

ANNEX II

SCHEDULE OF AUSTRALIA

INTRODUCTORY NOTES

1. For the avoidance of doubt, in relation to education services, nothing in Chapter 9 (Investment) or Chapter 10 (Cross-Border Trade in Services) shall interfere with:

- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
- (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
- (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
- (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

2. For greater certainty, where Australia has more than one entry in its Schedule to Annex II that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 12 (Temporary Entry for Business Persons), that is not inconsistent with Australia's obligations under Article XVI of GATS.

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation. For the purpose of this entry, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.
Existing Measures:	Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, and the <i>Native Title Act</i> (Cth).

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia's obligations under Article XVI of GATS.

For the purposes of this entry, Australia's Schedule of Specific Commitments is modified as set out in Appendix A.

For the purposes of this entry, the reference to Australia's commitments under Article XVI of GATS includes commitments made under that Article after the date of entry into force of this Agreement.

Sector: All

Obligations Concerned: National Treatment (Article 9.4)
Performance Requirements (Article 9.10)

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to proposals by foreign persons¹ and foreign government investors to invest in Australian urban land² (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.

Existing Measures: Australia's foreign investment policy, which consists of the *Foreign Acquisitions and Takeovers Act 1975 (FATA)* (Cth), *Financial Sector (Shareholdings) Act 1998* (Cth), Foreign Acquisitions and Takeovers Regulations 1989 (Cth), and Ministerial Statements.

¹ The term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

² The term "Australian urban land" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Australia reserves the right to adopt or maintain any measure to allow the screening of proposals, by foreign persons ³ , to invest 15 million ⁴ Australian dollars or more in Australian agricultural land and 53 million ⁵ Australian dollars or more in Australian agribusinesses.
Existing Measures:	Australia's foreign investment policy, which consists of the <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i> (Cth), <i>Financial Sector (Shareholdings) Act 1998</i> (Cth), Foreign Acquisitions and Takeovers Regulations 1989 (Cth), and Ministerial Statements.

³ The term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

⁴ For greater certainty, this refers to the total, cumulative value of agricultural land in Australia in which a foreign person has invested or intends to invest.

⁵ For greater certainty, this refers to the total, cumulative value of agribusinesses in Australia in which a foreign person has invested or intends to invest.

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

At the central level of government, Australia reserves the right to limit the initial transfer or disposal of government owned entities or assets, or a portion or percentage of the initial transfer, to Australian persons. For greater certainty, if Australia transfers or disposes of a government owned entity or asset in multiple phases, this right shall apply separately to each phase.

At the remaining levels of government, Australia reserves the right to adopt or maintain any measure with respect to:

- (a) the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of this Agreement; and
- (b) the privatisation of government owned entities or assets.

For the purposes of this entry, any measure adopted after the date of entry into force of this Agreement in relation to subparagraph (a) or (b) shall be deemed an existing non-conforming measure subject to paragraphs 1, 5, 6 and 7 of Article 9.12 (Non-Conforming Measures) and paragraph 1 of Article 10.7 (Non-Conforming Measures).

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure⁶ with respect to the provision of law enforcement and correctional services, and the following services⁷ to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health⁸, child care, public utilities⁹, public transport and public housing.

⁶ For greater certainty, measures adopted or maintained with respect to the provision of services covered by this entry include measures for the protection of personal information relating to health and children.

⁷ This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

⁸ For greater certainty, the subsidies programmes under Australia's Pharmaceutical Benefits Scheme and Medicare Benefits Scheme, or successor programmes, are not subject to Article 9.4 (National Treatment), Article 9.5 (Most-Favoured-Nation Treatment), and Article 9.11 (Senior Management and Boards of Directors), in accordance with Article 9.12(6)(b) (Non-Conforming Measures).

⁹ With respect to the central level of government, applies only with respect to Article 10.5 (Market Access).

Sector:	Broadcasting and Audio-visual Services Advertising Services Live Performance ¹⁰
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) ¹¹ Performance Requirements (Article 9.10) Market Access (Article 10.5) Local Presence (Article 10.6) ¹²
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain any measure ¹³ with respect to: (a) Transmission quotas for local content on free-to-air commercial television broadcasting services. (b) Non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services. (c) Transmission quotas for local content on free-to-air radio broadcasting services. (d) Other audio-visual services transmitted electronically, in order to make Australian audio-visual content reasonably available to Australian consumers.¹⁴

¹⁰ Applies only in respect of subparagraph (f).

¹¹ Applies only to the treatment as local content of New Zealand programmes or productions.

¹² Applies only in respect of subparagraph (e) and in respect of the licensing of services covered by subparagraph (d).

¹³ For greater certainty, this includes the right to adopt or maintain measures under subparagraphs (a) through (f) with respect to the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.

¹⁴ Any such measure will be implemented in a manner that is consistent with Australia's commitments under Article XVI and Article XVII of GATS.

- (e) Spectrum management and licensing of broadcasting services.¹⁵
- (f) Subsidies or grants for investment in Australian cultural activity.

This entry does not apply to foreign investment restrictions in the broadcasting and audio-visual services sector.

Existing Measures:

Broadcasting Services Act 1992 (Cth)
Radiocommunications Act 1992 (Cth)
Income Tax Assessment Act 1936 (Cth)
Income Tax Assessment Act 1997 (Cth)
Screen Australia Act 2008 (Cth)
 Broadcasting Services (Australian Content) Standard 2005
 Children's Television Standards 2009
 Television Program Standard 23 – Australian Content in Advertising
 Commercial Radio Codes of Practice and Guidelines
 Community Broadcasting Codes of Practice

¹⁵ In respect of subparagraph (e), Australia's reservation applies only in respect of Article 10.5 (Market Access) and Article 10.6 (Local Presence).

Sector:	Broadcasting and Audio-visual Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10)
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures:	International Co-production Program

Sector:	Recreational, Cultural and Sporting Services (other than audio-visual services)
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain any measure with respect to the creative arts ¹⁶ , ¹⁷ Indigenous traditional cultural expressions and other cultural heritage. ¹⁸

¹⁶ For the purposes of this entry, “creative arts” means: the performing arts (including live theatre, dance and music); visual arts and craft; literature (other than literary works transmitted electronically); and hybrid art works, including those which use new technologies to transcend discrete art form divisions. For live performances of the “creative arts”, as defined, this entry does not extend beyond subsidies and grants for investment in Australian cultural activity.

¹⁷ Notwithstanding this, such measures shall be implemented in a manner that is consistent with Australia’s commitments under Article XVI and Article XVII of GATS, as applicable.

¹⁸ For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

Sector: Distribution Services

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to wholesale and retail trade services of tobacco products, alcoholic beverages or firearms.

Sector:	Education Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain any measure with respect to primary education.

Sector:	Gambling and Betting
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
Existing Measures:	Legislation and ministerial statements including the <i>Interactive Gambling Act 2001</i> (Cth).

Sector:	Maritime Transport
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure with respect to maritime cabotage services and offshore transport services. ¹⁹
Existing Measures:	<i>Customs Act 1901 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Seafarers' Compensation and Rehabilitation Act 1992 (Cth)</i> <i>Occupational Health and Safety (Maritime Industry) Act 1993 (Cth)</i> <i>Income Tax Assessment Act 1936 (Cth)</i> <i>Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth)</i> <i>Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth)</i> <i>Shipping Reform (Tax Incentives) Act 2012 (Cth)</i>

¹⁹ For the purposes of this entry, “cabotage” is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia. “Offshore transport” refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

Sector:	Transport Services
Obligations Concerned:	National Treatment (Article 9.4) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports.
Existing Measures:	<i>Airports Act 1996 (Cth)</i> <i>Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)</i> <i>Airports Regulations 1997 (Cth)</i>

Sector: Services related to Air Transportation

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure relating to the provision of ground handling services as defined in Article 10.1 (Definitions) in relation to each Party that:

- (a) maintains, in its Schedule to Annex II, an entry with respect to ground handling services; and
- (b) lists against Article 10.3 (National Treatment),

but only in relation to the obligations listed by that Party.

