusi modal asing menjadi 51%. Dua tahun selanjutnya, 100% investasi asing dalam perusahaan diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada, kecuali sebagaimana ditunjukkan dalam kolom market akses (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam kolom market akses (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(n) Pemeliharaan Dan Perbaikan Peralatan (tidak termasuk kapal laut, pesawat terbang atau peralatan transportasi lainnya) (CPC 633)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali: Usaha patungan dengan kontribusi modal asing tidak melebihi 49% diizinkan. Sejak tanggal 11 Januari 2010, kontribusi modal asing menjadi 51%. Dua tahun selanjutnya, 100% investasi asing dalam perusahaan diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam kolom market akses (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
2. JASA KOMUNIKASI			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa Kurir (CPC 7512**) * Jasa pengiriman ekspres[7], antara lain jasa yang terdiri dari pengumpulan, penyortiran, transportasi dan pengiriman, baik untuk tujuan domestik maupun luar negeri, yang mencakup: (a). Komunikasi tertulis[8], untuk setiap jenis media fisik, termasuk: - Jasa *hybrid mail*; - Surat langsung. Kecuali untuk penanganan barang komunikasi tertulis yang harganya kurang dari: - 10 kali tarif penanganan standar surat dalam negeri tingkatan berat pertama untuk pengiriman dalam negeri; - US$9 untuk pengiriman internasional; Dengan ketentuan berat kotor dari barang-barang ini kurang dari 2,000 gr. (b). Paket[9] dan barang lain. * Penanganan barang tanpa alamat.	(1) Tidak ada[10] (2) Tidak ada (3) Tidak ada, kecuali bahwa kepemilikan asing dalam perusahaan patungan kemungkinan dibatasi sampai 51% dalam 5 tahun pertama setelah 11 Januari 2007. Sejak 11 Januari 2012, 100% perusahaan asing harus diizinkan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	Jasa dan pemasok jasa dari Pihak lain manapun harus diberikan perlakuan tidak kurang dari perlakuan kepada Kantor Pos Vietnam atau anak perusahaannya dalam kegiatan kompetitifnya.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa Telekomunikasi			
Komitmen di bawah ini dibuat sesuai dengan "Catatan untuk penjadwalan Komitmen Jasa Telekom Dasar" (S/GBT/W/2/REV.1) dan "Pembatasan Akses Pasar pada Ketersediaan Spektrum" (S/GBT/W/3). Maksud dari komitmen ini, "pemasok jasa berbasis tanpa fasilitas" adalah pemasok jasa yang tidak memiliki kapasitas transmisi tetapi melakukan perjanjian kerja sama (*contracts*) untuk kapasitas semacam itu termasuk kapasitas kabel bawah laut, dalam jangka panjang, dari pemasok yang memiliki fasilitas *(facilities based)*. pemasok berbasis tanpa fasilitas *(Non facilities based)* tidak dikecualikan dari kepemilikan perangkat telekomunikasi dalam wilayahnya dan titik-titik penyelenggaraan jasa (POP) yang diizinkan.			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Telekomunikasi Dasar (a) Jasa Telepon Suara (CPC 7521) (b) Jasa Transmisi Data Paket (CPC 7523**) (c) Jasa Transmisi Data Sirkuit (CPC 7523**) (d) Jasa Teleks (CPC 7523**) (e) Jasa Telegraf (CPC 7523**) (f) Jasa Faksimili (CPC 7521** + 7529**) (g) Jasa Sewa Sirkuit Pribadi (CPC 7522** + 7523**) (o*) Jasa Lainnya - Jasa konferensi video (CPC 75292) - Jasa Transmisi Video, kecuali penyelenggara siaranan[11] - Jasa berbasis radio mencakup: + Telepon bergerak (teresterial dan satelit) + Data bergerak (teresterial dan satelit) + Penyeranta + PCS + Peti-kemas - Internet Exchange Service (IXP)[12]	(1) Tidak ada, kecuali: Jasa berbasis kabel dan bergerak teresterial: Jasa harus ditawarkan melalui perjanjian komersial dengan entitas yang didirikan di Vietnam dan memiliki izin untuk menyediakan jasa telekomunikasi internasional. Jasa berbasis satelit: Tunduk pada perjanjian komersial dengan pemasok jasa satelit internsional dari Vietnam yang memiliki izin d Vietnam, kecuali jasa berbasis satelit yang ditawarkan pada: - Pelanggan bisnis berbasis lepas pantai / laut, lembaga pemerintah, pemasok jasa berbasis fasilitas, penyelenggara siaran radio dan televisi, kantor perwakilan resmi organisasi internasional, perwakilan diplomatik dan konsulat, taman berteknologi tinggi dan pengembangan perangkat lunak yang memiliki izin untuk menggunakan stasiun bumi satelit; - Terhitung 11 Januari 2010: perusahaan multinasional[13], yang memiliki izin untuk menggunakan satelit bumi. (2) Tidak ada	(1) Tidak ada (2) Tidak ada	Vietnam melaksanakan kewajiban-kewajiban sebagaimana tercantum dalam refrence paper terlampir. untuk konsorsium sambungan kabel bawah laut dimana Vietnam sebagai anggota, pemasok jasa asing wajib diizinkan untuk mengendalikan kapasitas transmisi kabel bawah laut yang dimiliki sepenuhnya. (seperti IRU atau kepemilikan konsorsium) yang berakhir pada suatu stasiun labuh kabel berlisensi di Vietnam, dan untuk menyediakan kapasitas fasilitas internasional berdasarkan izin pemasok layanan di Vietnam. Terhitung tanggal 11 Januari 2011, pemasok jasa asing wajib diizinkan untuk menyediakan kapasitas ke VPN internasional dan pemasok layanan IXP berizin di Vietnam.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) Tidak ada, kecuali: Jasa berbasis: usaha patungan dengan pemasok jasa telekomunikasi yang memiliki izin di Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 51% modal resmi dari usaha patungan. Terhitung 11 Januari 2010: usaha patungan akan diizinkan tanpa batasan dalam memilih mitra. Kontribusi modal asing tidak boleh melebihi 65% modal resmi dari usaha patungan. Jasa berbasis fasilitas: Usaha patungan dengan pemasok jasa telekomunikasi yang memiliki izin Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 49% modal resmi dari usaha patungan. 51% memberikan kendali atas usaha patungan. Pada sektor telekomunikasi, penanam modal asing di BCC akan memiliki kemungkinan untuk memperbarui perjanjian yang ada atau untuk mengubahnya menjadi ketentuan pendirian lainnya dengan kondisi tidak lebih menguntungkan daripada yang mereka sedang nikmati. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa telekomunikasi dasar (o*) Jasa Lainnya - Jaringan Maya Tertutup (VPN)[14]	(1) Tidak ada, kecuali: Jasa berbasis kabel dan bergerak teresterial: Jasa wajib ditawarkan melalui perjanjian komersial dengan entitas yang didirikan di Vietnam dan memiliki izin untuk menyediakan jasa telekomunikasi internasional. Jasa berbasis satelit: Tunduk pada perjanjian komersial dengan pemasok jasa satelit internasional Vietnam yang memiliki izin di Vietnam, kecuali jasa berbasis satelit yang ditawarkan kepada: - Pelanggan bisnis berbasis lepas pantai / laut, lembaga pemerintah, pemasok jasa berbasis fasilitas, penyelenggara siaran radio dan televisi, kantor perwakilan resmi organisasi internasional, perwakilan diplomatik dan konsulat, taman berteknologi tinggi dan pengembangan perangkat lunak yang memiliki izin untuk menggunakan stasiun bumi satelit; - Sejak 11 Januari 2010: perusahaan multinasional[15], yang memiliki izin untuk menggunakan stasiun satelit di bumi. (2) Tidak ada	(1) Tidak ada (2) Tidak ada	Vietnam melaksanakan kewajiban-kewajiban sebagaimana tercantum dalam refrence paper terlampir. untuk konsorsium sambungan kabel bawah laut dimana Vietnam sebagai anggota, pemasok jasa asing wajib diizinkan untuk mengendalikan kapasitas transmisi kabel bawah laut yang dimiliki sepenuhnya. (seperti IRU atau kepemilikan konsorsium) yang berakhir pada suatu stasiun labuh kabel berlisensi di Vietnam, dan untuk menyediakan kapasitas fasilitas internasional berdasarkan izin pemasok layanan di Vietnam. Terhitung tanggal 11 Januari 2011, pemasok jasa asing wajib diizinkan untuk menyediakan kapasitas ke VPN internasional dan pemasok layanan IXP berizin di Vietnam.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) Tidak ada, kecuali: Jasa berbasis tanpa fasilitas: Usaha patungan diizinkan memilih mitra tanpa batasan. Kontribusi modal asing tidak boleh melebihi 70% dari modal resmi usaha patungan. Jasa berbasis fasilitas: Usaha patungan dengan pemasok jasa telekomunikasi yang memiliki izin Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 49% modal resmi dari usaha patungan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Nilai Tambah (h). surat elektronik (CPC 7523**) (i). surat suara (CPC 7523**) (j). informasi dan penelusuran basis data secara online (CPC 7523**) (k). pertukaran data elektronik (EDI) (CPC 7523**) (l). jasa faksimili bernilai tambah / yang ditingkatkan, termasuk penyimpanan dan penerusan, penyimpanan dan pengambilan (CPC 7523**) (m). Konversi kode dan protokol (n). pengolahan informasi dan data secara online (termasuk pemrosesan transaksi) (CPC 843**)	(1) Tidak ada, kecuali: Jasa berbasis kabel dan bergerak teresterial: Jasa wajib ditawarkan melalui perjanjian komersial dengan entitas yang didirikan di Vietnam dan memiliki izin untuk menyediakan jasa telekomunikasi internasional. Jasa berbasis satelit: Tunduk pada perjanjian komersial dengan pemasok jasa satelit internsional dari Vietnam yang memiliki izin d Vietnam, kecuali jasa berbasis satelit yang ditawarkan kepada: - Pelanggan bisnis berbasis lepas pantai / laut, lembaga pemerintah, pemasok jasa berbasis fasilitas, penyelenggara siaran radio dan televisi, kantor perwakilan resmi organisasi internasional, perwakilan diplomatik dan konsulat, taman berteknologi tinggi dan pengembangan perangkat lunak yang memiliki izin untuk menggunakan stasiun bumi satelit; - Terhitung sejak 11 Januari 2010: perusahaan multinasional[16], yang memiliki izin untuk menggunakan stasiun bumi satelit. (2) Tidak ada	(1) Tidak ada (2) Tidak ada	Vietnam melaksanakan kewajiban-kewajiban sebagaimana tercantum dalam refrence paper terlampir.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) Tidak ada, kecuali: Jasa berbasis tanpa fasilitas: Kontrak kerjasama usaha atau usaha patungan diizinkan. Kontribusi modal asing tidak boleh melebihi 51% dari modal resmi dari usaha patungan. Terhitung sejak 11 Januari 2010: Kontribusi modal asing tidak boleh melebihi 65% dari modal resmi dari usaha patungan. Jasa berbasis fasilitas: Kontrak kerjasama usaha atau usaha patungan (JV) dengan pemasok jasa telekomunikasi yang memiliki izin di Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 50% dari modal resmi dari usaha patungan. Lima-puluh-satu % memberikan majaemen kendali atas usaha patungan. Pada sektor telekomunikasi, penanam modal asing di BCC akan memiliki kemungkinan untuk memperbarui perjanjian yang ada atau untuk mengubahnya menjadi ketentuan pendirian lainnya dengan kondisi tidak lebih menguntungkan daripada yang mereka sedang nikmati. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Nilai Tambah (o). Lain-lain - Jasa Akses Internet IAS[17]	(1) Jasa berbasis kabel dan bergerak teresterial: Tidak ada, kecuali: Jasa wajib ditawarkan melalui perjanjian komersial dengan entitas yang didirikan di Vietnam dan memiliki izin untuk menyediakan jasa telekomunikasi internasional. Jasa berbasis satelit: Tunduk pada perjanjian komersial dengan pemasok jasa satelit internsional dari Vietnam yang memiliki izin d Vietnam, kecuali jasa berbasis satelit yang ditawarkan pada: - Pelanggan bisnis berbasis lepas pantai / laut, lembaga pemerintah, pemasok jasa berbasis fasilitas, penyelenggara siaran radio dan televisi, kantor perwakilan resmi organisasi internasional, perwakilan diplomatik dan konsulat, taman berteknologi tinggi dan pengembangan perangkat lunak yang memiliki izin untuk menggunakan stasiun bumi satelit; - Terhitung sejak 11 Januari 2010: perusahaan multinasional[18], yang memiliki izin untuk menggunakan stasiun bumi satelit. (2) Tidak ada	(1) Tidak ada (2) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) Jasa berbasis tanpa fasilitas: Usaha patungan dengan pemasok telekomunikasi yang memiliki izin di Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 51% dari modal resmi dari usaha patungan. Terhitung sejak 11 Januari 2010: Usaha patungan akan diizinkan tanpa batasa dalam memilih mitra. Kontribusi modal asing tidak boleh melebihi 65% dari modal resmi dari usaha patungan. Jasa berbasis fasilitas: Kontrak kerjasama usaha atau usaha patungan (JV) dengan pemasok jasa telekomunikasi yang memiliki izin di Vietnam diizinkan. Kontribusi modal asing tidak boleh melebihi 50% dari modal resmi dari usaha patungan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
D. Jasa Audiovisual Terkait dengan jasa produksi, distribusi dan proyeksi gambar bergerak, seluruh film harus melalui penyensoran oleh otoritas Vietnam yang berwenang.			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(a) Produksi gambar bergerak (CPC 96112, kecuali kaset video)	(1) Tidak terikat (2) Tidak terikat (3) Hanya dalam bentuk kontrak kerjasama usaha atau usaha patungan dengan mitra dari Vietnam yang berwenang menyediakan jasa tersebut di Vietnam. Kontribusi modal asing tidak boleh melebihi 51% modal resmi dari usaha patungan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak Terikat (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
- Distribusi gambar bergerak (CPC 96113, kecuali kaset video)	(1) Tidak terikat (2) Tidak ada (3) Hanya dalam bentuk kontrak kerjasama usaha atau usaha patungan dengan mitra dari Vietnam yang berwenang menyediakan jasa tersebut di Vietnam. Kontribusi modal asing tidak boleh melebihi 51% modal resmi dari usaha patungan. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(b) Jasa proyeksi gambar bergerak (CPC 96121)	(1) Tidak terikat (2) Tidak ada (3) Hanya dalam bentuk kontrak kerjasama usaha atau usaha patungan dengan mitra dari Vietnam yang berwenang menyediakan jasa tersebut di Vietnam. Kontribusi modal asing tidak boleh melebihi 51% modal resmi dari usaha patungan. Rumah budaya, tempat pryokesi film, klub dan perkumpulan sinema umum, dan tim proyeksi bergerak tidak diizinkan melakukan kontrak kerjasama usaha atau usaha patungan dengan pemasok jasa asing. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
(e) Perekaman suara	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horisontal	
JASA KONSTRUKSI DAN YANG BERKAITAN DENGAN REKAYASA			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Pekerjaan Konstruksi untuk Bangunan(CPC 512) B. Pekerjaan Konstruksi Untuk Rekayasa Sipil (CPC 513) C. Pekerjaan Pemasangan dan Perakitan (CPC 514; CPC 516) D. Pekerjaan Penyelesaian dan Finalisasi Bangunan (CPC 517) E. Lainnya (CPC 511, 515, 518)	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali perusahaan asing harus berbadan hukum dari satu pihak. Sejak 11 Januari 2010, pembukaan kantor cabang diijinkan (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali kepala cabang wajib menetap di Vietnam. (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
JASA DISTRIBUSI			
A. Jasa agen komisi (CPC 621,61111,6113,6121) B. Jasa perdagangan grosir (CPC 622,61111,6113,6121) C. Jasa Eceran (CPC 631+632,61112, 6113,6121)[19]	(1) Tidak terikat, kecuali tidak ada untuk : - Distribusi produk untuk pengunaan pribadi; - Distribusi perangkat lunak komputer yang sah untuk pengunaan pribadi dan komersial.	(1) Tidak terikat, kecuali seperti ditunjukkan dalam Mode 1, kolom akses pasar.	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(2) Tidak ada (3) Tidak ada Perusahaan investasi asing yang bergerak dibidang jasa distribusi diizinkan untuk menjalankan jasa keagenan, usaha grosir/perkulakan dan eceran dari seluruh produk impor yang sah dan produk yang diproduksi dalam negeri, kecuali untuk: semen dan bongkahan semen (*cement clinkers*); ban (tidak termasuk ban pesawat terbang); kertas; traktor; kendaraaan bermotor; mobil dan sepeda motor; besi dan baja; peralatan audiovisual; anggur dan minuman penyegar (*spirits*); dan pupuk.	(2) Tidak ada (3) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Perusahaan investasi asing yang bergerak dibidang jasa distribusi diizinkan menjalankan jasa keagenan, grosir, dan bisnis eceran untuk traktor, kendaraan bermotor; mobil dan sepeda motor. Sejak 11 Januari 2010, perusahaan asing terlibat dalam jasa distribusi akan diizinkan untuk terlibat dalam agen komisi, grosir dan usaha eceran produk yang secara legal diimpor dan diproduksi didalam negeri. Pendirian pertokoan untuk jasa eceran (setelah yang pertama) wajib dibolehkan atas dasar suatu Uji Kebutuhan Ekonomi (ENT)[20] (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian Horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
D. Jasa Waralaba (CPC 8929)	(1) Tidak ada (2) Tidak ada (3) Tidak ada Kecuali sebelum 11 Januari 2010, hanya kantor cabang yang diizinkan (konfirmasi ke ASEC) (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali kepala cabang harus merupakan penduduk Viet Nam (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam bagian horizontal	
JASA PENDIDIKAN			
Hanya untuk bidang-bidang teknik, ilmu alam dan teknologi, administrasi usaha dan studi usaha, ekonomi, akuntansi, hukum internasional dan pelatihan bahasa. Mengacu pada butir (C), (D) dan (E) dibawah ini : materi pendidikan harus disetujui oleh Kementerian Pendidikan dan Pelatihan Vietnam.			
B. Jasa pendidikan sekunder (CPC 922)	(1) Tidakterikat (2) Tidakada (3) Tidakterikat (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	(1) Tidakterikat (2) Tidakada (3) Tidakterikat (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Jasa pendidikan tinggi (CPC 923) D. Jasa pendidikan dewasa (CPC 924) E. Jasa pendidikan lainnya (CPC 929 termasuk pelatihan bahasa asing)	(1) Tidak terikat (2) Tidak ada (3) Tidak ada, kecuali : Sejak 11 Januari 2007, hanya dalam bentuk usaha patungan. Mayoritas kepemilikan asing dalam usaha patungan diijinkan. Pada 1 Januari 2009, entitas pendidikan 100% bermodal asing diijinkan. Sejak 11 Januari 2010 : Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Guru asing yang inginbekerja di sekolah modal asing wajib telah memiliki pengalaman mengajar tidak lebih sedikit dari 5 tahun, dan kualifikasi mereka wajib diakui oleh otoritas yang berwenang. (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	
JASA LINGKUNGAN HIDUP			
Akses pada wilayah geografi tertentu dapat dibatasi karena alasan keamanan nasional [21]			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pembuangan Limbah (CPC 9401)	(1) Tidak terikat, kecuali terkait jasa konsultasi (2) Tidak ada (3) Tidak ada, kecuali : Memastikan bahwa jasa yang dipasok dalam pelaksanaan otoritas pemerintahan seperti ditentukan dalam Pasal I:3(c) dapat tunduk pada hak monopoli publik atau hak eksklusif yang diberikan kepada operator swasta usaha patungan dengan kontribusi modal asing tidak lebih 51% diizinkan sampai dengan tanggal 11 Januari 2011. Setelah itu, tidak ada. (4) Tidak terikat, kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat, kecuali terkait jasa konsultasi (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti ditunjukkan dalam Komitmen Horisontal	Perusahaan asing dibolehkan untuk melakukan kegiatan usaha di Vietnam dalam bentuk bangun-laksanakan-alihkan *(BOT) dan* bangun-alihkan-laksanakan *(BTO).*