Australia reserves the right to adopt or maintain any measure relating to the provision of airport operation services as defined in Article 10.1 (Definitions) in relation to each Party that:

- (a) maintains, in its Schedule to Annex II, an entry with respect to airport operation services; and
- (b) lists against two of the following obligations: Article 10.3 (National Treatment), Article 10.4 (Most-Favoured-Nation Treatment) and Article 10.6 (Local Presence),

but only in relation to the obligations listed by that Party.

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor taken as part of a process of economic integration or trade liberalisation between the Parties to the *Australia New Zealand Closer Economic Relations Trade Agreement* (ANZCERTA) done at Canberra on March 28, 1983.²⁰

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor of a Pacific Island Forum member state under any international agreement in force or signed after the date of entry into force of this Agreement.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

²⁰ For the avoidance of doubt, this includes measures adopted or maintained under any existing or future protocol to that agreement.

Appendix A

For the following sectors, Australia's commitments under Article XVI of GATS as set out in Australia's Schedule of Specific Commitments under the GATS (GATS/SC/6, GATS/SC/6/Suppl.1, GATS/SC/6/Suppl.1/Rev.1, GATS/SC/6/Suppl.2, GATS/SC/6/Suppl.3 and GATS/SC/6/Suppl.4) are improved as described below.

Sector/subsector	Market Access Improvement
BUSINESS SERVICES	
Professional Services	

Sector/subsector	Market Access Improvement
Legal services²¹	
Legal advisory and representational services in domestic law (host-country law)	Replace existing commitments with no limitations for modes 1-3. Mode 4 is unbound except as indicated in the horizontal section.

²¹ For the purposes of this entry:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal arbitration, conciliation and mediation services” – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation and mediation services refer to the same services when the dispute involves parties from two or more countries.

“domestic law (host country law)” – the law of Australia.

“foreign law” – the law of the territories of WTO Members and other countries other than the law of Australia.

“international law” – includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

“arbitration” is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

“mediation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

“conciliation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Sector/subsector	Market Access Improvement
Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	Replace existing commitments with no limitations for modes 1 and 2, mode 3 is limited as follows: In South Australia, natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers. Mode 4 is unbound except as indicated in the horizontal section.
Research and Development Services	
Research and Development (R&D) services on natural sciences and engineering (CPC 851)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Interdisciplinary research and development (R&D) services (CPC 853)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other Business Services	
Landscape architectural services (CPC 86742)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Technical testing and analysis services (CPC 8676)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Site preparation work for mining (CPC 5115)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Services incidental to manufacturing (CPC 884 and 885, except for 88442).	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Related scientific and technical consulting services (CPC 8675)	
- Geological, geophysical and other scientific prospecting services (CPC 86751)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Subsurface surveying services (CPC 86752)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section, for the whole sector.
- Map-making services (CPC 86754)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Maintenance and repair of equipment (not including maritime vessels, aircraft or other	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as

Sector/subsector	Market Access Improvement
transport equipment) (CPC 633 and 8861-8866).	indicated in the horizontal section.
Packaging services (CPC 8760)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Specialty design services (CPC 87907)	Replace existing commitments on Interior Design with no limitations for modes 1-3, mode 4 is unbound as indicated in the horizontal section.
COMMUNICATION SERVICES	
This covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529** (a) Voice telephone services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (d) Telex services (e) Telegraph services (f) Facsimile services (g) Private leased circuit services (o) Other: - Digital cellular services - Paging services - Personal communications services - Trunked radio system services - Mobile data services - Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector.	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
CONSTRUCTION AND RELATED	

Sector/subsector	Market Access Improvement
ENGINEERING SERVICES	
Other	
Other general construction work for civil engineering (CPC 511, 515 and 518)	Insert new commitments with no limitations for modes 2 and 3, mode 1 unbound*, mode 4 is unbound except as indicated in the horizontal section.
DISTRIBUTION SERVICES	
Commission agents' services (CPC 62111, 62112**, 62113-62118) Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco, alcoholic beverages, and firearms.	
Wholesale trade services (CPC 6221**, 6222**, 6223 - 6228**) Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Retailing services (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 6113, 6121) Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing. Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products and firearms.	Replace existing commitments with no limitations for modes 2 and 3, mode 1 unbound except for mail order, mode 4 is unbound except as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
ENVIRONMENTAL SERVICES^{22, 23}	
Wastewater management (CPC 9401) This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.	Replace existing commitments on “Sewage services” with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Waste management (CPC 9402, 9403) This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services	Replace existing commitments on “Refuse disposal services” and “Sanitation and similar services” with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Protection of ambient air and climate (CPC 9404) This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Remediation and clean-up of soil and water (CPC 9406**) ²⁴ This covers cleaning-up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Noise and vibration abatement (CPC 9405) This covers monitoring programmes, and installation of noise reduction systems and screens.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Protection of biodiversity and landscape (CPC 9406**) ²⁵	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as

²² Australia’s commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

²³ The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper “GATS 2000: Environmental Services”, S/CSS/W/38), but see especially footnote 22 above.

²⁴ This commitment and Australia’s commitment on protection of biodiversity and landscape combine to cover the entirety of CPC 9406 services.

²⁵ This commitment and Australia’s commitment on remediation and clean-up of soil and water combine to cover the entirety of CPC 9406 services.

Sector/subsector	Market Access Improvement
This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.	indicated in the horizontal section.
Other environmental and ancillary services (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TOURISM AND TRAVEL RELATED SERVICES	
Travel agencies and tour operators services (CPC 7471)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TRANSPORT SERVICES	
Air Transport services	
Airport operation services, as defined in Article 10.1 (Definitions)	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Ground handling services, as defined in Article 10.1 (Definitions)	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Aircraft repair and maintenance services during which an aircraft is withdrawn from service, excluding so-called line maintenance (CPC 8868**) This covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.	Replace existing commitment on “Maintenance and repair of aircraft” with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Selling and marketing of air transport services, as defined in Article 10.1 (Definitions) This commitment confirms, without extending, the application to air transport services of the following: (a) Travel agencies and tour operator services (CPC	Insert new commitments with no limitations on mode 1 except that Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**) are unbound except for mail order, no limitations on modes 2 and 3. Mode 4 is unbound except as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
7471), (b) Market research and public opinion polling services (CPC 864), (c) Advertising services (CPC 87110, 87120**, 87190), Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising, media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema. (d) Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (as described in this Appendix); and Franchising (CPC 8929). Excludes unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.	
Rail Transportation services	
Freight transportation (CPC 7112); Pushing and towing services (CPC 7113); and Supporting services for rail transport services (CPC 743).	Insert new commitments with no limitations for modes 1 and 2. Mode 3 is limited as follows: (a) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no

Sector/subsector	Market Access Improvement
	restrictions on the right to establish new networks but access to public land may not be guaranteed. (b) Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users. Mode 4 is unbound except as indicated in the horizontal section.
Road transportation services Freight transportation (CPC 7123)	
- Transportation of frozen or refrigerated goods (CPC 71231)	Insert new commitments with no limitations for mode 1.
- Transportation of bulk liquids or gases (CPC 71232)	Insert new commitments with no limitations for mode 1.
- Transportation of containerized freight (CPC 71233)	Insert new commitments with no limitations for mode 1.
- Transportation of furniture (CPC 71234)	Insert new commitments with no limitations for mode 1.
- Mail transportation (CPC 71235)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Freight transportation by man- or animal-drawn vehicles (CPC 71236)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Transportation of other freight (CPC 71239)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Rental of commercial vehicles with operator (CPC 7124)	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section
Services auxiliary to all modes of transport	
Storage and warehouse services (CPC 742 excluding maritime) Australia's commitment in relation to these services extends to cover the following	Replace existing commitments with no limitations for modes 2 and 3, mode 1 is unbound*, mode 4 is unbound except as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).	
Freight transport agency services (CPC 748 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime).	Replace existing commitments on "freight forwarding" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other supporting and auxiliary transport services (CPC 749 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).	Replace existing commitments on "pre-shipment inspections" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

* Unbound due to lack of technical feasibility.

** Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

ANNEX II

SCHEDULE OF BRUNEI DARUSSALAM

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the privatisation, corporatisation, commercialisation or divestment of Government assets, entities or agencies including: (a) limitations on ownership of assets; (b) transfer or disposal of equity interests or their assets; (c) the right of foreign investors or their investments to control their assets; and (d) nationality of the senior management or members of the board of directors. 2. This entry pertains only to the initial transfer or disposal of interest in Government assets, entities or agencies. Brunei Darussalam does not reserve this right with respect to subsequent transfers or disposals of Government interest in such assets, entities or agencies. 3. For greater certainty: (a) where Brunei Darussalam transfers an interest in an existing state enterprise to another state enterprise, such transfer shall not be considered to be an initial transfer or disposal

of the interest for purposes of this entry; and

- (b) where Brunei Darussalam transfers or disposes of an interest in an existing state enterprise in multiple phases, subparagraph (a) shall apply separately to each such phase.

Sector: All

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)¹

Description: Investment

Brunei Darussalam reserves the right to adopt or maintain any measure relating to all land transactions other than strata title, which shall be subject to approval and consent by His Majesty-in-Council, including but not limited to:

- (a) ownership and lease of land;
- (b) conditions on which such land shall be held;
and
- (c) reciprocal arrangements on ownership or
lease of diplomatic properties.

¹ Applies only in respect of subparagraph (c).

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Brunei Darussalam reserves the right to adopt or maintain any measure that accords differential treatment:

- (a) to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement;
- (b) to ASEAN Member States under any ASEAN agreement open to participation by any ASEAN Member State, in force or signed after the date of entry into force of this Agreement; and
- (c) to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:
 - (i) air services; and
 - (ii) maritime and port matters.

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Brunei Darussalam reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, including on the total number of foreign natural persons that may be employed in any sector, subject to the provisions of Chapter 12 (Temporary Entry for Business Persons), and in a manner that is not inconsistent with Brunei Darussalam's obligations under Article XVI of GATS.

Sector:	Fisheries and Services Incidental to Fisheries
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to any fisheries and services related to fisheries activity in its territory, including its exclusive economic zone, including but not limited to: (a) any differential treatment to foreign nationals due to the application of reciprocity of commitments relating to artisanal fishery activity; and (b) ensuring the availability and sustainability of fisheries resources.

Sector: Logging

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Brunei Darussalam reserves the right to adopt or maintain any measure relating to logging activities.

Sector: Silica Sand

Obligations Concerned: National Treatment (Article 9.4)
Performance Requirements (Article 9.10)

Description: Investment

Brunei Darussalam reserves the right to adopt or maintain any measure with respect to the commercialisation of activities relating to silica sand deposits, including mining, quarrying, manufacture and export of such deposits.

Sector: Petroleum

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5)

Description: Investment

1. Brunei Darussalam has no existing statutes, regulations or other similar measures that mandate preferential treatment to be accorded to investors of another Party or their investments as compared to investors of any other Party, or of any non-Party, or their investments.

2. With respect to the making of or entry into petroleum mining agreements for the exploration, exploitation, development, and production rights of petroleum in the territory of Brunei Darussalam, and collateral agreements^{2, 3} Brunei Darussalam reserves the right to continue to exercise discretion⁴ to accord investors of another Party or their investments less favourable treatment than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments, except that:

(a) Brunei Darussalam shall not adopt any statute, regulation or other similar measure⁵ that mandates according investors of another Party or their investments treatment less

² For greater certainty, the expression “making of or entry into petroleum mining agreements for the exploration, exploitation, development, and production rights of petroleum in the territory of Brunei Darussalam, and collateral agreements” includes: (a) the negotiation, determination and amendment of any terms and conditions in petroleum mining agreements for the exploration, exploitation, development, and production rights of petroleum, and collateral agreements, or the renewal or extension of the term of such agreements; and (b) any decision by Brunei Darussalam to conduct a bid or tender or other process in relation to any proposed petroleum mining agreement, for the exploration, exploitation, development, and production rights of petroleum in the territory of Brunei Darussalam, and collateral agreements, and, if any such bid or tender or other process is conducted, the terms and conditions on which any such bid or tender or other process is conducted.

³ For greater certainty, the expression “collateral agreements” shall include shareholders’ participation agreements and agreements providing fiscal incentives with respect to petroleum mining agreements.

⁴ For greater certainty, the discretion under this paragraph may be exercised pursuant to any measure that Brunei Darussalam may adopt or maintain.

⁵ For greater certainty, the expression “other similar measure(s)” used in paragraphs 1 and 2(a) of this entry excludes any decisions or guidance by any member of the Cabinet with respect to the making of or entry into, or amendment of, an individual petroleum mining agreement or collateral agreements. For greater certainty, any such decision or guidance, shall not be subject to the dispute settlement provisions of this Agreement with respect to Article 9.5 (Most-Favoured-Nation Treatment).

favourable than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments; and

- (b) Brunei Darussalam shall accord investors of another Party or their investments treatment no less favourable than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments, under any bilateral or multilateral international agreement that enters into force or is signed after the date of entry into force of this Agreement.

3. The terms “petroleum mining agreement”, “collateral agreement” and “petroleum” used herein shall have the meanings ascribed to them under the Act.

Existing Measures:

Petroleum Mining Act (Chapter 44) (the Act)
Brunei National Petroleum Company Sendirian Berhad
Order, 2002
Petroleum (Pipe-Lines) Act (Chapter 45)
Administrative Measures and Guidelines

Sector: Coal

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)⁶
Most-Favoured-Nation Treatment (Article 9.5)⁷
Performance Requirements (Article 9.10)⁸
Senior Management and Boards of Directors (Article 9.11)

Description: Investment and Cross-Border Trade in Services

1. Subject to paragraph 2, Brunei Darussalam reserves the right to adopt or maintain any measure relating to the exploration, exploitation, development and production of coal reserves in Brunei Darussalam.

2. In the event that Brunei Darussalam determines that it is in its national interest to permit exploration, exploitation, development and production of coal reserves by foreign nationals and enterprises, this entry will not apply in relation to the Senior Management and Boards of Directors obligation. However, in respect of the remaining Obligations Concerned, Brunei Darussalam reserves the right to adopt and maintain any measure:

- (a) relating to the making of or entry into of contracts for the exploration, exploitation, development and production rights of coal in the territory of Brunei Darussalam.⁹ In this

⁶ In the event that Brunei Darussalam determines that it is in its national interest to permit exploration, exploitation, development and production of coal reserves by foreign nationals and enterprises, Article 9.4 (National Treatment) applies only with respect to subparagraph 2(a)(ii) and subparagraph 2(b) of this entry, and Article 10.3 (National Treatment) applies only with respect to subparagraph 2(b)(ii) of this entry.

⁷ In the event that Brunei Darussalam determines that it is in its national interest to permit exploration, exploitation, development and production of coal reserves by foreign nationals and enterprises, Article 9.5 (Most-Favoured-Nation Treatment) applies only with respect to subparagraph 2(a)(i) of this entry.

⁸ In the event that Brunei Darussalam determines that it is in its national interest to permit exploration, exploitation, development and production of coal reserves by foreign nationals and enterprises, Article 9.10 (Performance Requirements) applies only with respect to subparagraph 2(b)(i) of this entry.

⁹ For greater certainty, the expression “making of or entry into of contracts for the exploration, exploitation, development and production rights of coal in the territory of Brunei Darussalam” includes: (a) the negotiation, determination and amendment of any terms and conditions in contracts for the exploration, exploitation, development and production rights of coal, or the renewal or extension of the term of such contracts; and (b) any decision by Brunei Darussalam to conduct a bid or tender or other process in relation to any proposed contracts for the exploration, exploitation, development and production rights of coal in the territory of Brunei Darussalam, and, if any such bid or tender or other process is conducted, the terms and conditions on which any

regard, Brunei Darussalam may:

- (i) exercise discretion¹⁰ to accord investors of another Party, or their investments, less favourable treatment than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments, except that: Brunei Darussalam shall not adopt any statute or regulation that mandates according investors of another Party, or their investments, treatment less favourable than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments, and; Brunei Darussalam shall accord investors of another Party, or their investments, treatment no less favourable than that it accords, in like circumstances, to investors of any other Party, or of any non-Party, or their investments, under any bilateral or multilateral international agreement that enters into force or is signed after the date of entry into force of this Agreement; and
- (ii) require an investor of another Party, or its investment, engaged in the exploration, exploitation, development and production of coal reserves to form a joint venture or a similar arrangement with a

such bid or tender or other process is conducted.