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Pembuangan Sampah (CPC 9402)[22]	(1) Tidak terikat, kecuali terkait jasa konsultasi (2) Tidak ada (3) Tidak ada, kecuali: Memastikan bahwa jasa yang dipasok dalam pelaksanaan otoritas pemerintahan seperti ditentukan dalam Pasal I:3(c) dapat tunduk pada hak monopoli publik atau hak eksklusif yang diberikan kepada operator swasta. Kepemilikan asing dibatasi hingga 51% sampai dengan tanggal 11 Januari 2011. Setelah itu, tidak ada. Untuk maksud jaminan kesejahteraan publik, perusahaan penanama modal asing dibatasi untuk melakukan pengumpulan, pembuangan limbah dari rumah tangga. Mereka hanya diizinkan untuk menyediakan jasa. Penampungan. Sebagaimana diuraikan oleh otoritas kotamadya dan propinsi. (4) Tidak terikat, kecuali seperti ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti ditunjukkan dalam komitmen horisontal	Perusahaan asing dibolehkan untuk melakukan kegiatan usaha di Vietnam dalam bentuk bangun-laksanakan-alihkan *(BOT) dan* bangun-alihkan-laksanakan *(BTO).*

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Jasa Lainnya – Jasa pembersihan gas buangan (CPC 94040) dan Jasa penanggulangan kebisingan (CPC 94050)	(1) Tidak terikat, kecuali terkait jasa konsultasi (2) Tidak ada (3) Tidak ada, kecuali : Memastikan bahwa jasa yang dipasok dalam pelaksanaan otoritas pemerintahan seperti ditentukan dalam Pasal I.3(c) dapat tunduk pada hak monopoli publik atau hak eksklusif yang diberikan kepada operator swasta. Kepemilikan asing dibatasi hingga 51% sampai dengan tanggal 11 Januari 2011. Setelah itu, tidak ada. (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen horisontal	(1) Tidak terikat, kecuali terkait jasa konsultasi (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen horisontal	
– Jasa penilaian dampak lingkungan (CPC 9409)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali kepemilikan asing dibatasi hingga 51% sampai dengan tanggal 11 Januari 2011. Setelah itu : Tidak Ada (4) Tidak terikat, kecuali seperti ditunjukkan dalam Komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti ditunjukkan dalam Komitmen horisontal	
7. JASA KEUANGAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa Asuransi dan terkait Asuransi a. Asuransi langsung (a) jasa asuransi jiwa, kecuali asuransi kesehatan (b) jasa asuransi non-jiwa b. Reasuransi dan retrosesi	(1) Tidak ada untuk: - Jasa asuransi yang diberikan kepada perusahaan dengan modal investasi asing, pekerja asing yang bekerja di Vietnam; - Jasa Reasuransi; - jasa asuransi dalam transportasi internasional, termasuk asuransi risiko yang berkaitan dengan: + transportasi laut internasional dan internasional penerbangan komersial, dengan asuransi tersebut untuk menutupi salah satu atau semua hal berikut: barang yang sedang diangkut, kendaraan pengangkutan barang dan semua kewajiban yang timbul ada-dari; dan + Barang dalam transit internasional; - Jasa asuransi pialang dan reasuransi pialang; - Jasa konsultasi, penilaian aktuaria, pengujian resiko dan penyelesaian klaim. (2) Tidak ada	(1) Tidak ada (2) Tidak ada	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(3) Tidak ada, kecuali: perusahaan asuransi investasi asing 100% akan diizinkan untuk terlibat wajib dalam bisnis asuransi, termasuk kewajiban kendaraan bermotor pihak ketiga, asuransi dalam pembangunan dan pemasangan,asuransi untuk proyek minyak dan gas, dan asuransi untuk proyek-proyek dan pekerjaan konstruksi bahaya tinggi untuk keamanan publik dan lingkungan. Tertanggal 11 Januari 2012, perusahaan asuransi asing cabang non-jiwa diizinkan, tunduk pada peraturan kehati-hatian (4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	(3) Tidak ada (4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	
B. Perbankan dan Jasa Keuangan Lainnya Komitmen yang berkaitan dengan perbankan dan jasa keuangan lainnya yang dilakukan sesuai dengan hukum dan peraturan yang dikeluarkan oleh pejabat yang berwenang dari Vietnam untuk memastikan konsistensi dengan Pasal VI dari GATS dan Para 2 (a) dalam Lampiran Jasa Keuangan. Sebagai aturan umum dan secara tidak diskriminatif, penawaran layanan perbankan dan keuangan lainnya atau produk tunduk pada persyaratan yang relevan bentuk kelembagaan dan yuridis			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(c) (a) Penerimaan deposit dan dana lainnya dibayar dari masyarakat (d) (b) Pinjaman dari semua jenis, termasuk kredit konsumen, kredit hipotek dan pembiayaan transaksi komersial (e) (c) Keuangan sewa (f) (d) Semua pembayaran dan jasa pengiriman uang, termasuk kartu kredit, biaya dan debit, cek perjalanan dan konsep bankir (g) (e) Jaminan dan komitmen (h) (f) Trading untuk kepentingan sendiri atau untuk rekening nasabah, baik di bursa, di pasar over-the-counter atau lainnya, sebagai berikut: (i) - Uang instrumen pasar (termasuk cek, tagihan, deposito sertifikat); (j) - Devisa; (k) - Kurs dan suku bunga produk termasuk instrumen seperti swap, perjanjian forward	(1) Tidak terikat, kecuali B (k) dan B (l). (2) Tidak ada (3) Tidak ada, kecuali: (a) lembaga kredit asing hanya diijinkan untuk membangun kehadiran komersial di VietNam dalam bentuk berikut: (i) Berkenaan dengan bank komersial asing: kantor perwakilan, cabang dari bank komersial asing, usaha bank umum bersama dengan kontribusi modal asing tidak lebih dari 50% dari modal carteran, usaha patungan sewa keuangan perusahaan, perusahaan leasing keuangan100% investasi asing, bergabung usaha perusahaan pembiayaan dan perusahaan pembiayaan 100% investasi asing, dan 100% milik asing yang diizinkan. (ii) Berkenaan dengan perusahaan pembiayaan asing: kantor perwakilan, perusahaan patungan keuangan bersama, perusahaan pembiayaan100% investasi asing, perusahaan usaha patungan sewa keuangan dan perusahaan leasing keuangan100% investasi asing.	(1) Tidak terikat, kecuali B (k) dan B (l). (2) Tidak ada (3) Tidak ada, kecuali: (a) kondisi untuk pembentukan cabang bank komersial asing di Viet Nam: - Bank induk memiliki total aset lebih dari US $ 20 miliar pada akhir tahun sebelum aplikasi. (b) kondisi untuk pendirian bank usaha patungan atau bank milik asing 100%: - Bank induk memiliki total aset lebih dari US $ 10 miliar pada akhir tahun sebelum aplikasi. (c) kondisi untuk pembentukan perusahaan pembiayaan 100% investasi asing atau perusahaan patungan keuangan, sebuah perusahaan investasi asing penyewaan 100% keuangan atau perusahaan leasing patungan keuangan: - Lembaga kredit asing memiliki total aset lebih dari US $ 10 miliar pada akhir tahun sebelum aplikasi	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(a) rate; - Bullion. (h) Uang pialang (i) Aset manajemen, seperti manajemen kas atau portofolio, semua bentuk manajemen investasi kolektif, dana pensiun, jasa kustodian, penyimpanan dan kepercayaan jasa (j) Penyelesaian dan pengelolaan jasa kliring untuk aset keuangan, termasuk surat berharga, produk derivatif, dan instrumen surat berharga lainnya (k) Ketentuan dan transfer informasi keuangan, dan keuangan pengolahan data dan perangkat lunak terkait oleh pemasok jasa keuangan lainnya (l) Penasehat, intermediasi dan jasa keuangan tambahan pada semua kegiatan yang tercantum dalam sub ayat (a) sampai (k), termasuk referensi kredit dan analisis,investasi dan penelitian portofolio dan saran, rekomendasi untuk akuisisi dan restrukturisasi perusahaan dan strategi	(iii) Sehubungan dengan perusahaan leasing keuangan asing: kantor perwakilan, perusahaan usaha patungan sewa keuangan dan perusahaan leasing keuangan 100% investasi asing (b) Hingga 11 Januari 2012, Vietnam dapat membatasi hak dari cabang bank asing untuk menerima deposito di Dong Vietnam dari perorangan Vietnam dengan bank yang tidak memiliki hubungan kredit dengan rasio modal disetor cabang yang menurut jadwal di bawah ini: - 1 Januari 2007: 650% dari hukum modal disetor; - 1 Januari 2008: 800% dari hukum modal disetor; - 1 Januari 2009: 900% dari hukum modal disetor; - 1 Januari 2010: 1.000% dari hukum-modal disetor; - 1 Januari 2011: perlakuan nasional Penuh. (c) Penyertaan: (i) Viet Nam dapat membatasi penyertaan modal oleh lembaga kredit asing di Vietnam equitized bank BUMN ke tingkat yang sama sebagai penyertaan modal oleh bank Vietnam.		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	(i) Untuk setoran modal dalam bentuk saham membeli, total ekuitas yang dimiliki oleh institusi asing dan perorangan di setiap bank saham gabungan komersial Vietnam ti dak dapat melebihi 30% dari modal yang disewa bank, kecuali ditentukan lain oleh undang-undang Vietnam atau disahkan oleh pejabat Vietnam yang berwenang itu. (a) cabang dari bank komersial asing: - Tidak diperbolehkan untuk membuka poin transaksi lain di luar kantor cabang (b) Lembaga kredit asing yang diizinkan untuk menerbitkan kartu kredit secara pengobatannasi onal. (4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	(4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
C. Efek	(1) Tidak terikat, kecuali jasa C (k) dan C (l)	(1) Tidak terikat	
(c) Trading untuk kepentingan sendiri atau untuk rekening nasabah, baik di bursa, di pasar over-the-counter atau lainnya, sebagai berikut: - Derivatif produk termasuk berjangka dan opsi; - Surat berharga dipindahtangankan; - Dinegosiasikan Instrumen dan aset keuangan, tidak termasuk bullion.	(2) Tidak ada	(2) Tidak ada	
	(3) pemasok jasa Asing sekuritas diizinkan untuk mendirikan kantor perwakilan dan usaha patungan dengan mitra Vietnam di mana kontribusi modal asing tidak melebihi49%. Pertanggal 11 Januari 2012, pemasok jasa sekuritas dengan modal asing-investasi100% diperkenankan. Untuk layanan dari C (i) ke C (l), setelah 11 Januari 2012, cabang asing sekuritas layanan pemasok diperkenankan	(3) Tidak ada	
(d) Keikutsertaan dalam isu-isu dari semua jenis termasuk efek. bawah-menulis dan penempatan sebagai agen (umum atau pribadi), penyediaan layanan yang berkaitan dengan isu-isu serupa	(4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	(4) Tidak terikat, kecuali seperti yang ditunjukkan di bagian horizontal	
(i) Aset manajemen, seperti manajemen portofolio, semua bentuk manajemen investasi kolektif, dana pensiun, penyimpanan kustodian dan kepercayaan jasa			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(j) Penyelesaian dan pengelolaan jasa kliring untuk sekuritas, produk derivatif, sekuritasdan lainnya yang berhubungan dengan instrumen (k) Ketentuan dan transfer informasi keuangan, dan perangkat lunak terkait dengan jasa pemasok efek (l) Penasehat, intermediasi dan tambahan lainnya-surat berharga terkait tidak termasuk(f), termasuk penelitian investasi dan portofolio dan saran, rekomendasi untuk akuisisi dan restrukturisasi perusahaan dan strategi (untuk layanan lain di bawah (l), lihat (l) di bawah sektor perbankan)			
JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
Hotel dan Restoran termasuk: Jasa penginapan (CPC 64110) Jasa-jasa katering makanan(CPC 642) dan minuman (CPC 643)	(1) Tidak ada (2) Tidak ada (3) Tidak ada kecuali sampai dengan tanggal 11 Januari 2015, jasa-jasa yang diberikan seharusnya dilakukan secara paralel dengan investasi di bidang konstruksi, renovasi, restorasi atau akuisisi hotel. Tidak ada setelah tanggal itu (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Jasa agen perjalanan dan penyelenggara tur (CPC 7471)	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali bahwa : Para pemasok jasa asing diizinkankan untuk memberikan layanan dalam bentuk usaha patungan dengan mitra-mitra Vietnam tanpa pembatasan kontribusi modal asing. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian Horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada, kecuali pemandu turis di perusahaan-perusahaan yang diinvestasikan oleh asing wajib berkewarganegaraan Vietnam. Perusahaan-perusahaan yang memasok jasa asing hanya dapat melakukan layanan-layanan dalam negeri dan perjalanan domestik untuk turis-turis dalam negeri sebagai bagian yang tidak terpisahkan dari jasa dalam negeri. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam bagian Horizontal	
JASA ANGKUTAN			

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
A. Jasa Angkutan Laut (a) Jasa Angkutan Penumpang Internasional kecuali *cabotage* (CPC 7211) (b) Angkutan barang kecuali *cabotage*. (CPC 7212)	(1) Tidak terikat, kecuali transportasi angkutan internasional: tidak ada (2) Tidak ada (3) a) Pendirian perusahaan terdaftar untuk tujuan mengoperasikan sebuah armada dibawah bendera nasional Vietnam Pemasok jasa asing diizinkan untuk mendirikan usaha patungan dengan kontribusi modal asing tidak melebihi 49% dari total modal resmi. Pelaut asing dapat diizinkan bekerja di kapal dibawah bendera nasional Vietnam (atau terdaftar di Vietnam) dimiliki oleh usaha patungan di Vietnam tetapi tidak melebihi 1/3 dari total pekerja kapal. Nahkoda atau kepala eksekutif utama harus berkewarganegaraan Vietnam	(1) Tidak terikat, kecuali transportasi angkutan internasional: tidak ada (2) Tidak ada (3) Tidak ada	Jasa-jasa di pelabuhan yang disediakan untuk pemasok angkutan laut internasional dengan syarat-syarat dan ketentuan yang wajar dan non diskriminatif : 1. Pilotage; 2. Bantuan tunda dan dorong; 3. Pengaturan, fuelling dan watering; 4. Pengumpulan sampah dan pembuangan limbah berat; 5. Jasa pemandu pelabuhan; 6. Bantuan navigasi; 7. Jasa operasional berbasis pantai yang sangat penting bagi pengoperasian kapal, termasuk komunikasi, pasokan air dan listrik;

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	b) Bentuk lain untuk kehadiran komersial dalam penyediaan jasa angkutan laut internasional[23]. Perusahaan pengapalan asing dapat mendirikan usaha patungan dengan 51% kepemilikan asing. Sejak 11 Januari 2012, perusahaan perkapalan asing dapat mendirikan perusahaan dengan 100% modal asing. Perusahaan bermodal asing hanya diizinkan melaksanakan aktivitas dari (1) sampai (5) sebagaimana yang ditunjukkan dibawah ini : 1. Jasa pemasaran dan penjualan angkutan laut melalui kontak langsung dengan pelanggan, dari penawaran harga sampai penagihan;		8. Fasilitas perbaikan keadaan darurat; 9. Jasa penurunan sauh, dermaga dan penambatan. 10. Akses untuk jasa agensi kelautan[24].

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	2. Bertindak untuk kepentingan pemilik kargo; 3. Penyediaan informasi usaha yang diperlukan; 4. Persiapan dokumentasi terkait dokumen angkutan termasuk dokumen kepabeanan atau dokumen lainnya yang terkait dengan asal dan sifat barang yang diangkut; dan 5. Penyediaan jasa angkutan laut termasuk jasa cabotage oleh kapal berbendera Vietnam untuk pasokan jasa angkutan terpadu.Sejak 11 Januari 2012, aktivitas dari (6) sampai (7) diperbolehkan. 6. Bertindak atas nama perusahaan, mengatur penarikan kapal dan pengambilalihan kargo jika diperlukan; 7. Merundingkan dan menandatangani kontrak untuk jalan, rel kereta api, angkutan sungai yang berkaitan dengan angkutan kargo oleh perusahaan.		

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
	Jumlah usaha patungan oleh perusahaan perkapalan asing akan dibatasi sampai 5 perusahaan sejak 11 Januari 2007. Tiga perusahaan tambahan akan diizinkan setiap dua tahun sesudah itu. Sejak 11 januari 2012, tidak ada pembatasan pada jumlah usaha patungan. (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	
Jasa Pendukung untuk Angkutan Laut - Jasa penanganan kontainer (CPC 7411)[25]	(1) Tidak terikat (2) Tidak ada (3) Tidak ada, kecuali usaha patungan dengan kontribusi modal asing tidak lebih dari 50% dapat didirikan (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
- Jasa Kepabeanan [26]	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali usaha patungan dengan kontribusi modal asing tidak melebihi 51% dapat didirikan. Sejak tanggal 11 Januari 2012, usaha patungan dapat didirikan dengan tanpa pembatasan kepemilikan asing. (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	
- Jasa Stasiun dan Tempat Penyimpanan Kontainer [27]	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali usaha patungan dengan kontribusi modal asing tidak lebih dari 51% dapat didirikan. Sejak 11 Januari 2014, usaha patungan asing dapat didirikan dengan tidak adanya pembatasan terhadap kepemilikan asing (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
B. Angkutan sungai Angkutan Penumpang (CPC 7221) Angkutan Barang (CPC 7222)	(1) Tidak terikat (2) Tidak ada (3) Pemasok jasa asing diizinkan untuk menyediakan jasa hanya melalui pembentukan usaha patungan dengan mitra Vietnam dimana kontribusi modal asing tidak lebih dari 49% dari total modal resmi. (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	
C. Jasa Angkutan Udara (a) Penjualan dan pemasaran produk jasa udara	(1) Tidak ada (2) Tidak ada (3) Perusahaan penerbangan diizinkan untuk memberikan pelayanan di Vietnam melalui kantor atau agen pelayanan tiket di Vietnam (4) Tidak ada, kecuali sebagaimana ditunjukkanditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(b) Jasa pemesanan melalui komputer	(1) Tidak ada, kecuali penyedia jasa asing harus menggunakan jaringan telekomunikasi umum di bawah pengelolaan otoritas telekomunikasi Vietnam (2) Tidak ada, kecuali sebagaimana ditunjukkan dalam Moda 1 (3) Tidak ada, kecuali sebagaimana ditunjukkan dalam Moda 1 (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
(c) Pemeliharaan dan perbaikan pesawat (CPC 8868**)	(1) Tidak ada (2) Tidak ada (3) Usaha patungan diizinkan dengan kontribusi modal asing tidak melebihi 51%. Sejak tanggal 11 Januari 2012, perusahaan investasi asing wajib diizinkan sampai sebesar 100%. (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
E. Jasa Angkutan Jalur Rel	(1) Tidak terikat	(1) Tidak terikat	
(a) Angkutan Penumpang (CPC 7111)	(2) Tidak ada	(2) Tidak ada	
(b) Angkutan barang (CPC 7112)	(3) Tidak ada, kecuali pemasok asing diizinkan menyediakan jasa angkutan barang melalui pendirian usaha patungan dengan mitra Vietnam dengan kontribusi modal pihak asing tidak melebihi dari 49% dari total modal resmi	(3) Tidak terikat	
	(4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
F. **Jasa Angkutan Jalan Raya**	(1) Tidak terikat	(1) Tidak terikat	
Angkutan Penumpang (CPC 7121+7122)	(2) Tidak ada	(2) Tidak ada	
Angkutan Barang (CPC 7123)	(3) Tidak ada, kecuali: Pemasok jasa asing diizinkan untuk menyediakan jasa angkutan penumpang dan barang melalui kontrak kerja sama bisnis atau usaha patungan dengan kontribusi modal asing tidak melebihi 49% Sejak 11 Januari 2010, berdasarkan kebutuhan pasar[28], usaha patungan dengan kontribusi modal asing tidak melebihi 51% dapat didirikan untuk menyediakan jasa angkutan barang. Seratus % pengemudi dari usaha patungan harus berkewarganegaraan Vietnam	(3) Tidak ada	
	(4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	(4) Tidak ada, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
H. Jasa Penunjang untuk Semua Moda Angkutan (a) Jasa penanganan kontainer, kecuali jasa yang disediakan di bandara (bagian dari CPC 7411)	(1) Tidak terikat (2) Tidak ada (3) pemasok jasa asing hanya diizinkan untuk menyediakan jasa melalui pembentukan usaha patungan dengan mitra orang Vietnam dengan kontribusi modal pihak asing tidak lebih dari 50%. (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam Komitmen Horisontal	
(b) Jasa penyimpanan dan pergudangan (CPC 742) (c) Jasa agen angkutan barang (CPC 748)[29]	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada, kecuali usaha patungan dengan kontribusi modal asing tidak lebih dari 51% dapat didirikan. Sejak 11 Januari 2014: tidak ada. (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti ditunjukkan dalam komitmen horisontal	

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Moda pasokan : 1) Pasokan lintas batas 2) Konsumsi di luar negeri 3) Kehadiran komersial 4) Kehadiran orang perseorangan

Sektor atau Sub Sektor	Pembatasan Akses Pasar	Pembatasan Perlakuan Nasional	Komitmen Tambahan
(d) Lainnya (bagian CPC 749)[30]	(1) Tidak terikat, kecuali jasa perantara barang : tidak ada sejak 11 Januari 2012. (2) Tidak ada (3) Pemasok jasa asing hanya diizinkan untuk menyediakan jasa melalui usaha patungan dengan mitra Vietnam dengan kontribusi modal pihak asing tidak lebih dari 49%. Sejak 11 Januari 2010,pembatasan ini menjadi 51%. Mulai sejak tanggal 11 Januari 2014, pembatasan modal ini wajib dihilangkan. (4) Tidak terikat, kecuali seperti ditunjukkan dalam komitmen horisontal	(1) Tidak terikat, kecuali jasa perantara barang : tidak ada sejak 11 Januari 2012 (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali seperti ditunjukkan dalam komitmen horisontal	

Definisi

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"Kontrak Kerjasama Usaha" Suatu Kontrak Kerjasama Usaha adalah merupakan salah satu Bentuk Penanaman Modal Asing di Viet Nam, yang diatur oleh Undang-undang Penanaman Modal Asing di Vietnam dan sejak berlaku sejak 29 Nov 2005.

Sesuai dengan Undang-undang Penanaman Modal di Vietnam, "Kontrak Kerjasama Usaha berarti suatu dokumen tertulis yang ditandatangani oleh dua atau lebih pihak-pihak untuk maksud melaksanakan kegiatan penanaman modal tanpa mendirikan suatu enitas berbadan hukum"

Pasal 9 dari Keputusan No. 1082006/ND-CP tanggal 22/9/2006 menyediakan pedoman mengenai sejumlah pasal tentang Undang-undang Penanaman Modal yang menyatakan bahwa :

1. Dalam hal penanaman modal dalam bentuk kontrak kerjasama usaha yang ditandatangani antara satu atau lebih penanam modal asing dengan satu atau lebih penanam modal dalam negeri (selanjutnya disebut sebagai para pihak yang bekerja sama), kontrak kerjasama usaha harus mencantumkan kepentingan dan tanggung jawab, dan pembagian hasil usaha antara masing-masing penanam modal.

2. Suatu kontrak kerjasama usaha di sektor pencarian, eksplorasi dan penambangan minyak bumi serta sejumlah sumber daya alam lainnya dalam bentuk kontrak bagi hasil wajib dilakukan sesuai dengan Undang-undang yang terkait dan Undang-undang Penanaman Modal.

3. Suatu kontrak kerjasama usaha yang ditandatangani antara penanam modal dalam negeri untuk melakukan penanaman modal dan usaha wajib dilakukan sesuai dengan hukum kontrak ekonomi dan peraturan yang terkait

4. Selama keberlangsungan usaha, para pihak yang bekerja sama dapat menyepakati untuk membentuk suatu badan koordinasi untuk melaksanakan kontrak kerjasama dimaksud. Fungsi, tugas dan kewenangan badan koordinasi dimaksud wajib disepakati oleh para pihak yang bekerjasama. Badan koordinasi tersebut wajib bukan merupakan badan yang lebih tinggi di para pihak yang bekerjasama

5. Pihak asing yang bekerjasama wajib diijinkan mendirikan suatu kantor perwakilan selama pelaksanaan kontrak kerjasama usaha dimaksud. Kantor operasional dari pihak asing yang bekerjasama wajib memiliki kewenangan, dapat membuka rekening bank, merekrut pegawai, menandatangani kontrak dan melakukan semua kegiatan usaha dalam lingkup hak dan kewajiban sebagaimana tercantum dalam Sertifikat penanaman modal dan kontrak kerjasama usaha.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

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"Jasa Perantara Kapal" adalah pekerjaan dari seorang perantara kapal yang melaksanakan pekerjaan untuk mendapatkan penghasilan, atas wewenang individual dari pimpinannya, sebagai seorang perantara dalam menyelesaikan kontrak-kontrak kendaraan angkutan, asuransi angkutasn laut, perjanjian, penjualan dan pembelian kapal, kontrak penarikan kapal, perekrutan perjanjian dan kontrak-kontrak kegiatan lain yang berkaitan dengan kegiatankegiatan angkutan kapal.

KERTAS ACUAN

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Ruang Lingkup

Berikut ini adalah definisi-definisi dan prinsip-prinsip tentang kerangka kerja peraturan untuk jasa telekomunikasi dasar.

Definisi
Pengguna berarti konsumen jasa dan pemasok jasa.

Fasilitas esensial berarti fasilitas suatu jasa atau jaringan pembawa telekomunikasi umum yang:
(a) disediakan secara eksklusif atau secara dominan oleh suatu atau sejumlah terbatas pemasok ; dan
(b) tidak dapat layak secara ekonomi atau digantikan secara teknis dalam rangka menyediakan suatu jasa. Pemasok utama adalah pemasok yang memiliki kemampuan untuk mempengaruhi secara material syarat-syarat partisipasi (sehubungan dengan harga dan (pasokan) di pasar terkait untuk jasa telekomunikasi dasar sebagai akibat dari:
(i) Pengendalian atas fasilitas esensial; atau
(ii) Penggunaan posisinya di pasar.

1. Pengamanan persaingan

1.1 Pencegahan praktek anti-persaingan dalam bidang telekomunikasi
Kebijakan yang tepat wajib diberlakukan untuk tujuan mencegah para pemasok, yang, secara sendiri atau bersama-sama, merupakan pemasok utama untuk terlibat di dalam atau melanjutkan praktek anti-persaingan.

1.2 Pengamanan
Praktek anti-persaingan yang disebut di atas wajib meliputi, khususnya:
(a) terlibat di dalam pemberian subsidi silang anti-persaingan;
(b) menggunakan informasi yang diperoleh dari para pesaing yang mengakibatkan anti-persaingan; dan
(c) tidak menyediakan kepada pemasok jasa lain secara tepat waktu, informasi teknis dasar tentang fasilitas-fasilitas esensial dan informasi yang relevan secara komersial yang mereka perlukan untuk menyediakan jasa.