¹⁰ For greater certainty, the discretion under this paragraph may be exercised pursuant to any measure that Brunei Darussalam may adopt or maintain.

Bruneian enterprise. However, such an investor of another Party, or its investment, shall, upon request, be permitted to hold the majority share in the joint venture or similar arrangement.¹¹ Brunei Darussalam may require as a contractual term that, during the exploration or development period, all relevant costs with respect to the maximum participating interest of the Bruneian enterprise be borne by the partner that is an investor of another Party. Consequently, on the expiration of the carry interest period, the Bruneian enterprise will bear the costs of future operations in proportion to its participating interests in the contract; and may require as a contractual term that a Bruneian enterprise may acquire a participating interest, or increase its participating interest, in the joint venture or similar arrangement upon the occurrence of a stipulated event; and

- (b) requiring foreign enterprises acting as operators in the exploration, exploitation, development and production of coal to:
 - (i) provide a portion of coal or its derivatives in Brunei Darussalam for domestic use (“domestic supply obligations”) as outlined in a contract, provided that such measure is not more restrictive than the requirements stipulated in Annex I – Brunei Darussalam – 35; and

¹¹ For greater certainty, this does not preclude a Bruneian enterprise from holding a majority share in a joint venture or other similar arrangement as a result of commercial negotiations between such an investor of another Party, or its investment, and that Bruneian enterprise.

- (ii) unless as may otherwise be authorised by Brunei Darussalam, purchase the services listed in Appendix I – A to Annex I – Brunei Darussalam – 36 either from Brunei nationals or Bruneian enterprises, or foreign nationals or enterprises under a contract, provided that they engage Brunei nationals or Bruneian enterprises to provide other services.

3. Any non-conforming measure adopted or maintained after the signature of this Agreement in relation to paragraph 2(a)(ii) and paragraph 2(b) above shall be deemed to be an existing non-conforming measure and subject to paragraphs 1, 5, 6 and 7 of Article 9.12 (Non-Conforming Measures).

Sector:	Private Health Services
Sub-Sector:	Pharmacists, nurses, midwives and allied health services Private laboratory services Private radiology services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the private practice of pharmacists, nurses, midwives and allied health services. 2. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment of private laboratory services and private radiology services.

Sector:	Private Health Services
Sub-Sector:	Private health centres or clinics
Obligations Concerned:	Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment of private health centres or clinics, including but not limited to: (a) requiring that such private health centres or clinics be established in the form of a joint venture with a Brunei national; (b) limiting the number of private health centres or clinics that can be established in Brunei Darussalam; (c) requiring such private health centre or clinic to carry out research and development within the territory of Brunei Darussalam, or transfer of technology; and (d) requiring a majority of the senior managers in the private health centres or clinics to be of Bruneian nationality.

Sector:	Broadcasting Services
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to any licensable free-to-air or subscription broadcasting services offered on a scheduled programming basis. These measures include, but are not limited to ownership, control and funding of an enterprise providing the aforementioned services.

Sector:	Business Services
Sub-Sector:	Professional services Legal services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of legal services in Brunei Darussalam, in relation to the laws of Brunei Darussalam. 2. This entry does not apply to the supply of legal services in Brunei Darussalam in relation to international law or home country law, which is set out in Annex I – Brunei Darussalam – 29.

Sector:	Printing, publishing and reproduction of newspapers including matters relating to the collection and publication of news and the distribution of newspapers
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10)
Description:	<u>Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the printing, publishing and reproduction of newspapers including matters relating to the collection and publication of news and the distribution of newspapers.

Sector:	Transport Services
Sub-Sector:	Air transport services
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure related to air transport services including, but not limited to: (a) the ownership, operation and management of airports and heliports in Brunei Darussalam; (b) the supply of ground handling operations; and (c) specialty air services, except in relation to flight training as provided for in Annex I – Brunei Darussalam – 27.

Sector:	Private Educational Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of private pre-primary, primary and secondary education services, other than private educational services supplied by international schools for Brunei Darussalam citizens, including the following: (a) equity shareholding by foreign nationals or companies in the ownership of schools and higher learning institutions; (b) the total number of schools and higher learning institutions that may be established in Brunei Darussalam; (c) the total number of employees, including teachers; or (d) the nationality of senior management or boards of directors.

Sector: Electricity Services

Obligations Concerned: Performance Requirements (Article 9.10)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Brunei Darussalam reserves the right to adopt or maintain any measure relating to the generation, supply, transmission and distribution of electrical energy.

Sector:	Transport Services
Sub-Sector:	Land transport services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of land transport services including, but not limited to, passenger transportation, freight transportation, and commercial vehicle with operator, pushing and towing services, maintenance and repair of road transport equipment, and supporting services for road transport services.

Sector:	Trade Services
Sub-Sector:	Supply of potable water for human consumption
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of potable water, including, but not limited to: (a) the supply of water as a public utility; (b) the extraction of ground water; and (c) the export of water. 2. For greater certainty, this entry is limited to the supply of potable water that may be used or required for any purpose or activity, and does not include additional restrictions on any activities utilising potable water including the manufacturing of bottled water which is an activity addressed in Annex I – Brunei Darussalam – 3.

Sector:	Business Services
Sub-Sector:	Valuers (appraisers) and estate agents
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of valuers (appraisers) and estate agent services.

Sector: Business Services

Sub-Sector: Taxation

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Brunei Darussalam reserves the right to adopt or maintain any measure relating to the representation of taxpayers (either by individuals or enterprises) in tax matters, including, but not limited to, preparing and furnishing of income tax returns, filing responses to notices issued by tax authority and filing notices of objection and handling payment in relation to tax.

Sector:	Trade Services
Sub-Sector:	Wholesale trade services and retail trade services of tobacco
Obligations Concerned:	Market Access (Article 10.5)
Description:	<u>Cross-Border Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of wholesale and retail trade services of tobacco products.

ANNEX II

SCHEDULE OF CANADA

INTRODUCTORY NOTES

In the interpretation of an entry, all elements of the entry shall be considered. The **Description** element shall prevail over all other elements.

Sector:	Aboriginal Affairs
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Canada reserves the right to adopt or maintain a measure denying investors of and their investments, or service suppliers of a Party, any rights or preferences provided to aboriginal peoples.
Existing Measures:	<i>Constitution Act</i>, 1982, being Schedule B of the <i>Canada Act 1982</i> (U.K.), 1982, c. 11

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Canada reserves the right to adopt or maintain a measure relating to residency requirements for the ownership by investors of a Party, or their investments, of oceanfront land.

Sector:	Fisheries
Sub-Sector:	Fishing and services incidental to fishing
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> Canada reserves the right to adopt or maintain a measure with respect to licensing fishing or fishing related activities including entry of foreign fishing vessels to Canada's exclusive economic zone, territorial sea, internal waters or ports and use of services therein.
Existing Measures:	<i>Coastal Fisheries Protection Act</i> , R.S.C. 1985, c. C-33 <i>Fisheries Act</i> , R.S.C 1985, c. F-14 Coastal Fisheries Protection Regulations, C.R.C. 1978, c. 413 Commercial Fisheries Licensing Policy Policy on Foreign Investment in the Canadian Fisheries Sector, 1985

Sector:	Government Finance
Sub-Sector:	Securities
Obligations Concerned:	National Treatment (Article 9.4)
Description:	<u>Investment</u> Canada reserves the right to adopt or maintain a measure relating to the acquisition, sale or other disposition by nationals of a Party of bonds, treasury bills or other kinds of debt securities issued by the Government of Canada or a Canadian regional government.
Existing Measures:	<i>Financial Administration Act</i> , R.S.C. 1985, c. F-11

Sector: Minority Affairs

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure conferring rights or privileges to a socially or economically disadvantaged minority.

Sector: Social Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure for supplying public law enforcement and correctional services, as well as the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health and child care.

Sector:	Transportation
Sub-Sector:	Air transportation
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 10.4)
Description:	<u>Cross-Border Trade in Services</u> Canada reserves the right to selectively negotiate agreements or arrangements with other States, organisations of States, aeronautical authorities or service suppliers to recognise their accreditation of repair, overhaul and maintenance facilities and certification by such facilities of work performed on Canadian-registered aircraft and other related aeronautical products.