2. Interkoneksi

2.1 Bagian ini berlaku untuk menghubungkan dengan para pemasok yang menyediakan jasa atau jaringan pengantar telekomunikasi umum untuk mengijinkan para pengguna suatu pemasok untuk berkomunikasi dengan para pengguna pemasok lainn dan untuk mengakses jasa yang sediakan oleh pemasok lain, dimana komitmen spesifik dilaksanakan.

2.2 Interkoneksi yang dijamin
Interkoneksi dengan suatu pemasok utama akan dijamin pada setiap titik jaringan yang secara teknis dimungkinkan. Interkoneksi tersebut disediakan:

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(a) berdasarkan ketentuan non-diskriminasi, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif, , dan yang mutunya tidak kurang dari jasa yang disediakan untuk jasanya sendiri yang sejenis atau untuk jasa sejenis dari pemasok jasa non-afiliasi atau untuk anak perusahaannya atau afiliasi lainnya;

(b) secara tepat waktu, berdasarkan ketentuan, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif yang berorientasi pada biaya yang transparan, wajar, mempertimbangkan kelayakan ekonomi, dan cukup *unbundled* sedemikian rupa sehingga pemasok jasa tidak perlu membayar untuk komponen-komponen atau fasilitas-fasilitas jaringan yang tidak dibutuhkannya untuk jasa yang akan disediakan; dan

(c) atas dasar permintaan, di titik-titik disamping titik terminasi jaringan yang ditawarkan untuk mayoritas pengguna, berdasarkan pada biaya-biaya yang menggambarkan biaya konstruksi fasilitas tambahan yang diperlukan.

2.3 Prosedur yang tersedia secara umum untuk perundingan interkoneksi
Prosedur yang berlaku untuk interkoneksi kepada pemasok utama akan dibuat tersedia secara umum

2.4 Keterbukaan pengaturan interkoneksi
Dijamin bahwa pemasok utama akan tersedia secara umum baik perjanjian-perjanjian interkoneksinya atau penawaran interkoneksi acuan.

2.5 Interkoneksi: penyelesaian sengketa
Pemasok jasa yang meminta interkoneksi dengan pemasok utama akan memiliki pilihan, apakah:

(a) pada setiap saat; atau

(b) setelah jangka waktu yang wajar yang telah diumumkan kepada masyarakat umum,
kepada sebuah badan domestik independen, yang bisa merupakan badan pengatur sebagaimana disebut pada butir 5 dibawah, untuk menyelesaikan sengketa mengenai ketentuan, persyaratan dan tarip yang sesuai untuk interkoneksi dalam jangka waktu yang wajar, sampai batas bahwa hal ini belum ditetapkan sebelumnya.

3. Jasa Universal

Setiap anggota berhak menetapkan jenis kewajiban jasa universal yang ingin diberlakukan. Kewajiban-kewajiban tersebut tidak dengan sendirinya dianggap sebagai anti-persaingan, asalkan diurus secara transparan, non-diskriminatif dan netral secara kompetitif dan tidak lebih memberatkan dibanding yang diperlukan untuk jenis jasa universal yang ditetapkan oleh negara anggota

4. Ketersedian Kriteria Perijinan Bagi Umum

Apabila ijin diperlukan, maka hal-hal berikut wajib tersedia untuk umum:

(a) semua kriteria perijinan dan jangka waktu yang biasanya diperlukan untuk mencapai keputusan mengenai sebuah permohonan ijin; dan

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(b) ketentuan-ketentuan dan syarat-syarat masing-masing ijin.
Alasan-alasan penolakan sebuah ijin wajib diberitahukan kepada pemohon bila diminta.

5. Pengatur Independen

Badan pengatur adalah terpisah dari, dan tidak bertanggungjawab atas pasokan jasa telekomunikasi dasar. Keputusan dari dan prosedur-prosedur yang digunakan oleh pengatur wajib bersifat tidak memihak sehubungan dengan semua peserta pasar.

6. Alokasi dan penggunaan sumberdaya langka

Setiap prosedur untuk alokasi dan penggunaan sumberdaya langka, termasuk frekuensi, jumlah dan hak menentukan cara, akan dilaksanakan secara obyektif, tepat waktu, transparan dan non-diskriminatif. Pita frekuensi yang dialokasikan saat ini akan dibuat tersedia secara umum tetapi identifikasi rinci dari frekuensi yang dialokasikan untuk penggunaan khusus pemerintah tidak diperlukan.

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JADWAL KOMITMEN SPESIFIK

Untuk Komitmen Paket Kedua dalam Persetujuan Perdagangan Jasa ASEAN - China

Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Negara yang memberlakukan kebijakan dimaksud	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian
Seluruh sektor Kehadiran komersial	Kebijakan yang memperpanjang perlakuan istimewa sesuai pada perjanjian bilateral penanaman modal	Seluruh negara yang sudah menandatangani perjanjian bilateral penanaman modal dengan Vietnam	Tidak ditentukan	Membantu perkembangan penanaman modal di Vietnam
Jasa Audiovisual				
Produksi, distribusi dan proyeksi program televisi dan pekerjaan sinematografi	Kebijakan yang berdasar atas perjanjian produksi bersama dari karya audiovisual, yang memberikan Perlakuan Nasional pada karya audiovisual yang dicakup dalam perjanjian tersebut	Negara anggota WTO yang mana perjanjian bilateral atau pluriteral yang diberlakukan, sekarang maupun yang akan datang.	Tidak ditentukan	Tujuan perjanjian ini untuk meningkatkan hubungan budaya antara negara-negara bersangkutan.
Produksi dan distribusi program-program televisi dan karya sinematografi	Kebijakan yang memberikan keuntungan bagi program tambahan pada karya audiovisual dan bagi pemasok karya tersebut memenuhi kriteria asal.	Negara anggota WTO yang mana perjanjian bilateral atau pluriteral yang telah ditandatangani dalam bidang kerjasama budaya	Tidak ditentukan	Program ini bertujuan untuk memelihara dan mempromosikan identitas budaya Negara-negara yang telah menjalin hubungan kerjasama budaya yang sudah lama dengan Vietnam
Produksi dan distribusi karya audiovisual melalui transmisi penyiaran kepada	Kebijakan yang memperpanjang Perlakuan Nasional untuk karya audiovisual yang sesuai	Negara anggota WTO yang mana perjanjian bilateral atau pluriteral yang telah disepakati	Tidak ditentukan	Kebijakan ini bertujuan , dalam sektor, untuk mempromosikan nilai-nilai budaya baik

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Sektor atau sub sektor	Deskripsi Kebijakan yang menggambarkan ketidakkonsistenan dengan Pasal II	Negara yang memberlakukan kebijakan dimaksud	Jangka Waktu Yang Diinginkan	Kondisi yang melandasi pengecualian
umum.	dengan criteria asal tertentu berkenaan dengan akses transmisi penyiaran.	dalam bidang kerjasama budaya		didalam Vietnam, dan dengan negara-negara lain, termasuk dalam kawasan.
Angkutan Laut	Kebijakan berdasarkan perjanjian yang mencakup menjalankan usaha secara normal dari anak cabang yang dimiliki sepenuhnya oleh perusahaan penggapalan asing.	Seluruh anggota WTO dengan siapapun yang kerjasama angkutan lautnya diinginkan	5 Tahun	Persetujuan Bilateral
Jasa Angkutan Laut: – Angkutan barang internal darat menggunakan lori; – Penyimpanan dan pergudangan Kargo; – Tempat Pengumpulan Kontainer	Tiga sub-sektor berdasarkan perlakuan khusus dibawah Persetujuan Maritim antara Vietnam dan Singapura	Republik Singapura	10 Tahun	Persetujuan Bilateral

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REPUBLIK RAKYAT CHINA

Jadwal Komitmen Khusus

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Moda Pasokan: (1) Pasokan Lintas Batas(2) Konsumsi di Luar Negeri (3) Kehadiran Komersial (4) Kehadiran Orang Perseorangan

Sektor atau Sub Sektor	Hambatan Akses Pasar	Hambatan Perlakuan Nasional	Komitmen Tambahan
I. KOMITMEN HORISONTAL[1]			
SEMUA SEKTOR YANG DICAKUP DI DALAM JADWAL INI	3) Di China, perusahaan investasi asing termasuk perusahaan-perusahaan modal asing (juga disebut sebagai perusahaan yang secara keseluruhan dimiliki oleh asing) dan perusahaan patungan serta terdapat dua jenis perusahaan patungan: usaha patungan berdasarkan saham dan perusahaan patungan bedasarkan kontrak[2] Proporsi dari investasi asing dalam usaha patungan berdasarkan saham wajib tidak kurang dari 25 persen dari modal disetorkan untuk usaha patungan tersebut. Pendirian cabang-cabang oleh perusahaan asing tidak terikat, kecuali sebagaimana ditunjukkan subsektor spesifik, seperti peraturan perundang-undangan mengenai cabang-cabangdari perusahaan asing berdasarkan pembentukannya. Kantor-kantor perwakilan dari perusahaan asing diijinkanuntuk didiri	3) Tidak terikat untuk semua subsidi yang ada untuk pemasok jasa domestik di sektor jasa audio-visual, penerbangan dan medis. Tidak terikat untuk seluruh subsidi yang ada untuk pemasok jasa domestik di sektor yang terdaftar dalam komitmen jasa China-ASEAN. Tidak terikat untuk semua subsidi untuk pemasok jasa domestik di setiap sektor baru dan sub-sektor yang terjadwalkan pada negosiasi jasa yang akan datang setelah penandatanganan Persetujuan Jasa Kerangka Kerja ASEAN-China.	

[1]Dalam komitmen ini, penyebutan "asing" baik dalam komitmen horisontal dan spesifikhanya mengacu pada "Negara Anggota ASEAN".
[2]Ketentuan kontrak, dibuat sesuai dengan hukum, peraturan China dan langkah-langkah lain, mendirikan "usaha bersama kontraktual" mengatur hal-hal seperti cara operasidan manajemen dari usaha bersama seperti investasi atau kontribusi lain dari pihak usaha bersama. Partisipasi ekuitas oleh seluruh pihak terhadap usaha bersama kontraktual tidak diperlukan, tetapi ditentukan sesuai dengan kontrak usaha bersama. "Perusahaan investasi asing" dalam jadwal ini berarti sebuah perusahaan investasi asing sepatutnya dibentuk atau diselenggarakan di bawah "UU Usaha Bersama Ekuitas China-Asing, "UU Usaha Bersama Kontraktual China-Asing " dan "UU Modal Usaha Modal-Asing".

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	kan di China, tetapi wajib tidak terlibat dalam dalam setiap kegiatan bertujuan memperoleh laba kecuali untuk kantor perwakilan berdasarkan CPC 861, 862 863, 865 dalam komitmen spesifik sektoral Tanah di wilayah Republik Rakyat China dimiliki oleh negara. Penggunaan tanah olehperusahaan dan perseorangan tunduk pada syarat pembatasan maksimumsebagai berikut: a) 70 tahun untuk keperluan tempat tinggal; b) 50 tahun untuk keperluan industri; c) 50 tahun untuk keperluan pendidikan, ilmu pengetahuan, kebudayaan, kesehatan masyarakat dan pendidikan jasmani; d) 40 tahun untuk keperluan komersial, wisata dan rekreasi; e) 50 tahun untukkeperluan pemanfaatan komprehensif atau lainnya.		
	4) Tidak terikat kecuali untuk langkah-langkah tentang masuk dan tinggal sementara dari orang perorangan yang masuk dalam salah satu kategori berikut: (a) Manajer, eksekutif dan spesialis didefinisikan sebagai karyawan senior sebuah perusahaan dari Pihak yang telah mendirikan kantor cabang, perwakilan atau anak perusahaan di wilayah negara Republik Rakyat China, bergerak secara sementara sebagaiintra-	4) Tidak terikat kecuali untuk langkah-langkah tentang masuk dan tinggal sementara dari orang perorangan yang masuk dalam kategori sebagaimana dimaksud dalam kolom akses pasar	

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	perusahaan transferees, dapat diperkenankan masuk untuk waktu awal tinggal selama tiga tahun; (b) Manajer, eksekutif dan spesialis didefinisikan sebagai karyawan senior sebuah perusahaan dari Pihak yang terlibat dalam perusahaan investasi asing di wilayah Negara Republik Rakyat China untuk melakukan bisnis, dapat diberikan izin tinggal jangka panjangsebagaimana diatur dalam ketentuan kontrak yang bersangkutan atau waktu awal tinggal selama tiga tahun, yang mana lebih pendek; (c) Penjual jasa – penjual yang tidak menetap di wilayah Republik Rakyat China dan tidak menerima penghasilan dari sumber yang berlokasi di China, dan yang terlibat dalamkegiatan-kegiatan yang berkaitan dengan mewakili suatu pemasok jasa untuk maksud negosiasi penjualan jasa dari pemasok apabila: (a) penjualan tersebut tidak secara langsung dilakukan untuk masyarakat umum dan (b) penjual jasa tersebut tidak terlibat dalam penyediaan jasa: izin masuk untuk penjual jasa tersebut dibatasi untuk suatu jangka waktu 90-hari. (d) Para Pemasok Jasa Berdasarkan Kontrak (CSS): orang perseorangan asing yang memasuki wilayahChina secara sementara untuk melakukan layanan sesuai dengan kontrak antara		

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	pengusahadan konsumen layananda ri China. Atasan mereka harus merupakan perusahaan / rekan / perusahaan dari Pihak lain yang tidak memiliki kehadiran komersial di wilayahChina. CSS menerima remun erasi dari atasannyaselama berada di luar negeri, dan memiliki kualifikasi pendidikan dan teknikal (profesional) yang relevan dengan jasa yang disediakan. Durasi untuk tinggal berdasarkan durasi kontrak d an (jika lebih lama) tidak melebihi 1 tahun. Mereka tidak bisa melakukan layanan yang tidak berkaitan dengan kegiatan pelayanan yang menjadi subjek kontrak. Layanan yang diberikan oleh CSS hanya terbatas pada sektor-sektor tertentu sebagai berikut: (1) Jasa Akuntansi (2) Jasa Medis dan gigi (3) Jasa Arsitektur (4) Jasa Teknik (5)Jasa perencanaan Perkotaan (kecuali perencanaan perkotaan umum) (6) Jasa Komputer dan jasa terkait (7) Jasa Konstruksi dan terkait teknik (8) Jasa Pendidikan: CSS akan memperoleh gelar sarjana atau di atasnya, menerimagelar profesional yang sesuai atau sertifikat, dan memilikipengalaman kerja profesional minimal 2 tahun. Pihak China yang		

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	terlibat dalam kontrak harus merupakan badan hukum yang memiliki fungsipenyediaan jasa pendidikan (9) Jasa Pariwisata (e) lainnya Installer dan servicers: spesialis berkualitas yang menyediakan jasa instalasi atau pemeliharaan untuk mesin atau peralatan industri. Penyedia jasa tersebut harus terjadi pada kontrak biaya atau dasar (kontrak instalasi / pemeliharaan) antarapembangun dari mesin atau peralatan dan pemilik dari mesin atau peralatan, keduanyamenjadi badan hukum Masa tinggal dari installer dan servicers tunduk pada kontrak durasi, tetapi tidak melebihi 3 bulan. Mereka tidak bisa melakukan jasa yang tidak berkaitan dengankegiatan jasa yang merupakan subyek kontrak, dan harus memiliki kualifikasi teknis (profesional) yang tepat yang relevan terhadap jasa yang akan diberikan.		
I. KOMITMEN KHUSUS			
1. JASA BISNIS			
A. Jasa Profesi			
(a) Jasa Hukum (CPC 861, tidak termasuk praktik hukum China)	(1) Tidak ada (2) Tidak ada	(1) Tidak terikat (2) Tidak ada	

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	(3) Firmahukum luar negeri dapatmemberikan jasa hukumhanya berupakantor perwakilan. Kantor perwakilandapat terlibat dalam kegiatan yang menghasilkankeuntungan. Ruanglingkup bisnis dari kantor perwakilanasinghanyasebagai berikut: (a). Menyediakan klien dengankonsultasi padaundang-undangnegara/ wilayah di manapengacara dari firma hokumdizinkan untuk terlibat dalam pekerjaanpengacara profesional, dan pada konvensi internasional dan praktik; (b). Menangani, ketikadipercayakanoleh klien atau perusahaan hukum China, hukum negara/ wilayah di manapengacaradarifirma hukumdizinkan untuk terlibat dalam pekerjaan pengacara profesional; (c). Mempercayakan, atas namaklien asing, firma hokumChina untukmenanganiurusanhokumChina; Masuk ke dalamkontrakuntuk mempertahankanhubunganjangka panjangpengambilalihandengan perusahaanhukum Chinauntuk urusan hukum; (d). Memberikan informasitentang dampaklingkungan hukumChina. Pengambilalihanmemungkinkankantor perwakilanasing untuklangsungmenginstruksikanpengacaradifirma hokumChina	(3) Tidak ada	

7

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	terpercaya, yang disepakati antarakedua belah pihak.Para wakildari sebuah firma hokum asing adalahpraktisi pengacara yang menjadi anggota masyarakat bar atau hukum di negara anggota ASEAN dantelahdipraktikkan selamatidak kurangdari dua tahundi luar China. Wakil Kepala akan menjadi mitra atau setara(misalnya, anggota sebuah firma hokumdari sebuahperusahaan perseroan terbatas) dari sebuah firma hokumdarinegara anggota ASEAN dantelah dipraktikkan selama tidak kurangdari tiga tahundi luar China. (4) Tidak terikat kecualiseperti yang ditunjukkan dalamkomitmenhorizontal	(4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horizontal	
(b) Jasa Akuntansi, Audit dan Pembukuan (CPC 862)	(1) Tidak ada (2) Tidak ada (3) Persekutuan atauusaha akuntansihanya boleh dimiliki oleh seseorang yang Bersertifikat Akuntan Publik(CPA) yang diberikan lisensi oleh otoritas China (4) Tidak terikat kecualiseperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecualiseperti yang ditunjukkan dalamkomitmenhorizontal	- Kantor akuntan publik asingdiizinkanuntuk berafiliasi denganperusahaan Chinadan masuk ke dalamperjanjian kontrakdengan perusahaanafiliasimereka diAnggota WTO. - Penerbitan lisensi untukorang asing yangtelah lulusujian nasional CPA China harus diberikan perlakuannasional. - Pelamar akan diinformasikanhasilsecara tertulispaling lambat 30hari setelahpengajuanaplik	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

			asi mereka. - Kantor akuntan publik yang menyediakan jasadi CPC 862dapat terlibat dalamperpajakan danjasa konsultasimanajemen. Mereka tidakakan dikenakanpersyaratan padabentukberdirinya pada CPC 865dan8630.
(c) Jasa Pajak (CPC 8630)	(1) Tidak ada (2) Tidak ada (3) Anak Perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikatkecualiseperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) (4) Tidak terikat kecualiseperti yang ditunjukkan dalamkomitmenhorizontal	
(d) Jasa Arsitektur(CPC 8671) (e) Jasa Teknik (CPC 8672) (f) Jasa Teknik Terpadu (CPC 8673) (g) Jasa Perencanaan perkotaan (kecualiperencanaan perkotaanumum) (CPC 8674)	(1) Tidak ada untuk desain skematik. Kerjasamadengan organisasiprofesional China diwajibkan kecualidesain skematik. (2) Tidak ada (3) Perusahaan yangsepenuhnya dimiliki oleh asingdiizinkan (4) Tidak terikat kecuali sebagaimana ditunjukkandalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Pemasok jasaasing wajibarsitekterdaftarsebagai arsitek/insinyur, atauperusahaan yang bergerak dalam bidang arsitektur/teknik/jasaperencanaan kota,di negara asalmereka. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalamkomitmenhorizontal	

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(h) Jasa Kedokteran dan Kedokteran Gigi (CPC 9312)	(1) Tidak ada (2) Tidak ada (3) Pemasok jasaasingdiizinkanuntuk mendirikan usaha bersama rumah sakitatau klinik dengan mitra dari Chinadengan pembatasan jumlah sesuai dengan kebutuhanChina,dengankepemilikan mayoritasasingdiizinkan. (4) Tidak terikat, kecualiseperti yang ditunjukkan dalamkomitmenhorizontal dansebagai berikut:dokterasing dengansertifikatprofessionalyang dikeluarkan olehnegara asal merekadiizinkanuntuk memberikanlayananmedis jangka pendekdiChinasetelah merekamendapatkan izindari KementerianKesehatan Masyarakat.Masa jabatanadalah enambulan dandapat memperpanjang untuksatu tahun.	(1) Tidak ada (2) Tidak ada (3) Mayoritasdokter dan tenagamedis dariusaha bersama rumah sakitdan klinik wajib berkewarganegaraanChina (4) Tidak terikat kecualiseperti yang ditunjukkan dalamkomitmenhorizontal	
B. Jasa Komputer dan Jasa yang Terkait dengan Komputer (Komputer dan jasa terkaittidak mencakupkegiatan ekonomiyang terdiri dari jasa penyedia konten yang memerlukan jasakomputer dan terkait sebagaisarana pasokan) (a) Jasa konsultan terkait dengan pemasangan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikatkecualisebagaimana yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Kualifikasiadalah sebagai berikut:insinyur, bersertifikat,atau personildengan gelarSarjana(atauatas) dantiga tahun pengalamandi bidang ini.	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

perangkat keras komputer(CPC 841)			
(b) Jasa Implementasi Perangkat Lunak (CPC 842) (c) Jasa Proses Data (CPC 843) - Jasa Penyiapan masukan (CPC 8431)	(1) Tidak ada (2) Tidak ada (3) Perusahaan sepenuhnya milik asingdiizinkan (4) Tidak terikatkecualisebagaimana yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Kualifikasinya sebagai berikut: insinyur bersertifikat,atau personildengan gelarSarjana(ataudiatasnya) dantiga tahun pengalamandi bidang ini.	
- Jasa Pengolahan Data dan Tabulasi (CPC 8432) - Jasa pembagian waktu (CPC 8433)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Kualifikasiadalah sebagai berikut:insinyur bersertifikat,atau personildengan gelarSarjana(atau tingkat diatasnya) dantiga tahun pengalamandi bidang ini.	
D. Jasa real Estat (a) Jasa Real estat yang melibatkan properti sendiri atau disewa (CPC 821)	(1) Tidak ada (2) Tidak ada (3) Perusahaan sepenuhnya milik asing diperbolehkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
F. Jasa Usaha Lainnya (a). Jasa Periklanan (CPC 871)	(1) Hanyamelalui agen periklanan terdaftar di China yang memiliki hak untuk menyediakanjasa periklanan asing	(1) Tidak ada	

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	(2) Hanya melalui agen periklanan terdaftar di China yang memiliki hak untuk menyediakanjasa periklanan asing (3) Perusahaan sepenuhnya milik asing diperbolehkan. (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(b). Jasa Penelitian Pasar (CPC 86401, hanya terbatas pada layanan penyelidikan dirancang untuk mengamankan informasi tentang prospek dan kinerja produk organisasi di pasar)	(1) Tidak terikat (2) Tidak terikat (3) Hanya dalam bentuk usaha bersama, dengan kepemilikan mayoritas asing diizinkan. Tes kebutuhan ekonomi diperlukan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal. Persyaratankehadiran komersial.	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(c) Jasa Konsultasi Pengelolaan (CPC 865)	(1) Tidak ada (2) Tidak ada (3) Perusahaan sepenuhnya milik asing diperbolehkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(d) Jasa terkait dengan Konsultasi Pengelolaan - Jasa Pengelolaan	(1) Tidak ada (2) Tidak ada	(1) Tidak terikat (2) Tidak terikat	

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Proyek selain daripada Konstruksi(CPC 86601)	(3) Hanya dalam bentuk usaha bersama, dengan kepemilikan mayoritas asing diizinkan. Tes kebutuhan ekonomi diperlukan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(3) Tidak terikat (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal.	
(e) Jasa Pengujian dan Analisa Teknis (CPC 8676);dan inspeksi karg o dilindungi oleh CPC 749, tidak termasuk jasa inspeksi hukum untuk jasa inspeksi kargo	(1) Tidak ada (2) Tidak ada (3) Jasa pemasok asing yang telah terlibat dalam jas inspeksi di negara asal mereka selama lebih dari tiga tahun diizinkan untuk mendirikan usaha bersama pengujian teknis, analisis dan perusahaan inspeksi kargo dengan tidak kurang dari US $ 350.000 dalam modal terdaftar. Anak perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal.	
(f) Jasa yang terkait dengan pertanian, kehutanan, berburu dan memancing (CPC 881, 882)	(1) Tidak ada (2) Tidak ada (3) Hanya dalam bentuk usaha bersama, dengan kepemilikan mayoritas asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(k) Jasa Penempatan dan pasokan Personil (CPC 872, tidak	(1) Tidak terikat (2) Tidak terikat	(1) Tidak terikat (2) Tidak terikat	

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termasuk CPC 87209)	(3) Hanya dalam bentuk usaha bersama, dengan kepemilikan mayoritas asing diizinkan. Tes kebutuhan ekonomi diperlukan. (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(3) Tidak terikat (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(m) Jasa terkait konsultasi teknik ilmiah (CPC 8675) - Jasa ladang minyak lepas pantai geologi, geofisika dan lasa prospeksi ilmiah lain (CPC 86751) - Jasa Survey sub-permukaan (CPC 86752)	(1) Tidak ada (2) Tidak ada (3) Hanya dalam bentuk eksploitasi minyak bumi yang bekerja sama dengan mitra dari China (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
- Jasa ladang minyakpantai	(1) Tidak ada (2) Tidak ada (3) Hanya dalam bentuk eksploitasi minyak bumi bekerja sama dengan China National Petroleum Corp. (CNPC) di daerah yang ditunjuk yang disetujui oleh pemerintah China. Dalam rangka melaksanakan kontrak minyak bumi, penyedia jasa asing harus mendirikan cabang, anak perusahaan atau kantor perwakilan di wilayah Republik Rakyat China dan melewati pendaftaran formalitas sesuai dengan hukum. Domisili kantor harus ditentukan melalui konsultasi dengan CNPC.	(1) Tidak ada (2) Tidak ada (3) Penyedia jasa asing harus memberikan CNPC laporan yang cepat dan akurat padaoperasi perminyakan, dan harus menyampaikan kepada CNPC data dan sampel dengan berbagai teknologi, ekonomi, akuntansi dan laporan administrasi yang berhubungan dengan operasi perminyakan.	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Penyedia jasa asing harus membuka rekening bank dengan bank yang disetujui oleh otoritas China untuk terlibat dalam bisnis valuta asing di dalam wilayah China. (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	 (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(o) Jasa Pembersih Gedung (CPC 874)	(1) Tidak terikat* (2) Tidak ada (3) Perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(p) Jasa Fotografi (CPC 875)	(1) Tidak ada (2) Tidak ada (3) hanya dalam bentuk usaha bersama, dengan kepemilikan modal asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) tidak ada (3) tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(q) Jasa Pengepakan (CPC 876)	(1) Tidak ada (2) Tidak ada (3) Anak Perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	

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*Tidak terikat karena kurangnya kelayakan teknis terikat

(r) Pencetakan bahan kemasan, atas dasar biaya atau kontrak (Hanya terbatas pada pencetakan bahan kemasan)	(1) Tidak terikat (2) Tidak terikat (3) Perusahaan sepenuhnya milik asing diizinkan. Tes kebutuhan ekonomi dibutuhkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak terikat (3) Tidak terikat (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(s) Jasa Konvensi (CPC 87909)	(1) Tidak ada (2) Tidak ada (3) Hanya dalam bentuk usaha bersama, dengan kepemilikan modal asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
(t) Jasa Penerjemah dan Interpretasi (CPC 87905)	(1) Tidak ada (2) Tidak ada (3) Perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Kualifikasi sebagai berikut: tiga tahun pengalaman dalam terjemahan atauinterpretasi dan perintah yang baik dalam bahasa kerja.	
- Jasa Pemeliharaan dan perbaikan (CPC 63, 6112 dan 6122) - Jasa Pemeliharaan dan perbaikan mesin	(1) Tidak ada (2) Tidak ada (3) Anak perusahaan sepenuhnya milik	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

kantor dan peralatan termasuk computer(CPC 845 dan 886)	asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
- Jasa Sewa dan penyewaan (CPC 831, 832, tidak termasuk CPC 83202)	(1) Tidak ada (2) Tidak ada (3) Anak perusahaan sepenuhnya milik asing diizinkan. Pemasok jasa akan memiliki assetglobal sebesar US $ 5 juta (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal	
2. JASA KOMUNIKASI			
B. Jasa Kurir (CPC 75121, kecuali untuk jasa-jasa yang saatini khusus dip eruntukkan bagi otoritas pos China oleh hukum)	(1) Tidak ada (2) Tidak ada (3) Anak perusahaan sepenuhnya milik asing diizinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	
Jasa Telekomunikasi Dasar - Jasa Penyeranta	(1) Lihat moda 3 (2) Tidak ada (3) Pemasok jasa asing diizinkan untuk mendirikan perusahaan patungan bidang telekomunikasi yang bernilai tambah dan penanaman modal asing dalam usaha patungantidaklebihdari	(1) Tidak ada (2) Tidak ada (3) Tidak ada	China melakukan kewaji ban-kewajibannya seperti tercantum pada Dokumen Rujukan sebagaimana terlampir dalam Lampiran I.

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	50 persen. (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	
C. Jasa Telekomunikasi[3] Jasa Nilai Tambah termasuk yang berikut: (h). Surat Elektronik (i). Surat suara (j). Informasi online dan pengambilan basis data (k). Pertukaran data Elektronik (l). Peningkatan / Nilai-tambah layanan faksimili (termasuk penyimpanan dan penerusan, penyimpanan dan pengambilan) (m). konversi Kode dan protokol (n). Informasi online dan/atau pemrosesan data (termasuk proses	(1) Lihat moda 3 (2) Tidak ada (3) Pemasok jasa asing diizinkan untuk mendirikan perusahaan patungan bidang telekomunikasi yang bernilai tambah dan penanaman modal asing dalam usaha patungantidaklebihdari 50 persen. (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	China melakukan kewaji ban-kewajibannya seperti tercantum pada Dokumen Rujukan sebagaimana terlampir dalam Lampiran I.

[3]Komitmen China dijadwalkan sesuai dengan: Catatan untuk Penjadwalan Dasar Telecom Komitmen Pelayanan (S/GBT/W/2/REV/1) dan Batasan Akses Pasar di Ketersediaan Spectrum (S/GBT/W/3) terlampir.
Semua layanan telekomunikasi internasional akan pergi melalui gateway didirikan dengan persetujuan dari otoritas telekomunikasi China, yang akan bertindak sebagai otoritas pengawas independen sesuai dengan prinsip-prinsip ayat 5 dari Kertas Referensi.
Jasa telekomunikasi tidak mencakup kegiatan ekonomi yang terdiri dari penyediaan layanan konten yang memerlukan klayanan telekomunikasi untuk transportasi mereka.