Sector:	Transportation
Sub-Sector:	Air transportation
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Canada reserves the right to adopt or maintain a measure relating to the selling and marketing of air transportation services.

Sector:	Transportation
Sub-Sector:	Water transportation
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Canada reserves the right to adopt or maintain a measure relating to the investment in or supply of marine cabotage services, including: (a) the transportation of either goods or passengers by ship between points in the territory of Canada or above the continental shelf of Canada, either directly or by way of a place outside Canada; but with respect to waters above the continental shelf of Canada, the transportation of either goods or passengers only in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf of Canada; and (b) the engaging by ship in any other marine activity of a commercial nature in the territory of Canada and, with respect to waters above the continental shelf, in such other marine activities of a commercial nature that are in relation to the exploration, exploitation or transportation of the mineral or non-living natural resources of the continental shelf. 2. This entry relates to, among other things, local presence requirements for service suppliers entitled to participate in these activities, criteria for the issuance of a temporary cabotage licence to foreign ships and limits on the number of cabotage licences issued to foreign ships. 3. For greater certainty, this entry applies, <i>inter alia</i>, to

feeder services.

Existing Measures:

Coasting Trade Act, S.C. 1992, c. 31

Canada Shipping Act, 2001, S.C. 2001, c. 26

Customs Act, R.S.C. 1985, c. 1 (2nd Supp.)

Customs and Excise Offshore Application Act, R.S.C. 1985,
c. C-53

Sector: Transportation

Sub-Sector: Water transportation

Obligations Concerned: Most-Favoured-Nation Treatment (Article 10.4)

Description: Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure relating to the implementation of agreements, arrangements and other formal or informal undertakings with other countries with respect to maritime activities in waters of mutual interest in such areas as pollution control (including double hull requirements for oil tankers), safe navigation, barge inspection standards, water quality, pilotage, salvage, drug abuse control and maritime communications.

Sector: All

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

1. Canada reserves the right to adopt or maintain a measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

2. Canada reserves the right to adopt or maintain a measure that accords differential treatment to countries under any bilateral or multilateral agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Sector:	Transportation
Sub-Sector:	Water transportation
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> 1. Canada reserves the right to adopt or maintain a measure denying service suppliers or investors of the United States, or their investments, the benefits accorded to service suppliers or investors of any other country, or their investments, in sectors or activities equivalent to those subject to the entry at Annex II – United States – 5. 2. Canada reserves the right to adopt or maintain a measure relating to maritime transport, including maritime auxiliary services and access to and use of port services, in respect of any other Party only when Canadian maritime interests have been prejudiced by that Party. 3. Paragraph 2 does not apply to the following Parties: Australia, Brunei Darussalam, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore and Viet Nam.

Sector: Water Transportation

Sub-Sector: Technical testing and analysis services

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure relating to the recognition of a person, classification society or organisation authorised to carry out statutory inspections and certification of ships on behalf of Canada. For greater certainty, only a person, classification society or other organisation authorised by Canada, and having a local presence in Canada, may carry out statutory inspections and issue Canadian Maritime Documents to Canadian registered ships and their equipment on behalf of Canada.

Sector: Cultural Industries

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure that affects cultural industries and that has the objective of supporting, directly or indirectly, the creation, development or accessibility of Canadian artistic expression or content, except:

- (a) discriminatory requirements on service suppliers or investors to make financial contributions for Canadian content development; and
- (b) measures restricting the access to on-line foreign audio-visual content.

For the purpose of this entry, “cultural industries” means persons engaged in any of the following activities:

- (a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;
- (b) the production, distribution, sale or exhibition of film or video recordings;
- (c) the production, distribution, sale or exhibition of audio or video music recordings;
- (d) the publication, distribution or sale of music in print or machine readable form; or
- (e) radiocommunications in which the transmissions

are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services.

Sector: All

Sub-Sector:

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Canada reserves the right to adopt or maintain a measure that is not inconsistent with:

- (a) Canada's obligations under Article XVI of GATS¹; and
- (b) Canada's Schedule of Specific Commitments under the GATS (GATS/SC/16, GATS/SC/16/Suppl.1, GATS/SC/16/Suppl.1/Rev.1, GATS/SC/16/Suppl.2, GATS/SC/16/Suppl.2/Rev.1, GATS/SC/16/Suppl.3, GATS/SC/16/Suppl.4 and GATS/SC/16/Suppl.4/Rev.1).

For greater certainty, this entry applies to measures adopted or maintained that affect the supply of a service by a covered investment pursuant to Article 10.5 (Market Access). For purposes of this entry only, Canada's Schedule of Specific Commitments is modified as indicated in Appendix II.

¹ For greater certainty, this includes obligations resulting from future amendments to Canada's Schedule to Article XVI of GATS.

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

1. Canada or a province or territory, when selling or disposing of its equity interests in, or the assets of, an existing government enterprise or an existing governmental entity, may prohibit or impose limitations on the ownership of such interests or assets and on the ability of owners of such interests or assets to control a resulting enterprise by investors of a Party or of a non-Party or their investments. With respect to such a sale or other disposition, Canada or a province or territory may adopt or maintain a measure relating to the nationality of senior management or members of the board of directors.
2. For purposes of this entry:
 - (a) a measure maintained or adopted after the date of entry into force of this Agreement that, at the time of sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes a nationality requirement described in this entry is an existing measure subject to paragraphs 1, 4, 5 and 6 of Article 9.12 (Non-Conforming Measures) and paragraph 1 of Article 10.7 (Non-Conforming Measures); and
 - (b) “government enterprise” means an enterprise owned or controlled through ownership interests by Canada or a province or territory, and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing State enterprise or governmental entity².

² For transparency purposes, entities that fall within the scope of this entry include, among others, Crown corporations at the central level of government listed under Schedule III of the *Financial Administration Act*

Sector:	Air Services
Sub-Sector:	Ground handling
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> <i>Investment:</i> Canada reserves the right to adopt or maintain a measure relating to ground handling by airlines (including self-handling or third-party handling) or by investors of another Party. <i>Cross-Border Trade in Services:</i> Canada reserves the right to adopt or maintain a measure relating to the supply of ground handling services, as defined in Article 10.1 (Definitions), for the purpose of Chapter 10 (Cross-Border Trade in Services). For greater certainty, this entry does not affect Canada's rights and obligations under any bilateral air transportation agreement between Canada and any of the other Parties.

(R.S.C. 1985, c. F-11).

Sector:	Transportation
Sub-Sector:	Air services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> <i>Investment:</i> Canada reserves the right to adopt or maintain a measure with respect to investment in or operation of airports. <i>Cross-Border Trade in Services:</i> Canada reserves the right to adopt or maintain a measure relating to the supply of airport operation services, as defined in Article 10.1 (Definitions), for the purpose of Chapter 10 (Cross-Border Trade in Services).

Appendix II

For the following Sectors, Canada's obligations under Article XVI of GATS are improved as described.

Sector/Sub-sector	Market Access Improvements
Accounting, Auditing and Book-keeping services	Under Mode 1 remove: <u>Auditing</u> - Commercial presence requirement: Nova Scotia. - Citizenship requirement for accreditation: Manitoba and Quebec. - Permanent residence requirement for accreditation: Ontario. Under Mode 2 remove: <u>Auditing</u> - Commercial presence requirement: Nova Scotia. - Citizenship requirement for accreditation: Manitoba and Quebec. - Permanent residence requirement for accreditation: Ontario.
Architectural services	Under Mode 1 remove: <u>Architects</u> - Citizenship requirement for accreditation: Quebec.
Engineering services	Under Mode 1 remove: <u>Consulting Engineers</u> - Commercial presence requirement for accreditation: Manitoba. <u>Engineers</u> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec. Under Mode 2 remove: <u>Consulting Engineers</u> - Commercial presence requirement for accreditation: Manitoba.