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

transaksi)			
Jasa suara dan data bergerak - Jasa Analog / Digital / Seluler - Jasa Komunikasi Perorangan	(1) Lihat moda 3 (2) Tidak ada (3) Pemasok jasa asing diizinkan untuk mendirikan perusahaan patungan bidang telekomunikasi yang bernilai tambah dan penanaman modal asing dalam usaha patungantidaklebihdari 49 persen. (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	
- Jasa Domestik (a). Jasa suara (b). Jasa transmisi data berbasis*Packet-switched* (c). Jasa transmisi data berbasis*Circuit-switched* (f). Jasa Faksimili (g). Jasa Sirkit-Sewa Tertutup Domestik - Jasa Internasional (a). Jasa suara (b). Jasa transmisi data berbasis *Packet-switched* (c). Jasa transmisi databerbasis *Circuit-*	(1) Lihat moda 3 (2) Tidak ada (3) Pemasok jasa asing diizinkan untuk mendirikan usaha patungan saja, dan investasi asing dalam usaha patungan akan ada lebih dari 49 persen (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	

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switched (f). Jasa Faksimili (g). Jasa data dan suara Internasional grup tertentu(penggunaan l ayanan sirkuitpribadi y ang disewakandiizinkan)			
D. Jasa Audio Visual - Video, termasuk perangkat lunak hiburan dan (CPC 83202), jasa distribusi - Jasa distribusi rekaman suara	(1) Tidak ada (2) Tidak ada (3) Layanan pemasok asing diizinkan untuk mendirikan usaha patungan kontrak dengan mitra dari China untuk terlibat dalam distribusi produk audio visual, tidak termasukgambar bergerak, tanpa mengurangi hak China untuk memeriksa isi dari produk audiodan video (lihat catatan kaki 1) (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	Tanpa mengurangi kepatuhan terhadap peraturan China pada administrasi film, C hina mengizinkanimpor film u ntuk rilisteater secara bagi hasildanjumlahimporters ebut harus20setiaptahun
- Jasa gedung bioskop	(1) Tidak ada (2) Tidak ada (3) Jasa pemasok asing diizinkan untuk membangun dan / atau merenovasi bioskop, dengan investasi asing tidaklebih dari 49 persen (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalamkomitmenhorizontal	
3. JASA KONTRUKSI DAN JASA YANG BERKAITAN DENGAN REKAYASA			

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

(CPC 511, 512, 513[4], 514, 515, 516, 517, 518[5])	(1) Tidak terikat* (2) Tidak ada (3) kepemilikan perusahaan sepenuhnya oleh asing diijinkan. perusahaan yang dimiliki sepenuhnya oleh asing hanya dapat melakukan empat jenis proyek-proyek konstruksi sebagai berikut. 1. Proyek-proyek konstruksi yang sepenuhnya dibiayai oleh investasi asing dan/atau hibah. 2. Proyek konstruksi yang dibiayai oleh pinjaman dari lembaga keuangan internasional dan diberikan melalui tender internasional sesuai d engan persyaratan pinjaman. 3. Proyek-proyekpekerjaan kerja sama China-asing bersama-sama dengan investasi asing sama atau lebih dari >50 persen; dan proyek-proyek konstruksi kerja samaChina-asing dengan investasi asing kurang dari 50 persen yang secara teknis sulit untuk dilaksanakan oleh perusahaan konstruksi (BUJK)China sendiri. 4. Proyek-proyek konstruksi investasi China yang sulit dilaksanakan olehperusahaan konstruksi China (BUJK)sendiri dapat dilaksanakan secara bersama oleh perusahaan-perusahaan konstruksi China dan	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada	

[4]Termasuk jasa pengerukan yang berkaitan dengan pembangunan infrastruktur.
[5]Cakupan CPC 518 hanya terbatas pada jasa sewa dan jasa sewa konstruksi dan/ataupembongkaran mesin dengan operator yang dimiliki dan digunakan oleh perusahaan konstruksi asing dalam pasokan layanan mereka.
* tidak terikat karena kurangnya kelayakan teknis

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	perusahaan konstruksi asing dengan persetujuan pemerintah provinsi (4) Tidakterikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	 (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
4. JASA DISTRIBUSI (seperti yang dijelaskan dalam Lampiran 2)			
A. Jasa Agen Komisi (tidak termasuk garam dan tembakau) B. Jasa Perdagangan Grosir[6] (tidak termasuk garam dan tembakau)	(1) Tidak terikat (2) Tidak ada (3) Perusahaan sepenuhnya milik asing diijinkan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	Perusahaan investasi asing diijinkan untuk mendistribusikan produk mereka yang diproduksi di China, termasuk produk-produk yang tercantum dalam kolom akses pasar atau sektor atau sub sektor, dan menyediakan jasa turunannya sebagaimana ditunjukkan dalam Lampiran 2. Pemasok jasa asing diijinkan untuk menyediakan berbagai jasa turunan terkait, termasuk layanan purna jual, sebagaimana ditentukan dalam Lampiran 2, untuk produk yang mereka distribusi.
C. Jasa Pengecer (tidak termasuk tembakau)	(1) Tidak terikat kecuali untuk pesanan melalui surat (2) Tidak ada	(1) Tidak terikat kecuali untuk pesanan melalui surat (2) Tidak ada	Perusahaan investasi asing diijinkan untuk mendistribusikan produk mereka yang diproduksi di

[6]Pembatasan pada mode 1, tidak akan merusak hak-hak Anggota WTO ke kanan untuk perdagangan sebagaimana diatur dalam Bab 5 Protokol China aksesi ke WTO.

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	(3) Perusahaan sepenuhnya milik asing diijinkan kecuali untuk: - jaringan toko (chain stores) yang menjual produk dari berbagai jenis dan merek dari banyak pemasok dengan lebih dari 30 outlet. Untuk jaringan toko dengan lebih dari 30outlet, kepemilikan mayoritas asing tidak akan diijinkan jika jaringan tokomendistribusikan produk berikut: buku, surat kabar, majalah, produk farmasi, pestisida, *mulching films*, minyak olahan, pupuk kimia dan produk yang tercantum dalam Lampiran 2a protokol keanggotaan China di WTO. Operator jaringan toko asing memilikikebebasan memilih mitra, secara hukum didirikan di China sesuai dengan hukum dan peraturan China . (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	China, termasuk produk-produk yang tercantum dalam kolom akses pasar atau sektor atau sub sektor, dan menyediakan jasa turunannya sebagaimana ditunjukkan dalam Lampiran 2. Pemasok jasa asing diijinkan untuk menyediakan berbagai jasa turunan terkait, termasuk layanan purna jual, sebagaimana ditentukan dalam Lampiran 2, untuk produk yang mereka distribusi.
D. Waralaba	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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E. Jasa Perdagangan Grosir atau eceran yang jauh dari lokasi tertentu	(1) Tidak ada (2) Tidak ada (3) Tidak ada[7] (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
5. JASA PENDIDIKAN			
A. layanan Pendidikan dasar (CPC 921, tidak termasuk wajib belajar nasional di CPC 92190) B. pelayanan pendidikan Menengah (CPC 922, tidak termasuk wajib belajar nasional di CPC 92210) C. Pendidikan tinggi jasa (CPC 923) D. jasa pendidikan dewasa (CPC 924, termasuk non-akademis pelatihan per awatan kecantikan, spa, dan akupunktur) E. layanan pendidikan lainnya (CPC 929, termasuk non-akademis pelatihan dala m bidang berikut: a. bahasa Inggris	(1) Tidak terikat (2) Tidak ada (3) Sekolah bersama akan dikembangkan, dengan kepemilikan mayoritas asing diijinkan (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal dan berikut ini:Pemasok pendidikan asing individu layanan dapat masuk ke China untuk memberikan layanan pendidikan ketika diundang atau dipekerjakan oleh sekolah berbahasa China/Chinesse dan lembaga pendidikan lainnya	(1) Tidak terikat (2) Tidak ada (3) Tidak terikat (4) Kualifikasi sebagai berikut: - Memiliki gelar sarjana atau di atas; - Dan gelar profesional yang sesuai atau sertifikat, dengan pengalaman profesional dua tahun.	

[7]Lihat paragraf 310 dari Laporan *Working Party*

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

b. memasak c. kerajinan			
6. JASA LINGKUNGAN HIDUP			
Jasa pembuangan limbah (CPC 9401) Jasa pembuangan sampah (CPC 9402) Jasa sanitasi dan sejenisnya (CPC 9403) Jasa Lainnya - Pembersihan gas buangan (CPC 9404) - Jasa penanggulangan kebisingan (CPC 9405) - Jasa perlindungan alam dan tata ruang (CPC 9406) - Jasa lingkungan hidup lainnya yang tidak termasuk di tempat lain (CPC 9409)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat, kecuali sebagaimana ditunjukkan dalam komitmen horisontal.	
7. JASA KEUANGAN			
A. Semua Jasa Asuransi dan Jasa terkait Asuransi[8] (a) Asuransi Jiwa, kesehatan dan pensiun/asuransi anuitas (b) Asuransi Non-jiwa	(1) Tidak terikat kecuali untuk: (a) reasuransi; (b) pelayaran internasional, penerbangan,dan asuransitransportasi; dan (c) perantara bagirisiko komersialberskala besar, pelayaran internasional,	(1) Tidak ada	

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(c) Reasuransi (d) Jasa pendukung untuk asuransi	penerbangan,dan asuransitransportasi, danreasuransi. (2) Tidak terikatuntukperantara.Lainnya, tidak ada pembatasan. (3) A. Bentuk usaha pendirian Perusahaan asuransi non-jiwa asing diizinkan untuk membentuk cabang atau anak perusahaan yang dimiliki sepenuhnya, tanpa adanya pembatasan bentuk pendirian usaha. Perusahaan asuransi non-jiwa asing diizinkan untuk memiliki 50% dari perusahaan patungan, dengan mitra yang diinginkan. Mitra dalam perusahaan patungan dapat dengan bebas menyetujui ketentuan dalam perjanjian selama sesuai dengan komitmen yang dimuat dalam daftar ini. Dalam hal perantara dalam asuransi risiko komersial berskala besar, dan perantara dalam reasuransi dan perantara dalam pelayaran internasional, penerbangan, asuransi perjalanan dan reasuransi, diizinkan untuk dimiliki sepenuhnya oleh asing. Untuk jasa perantara lainnya : tidak terikat.	(2) Tidak ada (3) Tidak ada, kecuali untuk: -Lembagaasuransiasingtidak boleh melakukan usahadalam bisnisasuransi yang diwajibkan.	
	Cabang internal untuk perusahaan asuransi dalam ini diizinkan. B.Lingkup Usaha		

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	Perusahaan asuransi non-jiwa asing diizinkan untuk menyediakan "master policy" asuransi atau asuransi risiko komersial berskala besar, yang tidak memiliki pembatasan wilayah. Terkait dengan Perlakuan Nasional, perantara jasa asuransi diizinkan untuk menyediakan "master policy", hanya kepada perantara dari China, kecuali kondisinya tidak memungkinkan. Perusahan asuransi non-jiwa asing diizinkan untuk menyediakan jasa asuransi non-jiwa secara lengkap baik kepada nasabah asing maupun China, Asing non- jiwa asuransi diizinkan untuk memberikan "master kebijakan" asura nsi / asuransi besar risikokomersial skala, yang tidak memiliki batasan geografis. Sesuai dengan perlakuan nasional, broker asuransi asing diizinkan untuk memberikan "kebijakan Master" tidak lebih dari calo China, dalam kondisi yang tidak kurang menguntungkan. Asing non- jiwa asuransi diizinkan untuk memberikan jangkauan penuh non- jiwa jasa asuransi untuk kedua klien asing dan domestik. Asuransi asing diizinkan untuk memberikan jaminan kesehatan, perorangan / kelompokasuransi dan pensiun / asuransi anuitas untuk orang asing dan China.		

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	Perusahaan asuransi asing diizinkan untuk menyediakan jasa reasuransi untuk asuransi jwia dan non-jiwa, dalam bentuk cabang, perusahaan patungan, atau perusahaan yang dimiliki sepenuhnya oleh asing, tanpa pembatasan wilayah atau kuantitatif dalam hal jumlah izin yang dikeluarkan. C. Perizinan Perizinan diterbitkan tanpa perlu melakukan uji kebutuhan ekonomi (economic needs test), atau pembatasan jumlah izin. Syarat pendirian lembaga perasuransian asing adalah sebagai berikut: - Investor harus berupa perusahaan asuransi asing dengan pengalaman lebih dari 30 tahun beroperasi di negara anggota WTO; - Memiliki kantor perwakilan di China selama dua tahun berturut-turut; - Memiliki total aset sebanyak lebih dari USD 5 Miliar, pada akhir tahun pengajuan aplikasi, kecuali untuk perantara asuransi. Perantara asuransi harus memiliki total aset lebih dari USD 200 juta (4) Tidak terikat kecuali seperti yang ditetapkan pada komitmen horizontal	(4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horizontal	
B. Jasa Perbankan dan Perbankan lainnya (tidak termasuk asuransi dan surat berharga)	(1) Tidak terikat kecuali untuk hal berikut: - Penyediaan dan transfer informasi keuangan, dan keuangan pengolahan data dan perangkat lunak	(1) Tidak ada	Untuk jasasewakeuangan,perusahaansewakeuanganasingdiizinkanuntuk menyediakan jasa

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

Jasa Perbankan meliputi: (a) Penerimaan deposito dan dana dibayar lainnya dari masyarakat; (b) Pinjaman dari semua jenis, termasuk kredit konsumen, kredit hipotek dan pembiayaan transaksi komersial; (c) Keuangan leasing; (d) Semua layanan transmisi pembayaran dan uang, termasuk kartu kredit, biaya dandebit, cek perjalanan dan rancangan bankir (termasuk impor dan penyelesaian ekspor); (e) Jaminan dan komitmen; (f) Trading untuk kepentingan sendiri atau untuk rekening pelanggan: valuta asing.	terkait dengan penyedia jasa keuangan lainnya; - Penasehat, intermediasi dan jasa keuangan tambahan pada semua kegiatan yang tercantum dalam sub ayat (a) sampai dengan (k), termasuk referensi kredit dan analisis,penelitian investasi dan portofolio dan saran, rekomendasi untuk akuisisi danrestrukturisasi perusahaan dan strategi. (2) Tidak ada (3) A. Cakupan Geografis Untuk bisnis mata uang asing, tidak akan ada pembatasan geografis. Untukbisnis mata uang lokal, asing layanan pemasok dapat memberikan bisnis di kota-kota berikut:Shanghai, Shenzhen, Tianjin, Dalian, Guangzhou, Zhuhai, Qingdao, Nanjing, Wuhan,Jinan, Fuzhou, Chengdu, Chongqing Kunming, Beizing, Xiamen, Shantou, Ningbo,Shenyang dan Xian. Dalam lima tahun setelah aksesi, semua pembatasan geografisakan dihapus.	(2) Tidak ada (3) Kecuali untuk batasan geografis dan keterbatasan klien pada bisnis mata uang lokal(yang tercantum di kolom akses pasar), lembaga keuangan asing dapat melakukan bisnis, tanpa pembatasan atau kebutuhan untuk kasus per kasus persetujuan, denganperusahaan investasi asing, non-China perorangan, China alami orang dan perusahaan China. Jika tidak, tidak ada.	sewakeuangan padawaktu yang sama denganperusahaandomestik.
	B. Klien Untuk bisnis mata uang asing, lembaga keuangan asing diizinkan untuk menyediakan layanan di China tanpa pembatasan untuk klien. Untuk bisnis mata uang lokal, lembaga keuangan asing yang diizinkan untuk		

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	memberikan layanan kepada perusahaan China. Lembaga keuangan asing yang diizinkan untukmemberikan layanan kepada semua klien China. Lembaga keuangan asing berlisensiuntuk bisnis mata uang lokal di satuwilayah layanan China klien mung kin di daerah lainyang telah dibuka untuk bisnis tersebut. C. Perizinan Kriteria untuk otorisasi untuk menangani dalam sektor jasa keuangan Chinabertanggung kehati-hatian (yaitu, tidak mengandung tes kebutuhan ekonomi atau batasan kuantitatif tentang lisensi). Ada non-hatian tindakan membatasi kepemilika n, operasi, dan bentuk badan hukum dari lembaga keuangan asing, termasuk pada internalpercabangan dan lisensi dieliminasi. Lembaga keuangan asing yang memenuhi kondisi berikut diperbolehk an untuk mendirikan anak perusahaan bank asing atau perusahaan keuangan asing di China:		
	- Jumlah aset lebih dari US $ 10 miliar pada akhir tahun ini sebelum mengajukanaplikasi.Lembaga keuangan asing yangmemenuhi kondisi berikut di perbolehkan unt uk mendirikan cabang bank asing di China: - Jumlah aset lebih dari US $ 20 miliar pada akhir tahun ini sebelum mengajukanaplikasi.		

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	Lembaga keuangan asing yang memenuhi kondisi berikut diizinkan untuk mendirikan bank China-asing atau perusahaan keuangan China-asing di China: - Jumlah aset lebih dari US $ 10 miliar pada akhir tahun ini sebelum mengajukanaplikasi. Kualifikasi untuk lembaga keuangan asing untuk terlibat dalam bisnis mata uang lokaladalah sebagai berikut: - Tiga tahun operasi bisnis di China dan menjadi menguntungkan selama dua tahun berturut-turut sebelum aplikasi, jika tidak, tidak ada. (4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horizontal	(4) Tidak terikat kecuali seperti yang ditunjukkan dalam bagian horisontal	
- Pembiayaan kendaraan bermotor oleh lembaga keuangan non-bank	(1) Tidak terikat kecuali untuk hal berikut: - Pemberian dan pertukaran informasi keuangan, dan pemrosesan data keuangan dan piranti lunak terkait, oleh penyedia jasa atas jasa keuangan lainnya, - Penasihat, intermediasi, dan jasa pendukung keuangan lainnya atas seluruh kegiatan yang tercantum dalam subparagraf (a) sampai (k), mencakup referensi kredit dan analisa, riset dan penasihar investasi dan portofolio, penasihat dalam hal akusisi, dan restrukturisasi dan strategi perusahaan. (2) Tidak ada	(1) Tidak terikat (2) Tidak ada	

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	(3) Tidak ada (4) Tidak terikat kecuali seperti yang ditetapkan dalam komitmen horizontal	(3) Tidak ada (4) Tidak terikat kecuali seperti yang ditetapkan dalam komitmen horisontal.	
- Jasa keuangan lainnya seperti yang tercantum di bawah ini: k) Pemberian dan pertukaran informasi keuangan, dan Pemrosesan data keuangan dan piranti lunak terkait, oleh penyedia jasa atas jasa keuangan lainnya, l) Penasihat, intermediasi, dan jasa pendukung keuangan lainnya atas seluruh kegiatan yang tercantum dalam subparagraf (a) sampai (k), mencakup referensi kredit dan analisa, riset dan penasihar investasi dan portofolio, penasihat dalam hal akusisi, dan restrukturisasi dan strategi perusahaan.	(1) Tidak ada (2) Tidak ada (3) Tidak ada. Kriteria untuk bertransaksi di sektor jasa keuangan China sepenuhnya didasari konsep kehati-hatian (*prudential*) (contohnya tidak mencakup uji kebutuhan ekonomi atau pembatasan jumlah izin). Kantor cabang lembaga asing diizinkan untuk didirikan. (4) Tidak terikat kecuali seperti yang ditetapkan dalam komitmen horisontal.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali seperti yang ditunjukkan dalam bagian horisontal.	

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

- Bisnis sekuritas	(1) Tidak terikat kecuali untuk hal berikut: - Perusahaan sekuritas efek asing dapat melakukan usaha secara langsung (tanpa perantara China) dalam "B share business" ? (2) Tidak ada (3) (a) Tidak terikat, kecuali untuk hal berikut: - Kantor perwakilan perusahaan sekuritas asing di China dapat menjadi Anggota Khusus di seluruh Bursa Efek di China. - Penyedia jasa asing diizinkan untuk membentuk perusahaan patungan dengan investasi asing hingga 49% untuk menjalankan usaha manajemen investasi dana sekuritas. Perusahaan sekuritas asing diizinkan untuk mendirikan perusahaan patungan, dengan kepemilikan asing minoritas tidak melebihi 1/3, untuk menjalankan usaha (tanpa perantara China) dalam melakukan penjaminan emisi. Kepemilikan dalam hal penjaminan emisi dan perdagangan saham seri B dan H, serta surat hutang negara dan obligasi perusahaan, penerbitan dana. (?) - Penyedia jasa asing diizinkan (b)Kriteria untuk bertransaksi di sektor jasa keuangan China sepenuhnya didasari konsep kehati-hatian (*prudential*) (contohnya tidak	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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	mencakup uji kebutuhan ekonomi atau pembatasan jumlah izin).		
	(4) Tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horizontal	(4) Tidak terikat kecuali seperti yang ditunjukkan dalam bagian horisontal	
9. JASA-JASA YANG TERKAIT DENGAN PARIWISATA DAN PERJALANAN			
A. Hotel (termasuk gedung apartemen) dan Restoran (CPC 641-643)	(1) Tidak ada (2) Tidak ada (3) Pemasok jasa asing dapat membangun, merenovasi dan mengoperasikan hotel danperusahaan restoran diChina. Sepenuhnya milik anak perusahaan asing diijinkan. (4) Tidak terikat kecuali sebagaimana ditunjukkandalam komitmen horisontal - Manajer-manajer asing, spesialis termasuk juru masak dan eksekutif senior yang telah menandatangani kontrak dengan hotel-hotel dan restoran-restoran yang merupakan usaha patungan di China diijinkan untuk menyediakan jasa di China.	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimanaditunjukkan dalam komitmen horisontal	
B. Agen Perjalanan dan Penyelenggara Tur	(1) Tidak ada (2) Tidak ada	(1) Tidak ada (2) Tidak ada	

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

(CPC 7471)	(3) Para pemasok jasa asing yang memenuhi ketentuan berikut ini diijinkanuntuk menyediakan jasa-jasa dalam bentuk usaha patungan agen-agen perjalanan dan penyelenggara-penyelenggara tur di resor liburan yang ditunjuk oleh pemerintah China dan di kota-kota Beijing, Shanghai, Guangzhou dan Xi'an: (a) suatu agen perjalanan dan penyelenggara tur terutama yang terlibat dalam usaha perjalanan; (b) Balik Modal tahunan di seluruh dunia melebihi dari US$ 40 juta. Modal terdaftar dari usaha patungan agen-agen perjalanan dan penyelenggara-penyelenggara tur wajib tidak kurang dari RMB 2,5 juta.Kepemilikan mayoritas asing diijinkan. Anak perusahaan yang dimiliki oleh pihak asing secara keseluruhan diijinkan dan pembatasan geografis dihapuskan. Ruang lingkup usaha dari agen perjalanan dan penyelenggara tur adalah sebagai berikut: (a) jasa perjalanan dan akomodasi hotel bagi pelancong asing yang dapat dilakukan secara langsung dengan penyelenggara transportasi dan hotel di China yang mencakup penyelenggaraan dimaksud; (b) jasa perjalanan dan jasa akomodasi hotel untuk pelancong domestik yang dapatdilakukan secara langsung dengan	(3) Tidak ada kecuali bahwa usaha patungan atau agen perjalanan sepenuhnya milik asing dan tour operator tidak diijinkan untuk terlibat dalam kegiatan China bepergian ke luar negeri dan ke Hong KongChina, MacauChina dan China Taipei.	

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	penyelenggara transportasi dan hotel di China yang mencakup penyelenggaraan dimaksud; (c) menyelenggarakan tur di China baik untuk pelancong domestik maupun asing; dan (d) jasa-jasa pencairan cek perjalanan di China. Tidak akan ada pembatasan untuk pembentukan cabang-cabang usaha patungan agen perjalanan/penyelengaara tur dan persyaratan mengenai modal yang didaftarkan oleh agen perjalanan / penyelenggara tur yang diinvestasikan oleh pihak asing akan diperlakukan sama sebagaimana agen perjalanan / penyelenggara tur China. (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
10. JASA-JASA REKREASI, BUDAYA DAN OLAH RAGA (SELAIN DARIPADA JASA AUDIO VISUAL)			
D. Jasa Olah Raga dan Rekreasi Lainnya (Hanya terbatas untuk CPC 96411, 96412, 96413, termasuk pelatihan bulutangkis, tidak termasuk golf)	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	
11. JASA ANGKUTAN			
A.Jasa Angkutan Laut - Angkutan Internasional (barang dan penumpang) (CPC 7211 dan 7212 tidak	(1) (a) Pengapalan reguler (termasuk angkutan penumpang): Tidak ada (b) Pengapalan Borongan, pengapalan trayek tidak	(1) Tidak ada	Jasa-jasa di pelabuhan berikut ini disediakan bagi para pemasok angkutan laut internasional

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

termasuk jasa angkutan cabotage)	tetap dan pengapalan internasional lainnya(termasuk angkutan penumpang): Tidak ada (2) Tidak ada (3) (a) Pendirian perusahaan-perusahaan terdaftar dengan maksud mengoperasikan suatu armada di bawah benderanasional dari Republik Rakyat China: - Para pemasok jasa asing diijinkan untuk mendirikan perusahaan patungan di bidang pengapalan . - Penanaman modal asing wajib tidak melebihi 49 persen dari keseluruhan modal terdaftar dari total perusahaan patungan dimaksud. - Ketua dewan direktur dan manajer umum dari perusahaan patungan dimaksud wajib ditunjuk dari pihak China. (b) Bentuk lain dari kehadiran komersial untuk pasokan jasa angkutan laut internasional: tidak terikat (4) (a) Awak Kapal: tidak terikat kecuali sebagaimana yang ditunjukkan dalam bagian horisontal. (b) karyawan penting yang dipekerjakan oleh Kehadiran Komersial sebagaimana ditetapkan berdasarkanmoda (3) (b) di atas: tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmenhorisontal.	(2) Tidak ada (3) (a) tidak ada (b) tidak terikat (4) (a) tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal. (b) tidak terikat kecuali seperti yang ditunjukkan dalam komitmen horisontal.	berdasarkan syarat-syarat dan ketentuan yang wajar dan tidak diskriminatif: 1. Kapal Pandu 2. Bantuan penderekan dan penarikan. 3. Penyediaan, pengisian bahan bakar dan pengisian air. 4. Pengumpulan sampah dan pembuangan limbah berat. 5. Jasa Syah Bandar 6. Bantuan navigasi 7. Layanan operasional berbasis pantai yang penting untuk pengoperasian kapal, termasuk pasokan telekomunikasi, air dan listrik 8. Fasilitas-fasilitas perbaikan dalam keadaan darurat 9. Jasa jangkar, tambatan kapal dan penambatan kapal.

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H. Jasa Pendukung (a) Jasa penanganan kargo laut (CPC 741) (c) Jasa pemeriksaan kepabeanan untuk angkutan maritim	(1) Tidak terikat*[8] (2) Tidak ada (3) Hanya dalam bentuk usaha patungan, dengan mayoritas kepemilikan asing diijinkan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
(d) Jasa stasiun Kontainer dan jasa depo	(1) Tidak terikat* (2) Tidak ada (3) Hanya dalam bentuk usaha patungan, dengan mayoritas kepemilikan asing diijinkan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
(e) Jasa Agen Kelautan	(1) Tidak ada (2) Tidak ada (3) Hanya dalam bentuk usaha patungan, dengan kepemilikan saham asing tidak lebih daripada sebesar 49 persen (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

8Tidak terikat karena kurangnya kelayakan teknis

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

B. Angkutan perairan sungai (b) angkutan barang (CPC 7222)	(1) Hanya pengapalan internasional di pelabuhan yang terbuka untuk kapal-kapal asing wajib diijinkan (2) Tidak ada (3) Tidak terikat (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Pembatasan sebagaimana ditunjukkan dalam kolom akses pasar (2) Tidak ada (3) Tidak terikat (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
C. Jasa Angkutan Udara (d) Jasa perbaikan dan pemeliharaan pesawat (CPC 8868)	(1) Tidak terikat* (2) Tidak ada (3) Pemasok jasa asing diijinkan untuk mendirikan usaha patungan perusahaan perbaikan dan pemeliharaan pesawat udara di China. Pihak China wajib memegang saham pengendali ataube rada dalam posisi dominan dalam usaha patungan. (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	(1) Tidak terikat* (2) Tidak ada (3) Usaha patungan mempunyaikewajiban untuk melakukan usaha di pasar internasional (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	
- Jasa Sistem Reservasi Komputer (CRS)	(1) (a) sistem reservasi komputer asing dapat memberikan jasa untukusaha perusahaanpenerbangan China dan agen penerbangan dengan menghubungkannya melalui systemreservasi komputer China (b) Sistem Reservasi Komputer asing dapat memberikan jasakepada kantor perwakilan dan	(1) Tidak ada	

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	kantor penjualan yang didirikan di kota-kota tujuan di China oleh perusahaanpenerbangan asing yang memiliki hak untuk terlibat dalam usaha sesuai denganperjanjian bilateral penerbangan. (c) akses langsung ke dan penggunaan sistem reservasi komputer asing oleh agen-agen penerbangan berdasarkan persetujuan dari Administrasi UmumPenerbangan Sipil China (CAAC). (2) Tidak ada (3) Pemasok jasa asing diijinkan untuk mendirikan perusahaan patungan denganSistem Reservasi Komputer China di China. Pihak China wajib memegang saham pengendaliatau berada dalam posisi dominan dalam perusahaan patungan. Lisensi untuk pembentukan usaha patungan tunduk pada uji kebutuhan ekonomi. (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	(2) Tidak ada (3) Tidak terikat (4) Tidak terikat kecuali sebagaimana yang ditunjukkan dalam komitmen horisontal	
E. Jasa Angkutan Kereta Api F. Jasa Angkutan Darat - angkutan barang dengan kereta api (CPC 7112) - angkutan barang dengan	(1) Tidak ada (2) Tidak ada (3) Anak perusahaan yang dimiliki asing secara keseluruhan diijinkan	(1) Tidak ada (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

truk atau mobil (CPC 7123)	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	sebagaimanaditunjukkan dalam komitmen horisontal	
Angkutan Penumpang - Angkutan kota dan pedesaan reguler (CPC 71211) - Angkutan kota dan pedesaan (CPC 71212) - Angkutan antar kota reguler (CPC 71213) - Angkutan antar kota khusus (CPC 71214)	(1) Tidak terikat (2) Tidak terikat (3) Hanya dalam bentuk usaha patungan, dengan penanaman modal asing tidak melebihi daripada sebesar 49 persen.Uji kebutuhan ekonomi diperlukan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak terikat (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
H. Jasa pendukung untuk semua Moda Angkutan - jasa Penyimpanan dan pergudangan (CPC 742)	(1) Tidak terikat (2) Tidak ada (3) Anak perusahaan yang dimiliki asing secara keseluruhan diijinkan (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(1) Tidak terikat (2) Tidak ada (3) Tidak ada (4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	
Jasa agen penerus pengiriman barang (CPC 748 dan 749 tidak termasuk pemeriksaan angkutan barang)	(1) Tidak ada (2) Tidak ada (3) Agen-agen penerus pengiriman barang yang memiliki setidaknya tiga tahun pengalamanberturut-turut diijinkan untuk mendirikan usaha patungan agen penerus pengiriman barang di China, yang anak	(1) Tidak ada (2) Tidak ada (3) Tidak ada	

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CHINA – JADWAL KOMITMEN KHUSUS

Untuk Komitmen Paket kedua di Bawah Persetujuan Perdagangan Jasa ASEAN - China

	perusahaannya dimiliki secara keseluruhan oleh asing diijinkan. Syarat pengoperasian wajib tidak melebihi dari 20 tahun. Setelah satu tahun beroperasi di China, usaha patungan tersebut dapat mendirikan cabang-cabang. Suatu agen penerus asing dapat mendirikan usaha patungankedua setelah usaha patungan pertamanya telah beroperasi selama dua tahun.		
	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	(4) Tidak terikat kecuali sebagaimana ditunjukkan dalam komitmen horisontal	

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Lampiran 1

KERTAS ACUAN

Ruang Lingkup

Berikut ini adalah definisi dan prinsip pada kerangka regulasi untuk jasatelekomunikasi dasar.