	<u>Engineers</u> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec.
Integrated engineering services	Under Mode 1 remove: <u>Consulting Engineers</u> - Commercial presence requirement for accreditation: Manitoba. <u>Engineers</u> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec. Under Mode 2 remove: <u>Consulting Engineers</u> - Commercial presence requirement for accreditation: Manitoba. <u>Engineers</u> - Permanent residence requirement for accreditation: Newfoundland and Labrador, Nova Scotia. - Citizenship requirement for accreditation: Quebec.
Urban planning and landscape architectural services	Under Mode 1 remove: <u>Community/ Urban Planning</u> - Citizenship requirement for use of title: Quebec.
Real estate services	Under Mode 1 remove: <u>Chartered Appraisers</u> - Citizenship requirement for use of title: Quebec.
Management consulting services	Under Mode 1 remove: <u>Agrologists</u> - Citizenship requirement for accreditation: Quebec. <u>Professional Administrators and Certified Management Consultants</u> - Citizenship requirement for use of title: Quebec Professional Corporation of Administrators.

	<u>Industrial Relations Counsellors</u> - Citizenship requirement for use of title: Quebec. Under Mode 2 remove: <u>Agrologists</u> - Citizenship requirement for accreditation: Quebec.
Investigation and security services	Under Mode 3 remove: <u>Business and Personnel Information Investigations</u> - Foreign ownership restriction to 25 per cent in total and 10 per cent by any individual holding shares: Ontario.
Related scientific and technical consulting services	Under Mode 1 remove: <u>Land Surveyors</u> - Citizenship requirement for accreditation: Nova Scotia and Quebec. <u>Subsurface Surveying Services</u> - Citizenship requirement for accreditation: Quebec. <u>Professional Technologist</u> - Citizenship requirement for accreditation: Quebec. <u>Chemists</u> - Citizenship requirement for accreditation: Quebec. Under Mode 2 remove: <u>Land Surveyors</u> - Citizenship requirement for accreditation: Nova Scotia and Quebec. <u>Subsurface Surveying Services</u> - Citizenship requirement for accreditation: Quebec.
Other business services	Under Mode 1 remove: <u>Certified Translators and Interpreters</u> - Citizenship requirement for use of title: Quebec. Under Mode 2 remove: <u>Certified Translators and Interpreters</u> - Citizenship requirement for use of title: Quebec.

	Under Mode 3 remove: <u>Collection Agencies</u> - Foreign Ownership restriction to 25 per cent in total and 10 per cent by any individual: Ontario.
Courier services	Under Mode 3 remove: - Economic needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to supply proper service.): Nova Scotia and Manitoba.
General construction work for civil engineering	Under Mode 3 remove: <u>Construction</u> - An applicant and holder of a water power site development permit must be incorporated in Ontario.
Wholesale trade services	Under Mode 1, remove: Marketing of Fish Products (Nova Scotia): Nova Scotia residents require ministerial approval to enter into agreements with non-residents.
Railway passenger and freight transport	Under Mode 1, remove: - cabotage limitation
Road Passenger Transportation	Under Mode 3 remove: <u>Interurban bus transport and scheduled services:</u> - Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to supply proper service.): Prince Edward Island.
Road Freight transportation	Under Mode 3 remove: <u>Highway freight transportation</u>

	- Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to supply proper service.): British Columbia, Manitoba, Ontario, Prince Edward Island, Nova Scotia.
Telecommunications	Under Mode 3 remove: Nova Scotia: no person may vote more than 1,000 shares of Maritime Telegraph and Telephone Ltd.

ANNEX II

SCHEDULE OF CHILE

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)

Description: Investment

Chile reserves the right to adopt or maintain any measure relating to the ownership or control of land within five kilometres of the coastline that is used for agricultural activities. Such measure could include a requirement that the majority of each class of stock of a Chilean juridical person that seeks to own or control such land be held by Chilean persons or by persons residing in Chile for 183 days or more per year.

Existing Measures: Decree Law 1.939, Official Gazette, November 10, 1977, Rules for acquisition, administration and disposal of State owned assets, Title I (*Decreto Ley 1.939, Diario Oficial, noviembre 10, 1977, Normas sobre adquisición, administración y disposición de bienes del Estado, Título I*)

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

In the transfer or disposal of any interest in stock or asset held in an existing state enterprise or governmental entity, Chile reserves the right to prohibit or impose limitations on the ownership of said interest or asset and on the right of foreign investors or their investments to control any State company created thereby or investments made by the same. In connection with any such transfer or disposal, Chile may adopt or maintain any measure related to the nationality of senior management and members of the board of directors.

A “State company”¹ shall mean any company owned or controlled by Chile by means of an interest share in the ownership thereof, and it shall include any company created after the entry into force of this Agreement for the sole purpose of selling or disposing of its interest share in the capital or assets of an existing state enterprise or governmental entity.

Existing Measures:

¹ A list of existing state enterprises in Chile can be found on the following website: <http://www.dipres.gob.cl>.

Sector: All

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force on, or signed prior to, the date of entry into force of this Agreement.

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

Sector:	Communications
Sub-Sector:	One way satellite broadcasting of digital telecommunication services, whether these involve direct home television broadcasting, direct broadcasting of television services and direct audio broadcasting; supplementary telecommunication services; and limited telecommunication services
Obligations Concerned:	National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Chile reserves the right to adopt or maintain any measure related to cross-border trade in one way satellite broadcasting of digital telecommunication services, whether these involve direct home television broadcasting, direct broadcasting of television services and direct audio broadcasting; supplementary telecommunication services; and limited telecommunication services.
Existing Measures:	Law 18.168, Official Gazette, October 2, 1982, General Telecommunications Law, Titles I, II, III, V and VI (<i>Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Títulos I, II, III, V y VI</i>)

Sector:	Communications
Sub-Sector:	One way satellite broadcasting of digital telecommunication services, whether these involve direct home television broadcasting, direct broadcasting of television services and direct audio broadcasting; supplementary telecommunication services; and limited telecommunication services
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Chile reserves the right to adopt or maintain any measure related to the investors of another Party or to their investments in one way satellite broadcasting of digital telecommunication services, whether these involve direct home television broadcasting, direct broadcasting of television services and direct audio broadcasting; supplementary telecommunication services; and limited telecommunication services.
Existing Measures:	Law 18.168, Official Gazette, October 2, 1982, General Telecommunications Law, Titles I, II, III, V and VI (<i>Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Títulos I, II, III, V y VI</i>)

Sector: Issues Involving Minorities

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities.

Existing Measures:

Sector:	Issues Involving Indigenous Peoples
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Chile reserves the right to adopt or maintain any measure according rights or preferences to indigenous peoples.
Existing Measures:	

Sector: Education

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure relating to:

- (a) investors and an investment of an investor of another Party in education; and
- (b) natural persons who supply educational services in Chile.

Subparagraph (b) includes teachers and auxiliary personnel supplying educational services in pre-school, kindergarten, special education, elementary, secondary or higher education, professional, technical or university education, and all other persons that supply services related to education, including sponsors of educational institutions of any kind, schools, lyceums, academies, training centres, professional and technical institutes or universities.

This reservation does not apply to investors and an investment of an investor of another Party in kindergarten, pre-school, elementary or secondary private education institutions, that do not receive public resources, or to the supply of services related to second-language training, corporate, business, and industrial training and skill upgrading, which include consulting services relating to technical support, advice, curriculum, and programme development in education.

Existing Measures:

Sector: Government Finances

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Chile reserves the right to adopt or maintain any measure related to the acquisition, sale or disposal by another Party's nationals of bonds, treasury securities or any other type of debt instruments issued by the Central Bank of Chile (*Banco Central de Chile*) or the Government of Chile. This entry is not intended to affect the rights of another Party's financial institutions (banks) established in Chile to acquire, sell or dispose of such instruments when required for the purposes of regulatory capital.