Definisi

Pengguna berarti konsumen jasa dan pemasokjasa.

Fasilitas esensial berarti fasilitas suatu jasa atau jaringan pembawa telekomunikasi umum yang:

(a) disediakan secara eksklusif atau secara dominan oleh suatu atau sejumlah terbatas pemasok; dan

(b) tidak dapat layak secara ekonomi atau digantikan secara teknis dalam rangka menyediakan suatu jasa.

Pemasok utama adalah pemasok yang memiliki kemampuan untuk mempengaruhi secara material syarat-syarat partisipasi (sehubungan dengan harga dan (pasokan) di pasar terkait untuk jasa telekomunikasi dasar sebagai akibat dari:

(a) Pengendalian atas fasilitas esensial; atau

(b) Penggunaan posisinya di pasar.

1. Pengamanan persaingan

1.1 Pencegahan praktek anti-persaingan dalam bidang telekomunikasi

Kebijakan yang tepat wajib diberlakukan untuk tujuan mencegah para pemasok, yang, secara sendiri atau bersama-sama, merupakan pemasok utama untuk terlibat di dalam atau melanjutkan praktek anti-persaingan.

1.2 Pengamanan
Praktek anti-persaingan yang disebut di atas wajib meliputi, khususnya:

(a) terlibat di dalam pemberian subsidi silang anti-persaingan;

(b) menggunakan informasi yang diperoleh dari para pesaing yang mengakibatkan anti-persaingan; dan

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(c) tidak menyediakan kepada pemasok jasa lain secara tepat waktu, informasi teknis dasar tentang fasilitas-fasilitas esensial dan informasi yang relevan secara komersial yang mereka perlukan untuk menyediakan jasa.

2. Interkoneksi

2.1 Bagian ini berlaku untuk menghubungkan dengan para pemasok yang menyediakan jasa atau jaringan pengantar telekomunikasi umum untuk mengijinkan para pengguna suatu pemasok untuk berkomunikasi dengan para pengguna pemasok lainn dan untuk mengakses jasa yang sediakan oleh pemasok lain, dimana komitmen spesifik dilaksanakan.

2.2 Interkoneksi yang dijamin

Interkoneksi dengan suatu pemasok utama akan dijamin pada setiap titik jaringan yang secara teknis dimungkinkan. Interkoneksi tersebut disediakan:

(a) berdasarkan ketentuan non-diskriminasi, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif, , dan yang mutunya tidak kurang dari jasa yang disediakan untuk jasanya sendiri yang sejenis atau untuk jasa sejenis dari pemasok jasa non-afiliasi atau untuk anak perusahaannya atau afiliasi lainnya;

(b) secara tepat waktu, berdasarkan ketentuan, persyaratan (termasuk standar dan spesifikasi teknis) dan tarif yang berorientasi pada biaya yang transparan, wajar, mempertimbangkan kelayakan ekonomi, dan cukup *unbundled* sedemikian rupa sehingga pemasok jasa tidak perlu membayar untuk komponen-komponen atau fasilitas-fasilitas jaringan yang tidak dibutuhkannya untuk jasa yang akan disediakan; dan

(c) atas dasar permintaan, di titik-titik disamping titik terminasi jaringan yang ditawarkan untuk mayoritas pengguna, berdasarkan pada biaya-biaya yang menggambarkan biaya konstruksi fasilitas tambahan yang diperlukan.

2.3 Prosedur yang tersedia secara umum untuk perundingan interkoneksi

Prosedur yang berlaku untuk interkoneksi kepada pemasok utama akan dibuat tersedia secara umum

2.4 Keterbukaan pengaturan interkoneksi

Dijamin bahwa pemasok utama akan tersedia secara umum baik perjanjian-perjanjian interkoneksinya atau penawaran interkoneksi acuan.

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2.5 Interkoneksi: penyelesaian sengketa

Pemasok jasa yang meminta interkoneksi dengan pemasok utama akan memiliki pilihan, apakah:

(a) pada setiap saat; atau

(b) setelah jangka waktu yang wajar yang telah diumumkan kepada masyarakat umum,

kepada sebuah badan domestik independen, yang bisa merupakan badan pengatur sebagaimana disebut pada butir 5 dibawah, untuk menyelesaikan sengketa mengenai ketentuan, persyaratan dan tarip yang sesuai untuk interkoneksi dalam jangka waktu yang wajar, sampai batas bahwa hal ini belum digambarkan sebelumnya.

3. Jasa Universal

Setiap anggota berhak menetapkan jenis kewajiban jasa universal yang ingin diberlakukan. Kewajiban-kewajiban tersebut tidak dengan sendirinya dianggap sebagai anti-persaingan, asalkan diurus secara transparan, non-diskriminatif dan netral secara kompetitif dan tidak lebih memberatkan dibanding yang diperlukan untuk jenis jasa universal yang digambarkan oleh negara anggota

4. Ketersedian Kriteria Perijinan Bagi Umum

Apabila ijin diperlukan, maka hal-hal berikut wajib tersedia untuk umum:

(a) semua kriteria perijinan dan jangka waktu yang biasanya diperlukan untuk mencapai keputusan mengenai sebuah permohonan ijin; dan

(b) ketentuan-ketentuan dan syarat-syarat masing-masing ijin.

Alasan-alasan penolakan sebuah ijin wajib diberitahukan kepada pemohon bila diminta.

5. Badan Pengatur

Badan pengatur adalah terpisah dari, dan tidak bertanggungjawab atas pasokan jasa telekomunikasi dasar. Keputusan dari dan prosedur-prosedur yang digunakan oleh pengatur wajib bersifat tidak memihak sehubungan dengan semua peserta pasar.

6. Alokasi dan penggunaan sumberdaya langka

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Setiap prosedur untuk alokasi dan penggunaan sumberdaya langka, termasuk frekuensi, jumlah dan hak menentukan cara, akan dilaksanakan secara obyektif, tepat waktu, transparan dan non-diskriminatif. Pita frekuensi yang dialokasikan saat ini akan dibuat tersedia secara umum tetapi identifikasi rinci dari frekuensi yang dialokasikan untuk penggunaan khusus pemerintah tidak diperlukan.

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

ORGANISASI PERDAGANGAN DUNIA

S/GBT/W/2/Rev.1
16 Januari 1997
(97-0173)

Kelompok Telekomunikasi Dasar

Catatan oleh Ketua

Revisi

Telah disarankanoleh sejumlah delegasi yang mungkin akan membantu untuk menghasilkan catatan singkat dan sederhana pada asumsi-asumsi yang berlaku untukpenjadwalan komitmen dalam dasar telekomunikasi. Tujuandari catatan terlampir adalah untuk membantu delegasi dalam memastikan transparansi komitmen merekadan untuk mempromosikan pemahaman yang lebih baik tentang makna komitmen.Catatan ini tidak dimaksudkan untuk memiliki atau membeli status hukum mengikat.

CATATAN UNTUK PENJADWALAN KOMITMENLAYANAN TELEKOMUNIKASI DASAR

1. Kecuali jika disebutkan di kolom sektor, layanan telekomunikasi dasar yang tercantumdi kolom sektor:
   (a) meliputi lokal, jarak jauh dan jasa internasional untuk keperluan umum dan non-publik;
   (b) dapat diberikan atas dasar fasilitas-atau dijual kembali, dan
   (c) dapat diberikan melalui cara teknologi (misalnya, cable[9], nirkabel, satelit).

2. Subsektor (g) - swasta layanan sirkit sewa - melibatkan kemampuan pemasok jasa untuk dijual atau menyewakan jenis kapasitas jaringan untuk penyediaan layanan yang tercantum dalam setiap subsektor layanan telekomunikasi dasar lainnya kecuali jika dinyatakan lain dalam kolom sektor. Hal ini termasuk kapasitas melalui kabel, satelit danjaringan nirkabel.

3. Mengingat poin 1 dan 2 di atas, seharusnya tidak perlu daftar layanan seluler ataumobile sebagai subsektor terpisah. Namun, sejumlah Anggota melakukannya, dan sejumlah penawaran memiliki komitmen hanya di subsektor tersebut. Oleh karena itu, untuk menghindari perubahan luas dalam jadwal, akan terlihat sesuai untuk Anggotauntuk menjaga entri terpisah untuk subsektor tersebut.

[9] Termasuk seluruh tipe kabel

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

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Kelompok Telekomunikasi Dasar — Asli : Bahasa Inggris

CATATAN KETUA

Akses Pasar Pembatasan Ketersediaan Spectrum

Anggota Banyak entri dalam kolom akses pasar dari jadwal mereka yang menunjukkan bahwa komitmen adalah "tergantung ketersediaan spektrum / frekuensi" atau kata-kataserupa. Mengingat sifat fisik dari spektrum dan kendala yang melekat dalam penggunaannya, dapat dimengerti bahwa Anggota mungkin telah berusaha untukmengandalkan kata-kata ini cukup melindungi kebijakan manajemen spektrum yang sah.Ada, bagaimanapun, tidak diragukan bahwa kata-kata seperti "tergantung ketersediaanspektrum / frekuensi" seperti yang tercantum di kolom akses pasar dari jadwal Anggotabanyak 'mencapai tujuan itu.

Spektrum / manajemen frekuensi tidak, *per se*, sebuah ukuran yang perlu tercantumdalam Pasal XVI. Selanjutnya di bawah GATS setiap Anggota memiliki hak untuk melaksanakan spektrum / manajemen frekuensi, yang dapat mempengaruhi jumlah pemasok layanan, asalkan hal ini dilakukan sesuai dengan Pasal VI dan ketentuan terkait lainnya dari GATS. Ini mencakup kemampuan untuk mengalokasikan pita frekuensi dengan mempertimbangkan kebutuhan account yang ada dan masa depan.Juga, Anggota yang telah membuat komitmen tambahan sejalan dengan KertasReferensi pada prinsip-prinsip peraturan terikat oleh ayat 6.

Oleh karena itu, kata-kata seperti "tergantung ketersediaan spektrum / frekuensi" tidak diperlukan dan harus dihapus dari jadwal Anggota.

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Lampiran 2

Jasa Distribusi

jasa Distribusi perdagangan terdiri dari empat sub-sektor:

– jasa komisi agen;

– grosir;
– ritel, dan

– waralaba.

Layanan utama yang diberikan di setiap subsektor dapat dicirikan sebagai barang dagangan menjual kembali, disertai dengan berbagai layanan subordinasi terkait,termasuk manajemen persediaan; perakitan, sortasi dan grading dari banyak massal, melanggar banyak curah dan mendistribusikan kembali menjadi banyak lebih kecil; jasa pengiriman; pendinginan, penyimpanan, jasa pergudangan dan garasi; promosi penjualan, pemasaran dan periklanan, instalasi dan jasa purna jual termasuk pemeliharaan dan layanan perbaikan dan pelatihan. Jasa distribusi yang umumnya ditutupi oleh CPC 61, 62,63 dan 8929.

Layanan Komisi Agen 'terdiri dari penjualan secara fee atau kontrak oleh grosir agen, Pialang atau juru lelang atau barang / barang dan jasa subordinasi terkait.

Grosir terdiri dari penjualan barang / barang dagangan untuk pengecer untuk industri, komersial, institusional, atau pengguna bisnis profesional, atau untuk grosir dan jasa subordinasi terkait.

Layanan ritel terdiri dari penjualan barang / barang untuk konsumsi pribadi atau rumah tangga baik dari lokasi yang tetap (misalnya, toko, kios, dll) atau jauh dari lokasi yang tetap dan jasa subordinasi terkait.

Jasa Waralaba terdiri dari penjualan penggunaan nama, produk perdagangan atausistem bisnis format tertentu dengan imbalan biaya atau royalti. Produk dan nama dagang waralaba melibatkan penggunaan nama dagang dengan imbalan biaya atauroyalti dan dapat mencakup kewajiban untuk dijual eksklusif produk nama dagang.Format bisnis waralaba melibatkan penggunaan konsep seluruh bisnis dengan imbalanbiaya dan royalti, dan mungkin termasuk penggunaan nama dagang, rencana bisnis, dan bahan pelatihan dan jasa subordinasi terkait.

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CHINA – JADWAL KOMITMEN KHUSUS
Untuk Komitmen Paket ke Dua di Bawah Perjanjian Perdagangan Jasa ASEAN - China

Lampiran 3

Asuransi : Definisi dari "Master Kebijakan"

Master Kebijakan adalah kebijakan yang menyediakan cakupan selimut untuk propertybadan hukum yang sama dan kewajiban yang terletak di tempat yang berbeda. Gurukebijakan hanya bisa dikeluarkan oleh departemen bisnis dari kantor pusat perusahaan asuransi atau yang modal dasar yang tingkat provinsi kantor cabang. Cabang lain tidak diperbolehkan untuk mengeluarkan master kebijakan.

Guru kebijakan bisnis dengan proyek konstruksi kunci negara sebagai subyek masalahyang diasuransikan. Jika investor pada proyek konstruksi negara kunci (yaitu, proyekyang begitu terdaftar dan setiap tahun diumumkan oleh Negara Pembangunan danKomisi Perencanaan) memenuhi salah satu dari persyaratan berikut ini, mereka dapat membeli master kebijakan dari perusahaan asuransi yang terletak di tempat yang samasebagai badan hukum investor lakukan.

Investasi pada subyek-diasuransikan adalah semua dari China (termasuk reinvestasidari perusahaan investasi asing di China), dan jumlah investasi dari rekening investorselama lebih dari 15 persen dari total investasi.

Investasi ini sebagian dari luar negeri, dan sebagian dari China (termasuk reinvestasidari perusahaan investasi asing di China), dan jumlah investasi dari rekening investorChina selama lebih dari 15 persen untuk investasi domestik total.

Untuk proyek-proyek yang menarik investasi dari luar negeri semua, perusahaan asuransi setiap dapat menyediakan cakupan dalam bentuk master kebijakan.

Guru yang meliputi kebijakan yang berbeda mata pelajaran-materi pertanggunganbadan hukum yang sama. Bagi mereka hal-subyek diasuransikan terletak di tempat yang berbeda dan dimiliki oleh badan hukum yang sama (tidak termasuk keuangan, kereta api, pos dan telekomunikasi dan industri dan perusahaan), master kebijakandapat diterbitkan atas dasar salah satu dari kondisi berikut.

Demi pembayaran pajak premi, perusahaan asuransi didirikan di mana badan hukumatau unit akuntansi dari pemohon asuransi terletak diperbolehkan untuk mengeluarkanmaster kebijakan.

Jika lebih dari 50 persen dari jumlah asuransi pokok-pertanggungan tersebut dari sebuah kota berukuran besar atau sedang, maka perusahaan asuransi di kota yang diijinkan untuk mengeluarkan master kebijakan, tidak peduli apakah badan hukumpemohon asuransi atau unit akuntansi terletak di kota.

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Bermotor asuransi, asuransi kredit, asuransi kewajiban majikan, asuransi hukum, dan bisnis asuransi lain dikecualikan oleh CIRC tidak dapat ditanggung atau turutdiasuransikan oleh asuransi terletak selain di mana subjek-tertanggung berada, atautercakup dalam master kebijakan.

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