Existing Measures:

Sector:	Fisheries
Sub-Sector:	Fishing related activities
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> Chile reserves the right to control the activities of foreign fishing, including fish landing, first landing of fish processed at sea and access to Chilean ports (port privileges). Chile reserves the right to control the use of beaches, land adjacent to beaches (<i>terrenos de playas</i>), water-columns (<i>porciones de agua</i>) and sea-bed lots (<i>fondos marinos</i>) for the issuance of maritime concessions. For greater certainty, “maritime concessions” do not cover aquaculture.
Existing Measures:	Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II, III, IV and V (<i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación Títulos I, II, III, IV y V</i>) D.F.L. 340, Official Gazette, April 6, 1960, about Maritime Concessions (<i>D.F.L. 340, Diario Oficial, abril 6, 1960, sobre Concesiones Marítimas</i>) Supreme Decree 660, Official Gazette, November 28, 1988, Maritime Concession Act (<i>Decreto Supremo 660, Diario Oficial, noviembre 28, 1988, Reglamento de Concesiones Marítimas</i>) Supreme Decree 123 of the Ministry of Economic Affairs, Development and Reconstruction, Vice-Ministry of Fishing, Official Gazette, August 23, 2004, On Use of Ports (<i>Decreto Supremo 123 del Ministerio de Economía, Fomento y Reconstrucción, Subsecretaría de Pesca, Diario Oficial, agosto 23, 2004, Sobre Uso de Puertos</i>)

Sector: Arts and Cultural Industries

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any existing or future bilateral or multilateral international agreement, with respect to arts and cultural industries, such as audio-visual cooperation agreements.

For greater certainty, government supported subsidy programmes for the promotion of cultural activities are not subject to the limitations or obligations of this Agreement.

For the purposes of this entry, “arts and cultural industries” includes:

- (a) books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;
- (b) recordings of movies or videos;
- (c) music recordings in audio or video format;
- (d) printed music scores or scores readable by machines;
- (e) visual arts, artistic photography and new media;
- (f) performing arts, including theatre, dance and circus arts; and
- (g) media services or multimedia.

Existing Measures:

Sector:	Entertainment, Audio-visual and Broadcasting Services
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10)
Description:	<u>Investment and Cross-Border Trade in Services</u> Chile reserves the right to adopt or maintain any measure relating to: (a) the organisation and presentation in Chile of concerts and musical performances; (b) the distribution or display of movies or videos; and (c) radio broadcasts aimed at the public in general, as well as all radio, television and cable television-related activities, satellite programming services and broadcasting networks. Notwithstanding the above, Chile shall extend to the persons and investors of another Party, and their investments, treatment no less favourable than that Party accords persons and investors of Chile, and their investments.
Existing Measures:	

Sector: Social Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure with respect to the supply of public law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for reasons of public interest: income security or insurance, social security or insurance, social welfare, public education, public training, health care and child care.

Existing Measures:

Sector: Environmental Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.3)
Most-Favoured-Nation Treatment (Article 10.4)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure imposing the requirement that the production and distribution of drinking water, the collection and disposal of waste water and sanitation services, such as sewage systems, waste disposal and waste water treatment may only be supplied by juridical persons incorporated under Chilean law or created in accordance with the requirements established by Chilean law.

This entry shall not apply to consultancy services retained by the said juridical persons.

Existing Measures:

Sector: Construction Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.3)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure with respect to the supply of construction services by foreign juridical persons or legal entities.

These measures may include requirements such as residency, registration or any other form of local presence, or the obligation of giving financial security for work as a condition for the supply of construction services.

Existing Measures:

Sector:	Transportation
Sub-Sector:	International road transportation
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Chile reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or passengers in border areas. Additionally, Chile reserves the right to adopt or maintain the following limitations for the supply of international land transportation from Chile: (a) the service supplier must be a Chilean natural or juridical person; (b) the service supplier must have a real and effective domicile in Chile; and (c) in the case of juridical persons, the service supplier must be legally constituted in Chile and more than 50 per cent of its capital stock must be owned by Chilean nationals and its effective control must be by Chilean nationals.
Existing Measures:	

Sector: Transportation Services

Sub-Sector: Road transportation services

Obligations Concerned: National Treatment (Article 10.3)

Description: Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that authorises only Chilean natural or juridical persons to supply land transportation of persons or merchandise inside the territory of Chile (cabotage). For this, the enterprises shall use vehicles registered in Chile.

Existing Measures:

Sector: All

Obligations Concerned: Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure relating to Article 10.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:²

Legal services:

(1) and (3) None, except in the case of receivers in bankruptcy (*síndicos de quiebra*) who must be duly authorised by the Ministry of Justice (*Ministerio de Justicia*), and they can only work in the place where they reside.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Accounting, auditing, and bookkeeping services:

(1) and (3) None, except the external auditors of financial institutions must be inscribed in the Register of External Auditors of the Superintendence of Banks and Financial Institutions (*Superintendencia de Bancos e Instituciones Financieras*) and in the Superintendence of Securities and Insurance (*Superintendencia de Valores y Seguros*). Only firms legally incorporated in Chile as partnerships (*sociedades de personas*) or associations (*asociaciones*), and whose main line of business is auditing services, may be inscribed in the Register.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Taxation Services:

(1), (2), and (3): None.

(4) No commitments, except as indicated in Labour Code restriction.

² For greater certainty, nothing in this entry shall be construed to prevent the adoption or maintenance of any measure regarding the supply of a financial service by a covered investment that is not a covered investment in a financial institution.

Architectural services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Engineering services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Integrated engineering services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Urban planning and landscape architectural services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Veterinary services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Services provided by midwives, nurses, physiotherapists and paramedical personnel:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Computer and related services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Interdisciplinary research and development services, research and development services on natural sciences, and related scientific and technical consulting services:

(1) and (3) None, except: any exploration of a scientific or technical nature, or related to mountain climbing (*andinismo*), that legal or natural persons domiciled abroad intend to carry out in border areas need to be authorised and supervised by the Directorate of Borders and Frontiers (*Dirección de Fronteras y Límites del Estado*). The Directorate of Borders and Frontiers may stipulate that an

expedition include one or more representatives of relevant Chilean activities. These representatives would participate in and learn about the studies and their scope.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Research and development services on social sciences and humanities:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Real Estate services: involving owned or leased property or on a fee or contract basis:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Rental/leasing services without crew/operators, related to vessels, aircraft, any other transport equipment, and other machinery and equipment:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Advertising services, market research and public opinion polling services, management consulting services, services related to management consulting, technical testing and analysis services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Services related to agriculture, hunting and forestry:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Services related to mining, placement and supply services of personnel, investigation and security services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Maintenance and repair of equipment (not including vessels, aircraft, or other transport equipment), building-cleaning services, photographic services, packing services, and convention services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Printing and publishing services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Courier services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

International long-distance telecommunications services:

(1), (2), (3) and (4) Chile reserves the right to adopt or maintain any measure that is not inconsistent with Chile's obligations under Article XVI of GATS.

Local basic telecommunication services and networks, intermediate telecommunications services, supplementary telecommunications services, and limited telecommunications services:

(1), (2) and (3) A concession granted by means of a Supreme Decree (*Decreto Supremo*) issued by the Ministry of Transport and Telecommunications (*Ministerio de Transportes y Telecomunicaciones*) shall be required for the installation, operation, and exploitation of public and intermediary telecommunications services in Chilean territory. Only juridical persons organised under the Chilean law shall be eligible for such concessions.

An official decision issued by the Undersecretariat of Telecommunications (*Subsecretaría de Telecomunicaciones*) shall be required to render Supplementary Telecommunications Services, consisting of additional services provided by hooking up equipment to public networks. Said decision refers to compliance with the technical standards established by the Undersecretariat of Telecommunications (*Subsecretaría de Telecomunicaciones*) and non-alteration of the essential technical features of networks or of the permissible technological or basic service

modalities provided through them.

A permit issued by the Undersecretariat of Telecommunications (*Subsecretaría de Telecomunicaciones*) shall be required for the installation, operation and development of limited telecommunications services.

International traffic shall be routed through the installations of a company holding a concession granted by the Ministry of Transport and Telecommunications (*Ministerio de Transporte y Telecomunicaciones*).

(4) No commitments, except as indicated in Labour Code restriction.

Commission agents services, wholesale trade services, retailing services, franchising and other distribution:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Environmental Services:

(1) and (3) None, solely for consultancy services.

(2) None.

(4) No commitments, except as indicated in Labour Code restriction.

Hotels and restaurants (including catering), travel agencies and tour operators services and tourist guide services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Sporting and other recreational services, excluding gambling and betting services:

(1), (2) and (3) None, except that a specific type of legal entity may be required for sporting organisations that develop professional activities. In addition, (a) it is not permitted to participate with more than one team in the same category of a sport competition; (b) specific regulations may be established on equity ownership in sporting companies; and (c) minimal capital requirements may be imposed.

(4) No commitments, except as indicated in Labour Code restriction.

Sports facility operation services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Road Transport: freight transportation, rental of commercial vehicles with operator; maintenance and repair of road transport equipment; supporting services for road transport services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Services auxiliary to all transport: cargo handling services, storage and warehouse services, freight transport agency services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Pipeline transport: transportation of fuels and other goods:

(1), (2) and (3) None, except that the service has to be supplied by juridical persons established under Chilean law and the supply of the service may be subject to a concession on a national treatment basis.

(4) No commitments, except as indicated in Labour Code restriction.

Aircraft repair and maintenance services:

(1) No commitments.

(2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Selling and marketing of air transport services, computer reservation systems (CRS) services, specialty air services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

Airport operation services; ground handling services:

(1), (2) and (3) None.

(4) No commitments, except as indicated in Labour Code restriction.

For the purposes of this entry:

- (1) refers to the supply of a service from the territory of one Party into the territory of another Party;
- (2) refers to the supply of a service in the territory of one Party to a person of another Party;
- (3) refers to the supply of a service in the territory of a Party by an investor of another Party or by a covered investment; and
- (4) refers to the supply of a service by a national of a Party in the territory of another Party.

ANNEX II

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Article 9.12 (Non-Conforming Measures) and Article 10.7 (Non-Conforming Measures), the specific sectors, subsectors or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 9.4 (National Treatment) or Article 10.3 (National Treatment);
- (b) Article 9.5 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
- (c) Article 9.10 (Performance Requirements);
- (d) Article 9.11 (Senior Management and Boards of Directors);
- (e) Article 10.5 (Market Access); or
- (f) Article 10.6 (Local Presence).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Sub-Sector**, where referenced, refers to the specific subsector for which the entry is made;
- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (d) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 9.12.2 (Non-Conforming Measures) and Article 10.7.2 (Non-Conforming Measures), do not apply to the sectors, subsectors or activities listed in the entry;
- (e) **Description** sets out the scope or nature of the sectors, subsectors or activities covered by the entry to which the reservation applies; and
- (f) **Existing Measures**, where specified, identifies, for transparency purposes, a

non-exhaustive list of existing measures that apply to the sectors, subsectors or activities covered by the entry.

3. In accordance with Article 9.12.2 (Non-Conforming Measures) and Article 10.7.2 (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the sectors, subsectors and activities identified in the **Description** element of that entry.

4. With respect to Annex II entries on Most-Favoured-Nation Treatment relating to bilateral or multilateral international agreements, the absence of language regarding the scope of the reservation for differential treatment resulting from an amendment of those bilateral or multilateral international agreements in force or signed prior to the date of entry into force of this Agreement is without prejudice to each Party's respective interpretation of the scope of that reservation.

ANNEX II

SCHEDULE OF JAPAN

INTRODUCTORY NOTES

1. In the interpretation of an entry, all elements of the entry shall be considered. The **Description** element shall prevail over all other elements.
2. For the purposes of this Annex, the term **JSIC** means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised in October, 2013.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:

- (a) prohibit or impose limitations on the ownership of such interests or assets by investors of another Party or their investments;
- (b) impose limitations on the ability of investors of another Party or their investments as owners of such interests or assets to control any resulting enterprise; or
- (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

2. Notwithstanding paragraph 1, the central level of the Government of Japan shall not adopt any prohibition, limitation or measure referred to in paragraph 1 by new laws or regulations following the initial transfer from the central level of government of Japan to an investor of the interests or assets referred to in paragraph 1. For greater certainty, the central level of government of Japan can maintain such prohibition, limitation or measure that is adopted or maintained at the initial transfer.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Japan reserves the right to adopt or maintain any measure relating to investments in or the supply of telegraph services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage, and postal services in Japan.^{1, 2}

Existing Measures: *Telecommunications Business Law* (Law No. 86 of 1984)
Supplementary Provisions, Article 5
Postal Law (Law No. 165 of 1947), Article 2
Law Concerning Correspondence Delivery Provided by Private Operators (Law No. 99 of 2002)
Horse Racing Law (Law No. 158 of 1948), Article 1
Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2
Bicycle Racing Law (Law No. 209 of 1948), Article 1
Auto Racing Law (Law No. 208 of 1950), Article 3
Lottery Law (Law No. 144 of 1948), Article 4
The Law relating to Unit of Currency and Issue of Coin (Law No. 42 of 1987), Article 10

¹ At the date of entry into force of this Agreement, telegraph services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, and minting and sale of coinage in Japan are restricted to designated enterprises or governmental entities.

² For the purposes of this entry, “postal services” means delivery of other persons’ correspondence (*tanin-no-shinsho-no-sotatsu*) specified in paragraph 2 of Article 4 of *Postal Law* (Law No. 165 of 1947) and correspondence delivery service (*shinshobin-no-ekimu*) within the meaning of the *Law Concerning Correspondence Delivery Provided by Private Operators* (Law No. 99 of 2002), but does not include special correspondence delivery services (*tokutei-shinshobin-ekimu*) within the meaning of the latter Law. Services not included in this definition include delivery of parcels, packages, goods, direct mail and periodicals.

Sports Promotion Lottery Law (Law No. 63 of 1998), Article 3

Sector: All (Unrecognised or Technically Unfeasible Services)

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Japan reserves the right to adopt or maintain any measure relating to services other than those recognised or other than those that should have been recognised by the Government of Japan owing to the circumstances at the date of entry into force of this Agreement.

Any services classified positively and explicitly in JSIC or CPC, at the date of entry into force of this Agreement should have been recognised by the Government of Japan at that time.

Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the date of entry into force of this Agreement.

Existing Measures:

Sector:	Aerospace Industry
Sub-Sector:	Space industry
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to the investments in space industry. Japan reserves the right to adopt or maintain any measure relating to the supply of services in space industry, including: (a) services based on technological inducement contracts for importing technology for development, production or use; (b) production services on fee or contract basis; (c) repair and maintenance services; and (d) space transportation services.
Existing Measures:	<i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 and Article 30

Sector:	Arms and Explosives Industry
Sub-Sector:	Arms industry Explosives manufacturing industry
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to the investment in the arms industry and explosives manufacturing industry. Japan reserves the right to adopt or maintain any measure relating to the supply of services in the arms industry and explosives manufacturing industry, including: (a) services based on technological inducement contracts for importing technology for development, production or use; (b) production services on fee or contract basis; and (c) repair and maintenance services.
Existing Measures:	<i>Ordinance Manufacturing Law</i> (Law No. 145 of 1953), Article 5 <i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 and Article 30 <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 and Article 5

Sector:	Information and Communications
Sub-Sector:	Broadcasting industry
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in broadcasting industry. For the purposes of this entry, “broadcasting” means the transmission of telecommunications with the aim of direct reception by the public (paragraph 1 of Article 2 of <i>the Broadcast Law</i> (Law No. 132 of 1950) and does not include on-demand services including such services supplied over the internet.
Existing Measures:	<i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 <i>Radio Law</i> (Law No. 131 of 1950), Chapter 2 <i>Broadcast Law</i>, Chapter 2, Chapter 5, Chapter 6, Chapter 7 and Chapter 8

Sector:	Education, Learning Support
Sub-Sector:	Primary and secondary educational services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to investments or the supply of primary and secondary educational services.
Existing Measures:	<i>Fundamental Law of Education</i> (Law No. 120 of 2006), Article 6 <i>School Education Law</i> (Law No. 26 of 1947), Article 2 <i>Private School Law</i> (Law No. 270 of 1949), Article 3 <i>Law Concerning Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children</i> (Law No.77 of 2005)

Sector:	Energy
Sub-Sector:	Electricity utility industry Gas utility industry Nuclear energy industry
Industry Classification³:	JSIC 0519* ¹ Miscellaneous metal mining JSIC 2391 Nuclear fuel JSIC 281* ² Electronic devices JSIC 282* ² Electronic parts JSIC 289* ² Miscellaneous electronic parts, devices and electronic circuits JSIC 291* ² Electrical generating, transmission, and distribution apparatus JSIC 292* ² Industrial electrical apparatus JSIC 2952* ² Primary batteries (dry and wet) JSIC 296* ² Electronic equipment JSIC 297* ² Electric measuring instruments JSIC 299* ² Miscellaneous electrical machinery equipment and supplies JSIC 30* ² Manufacture of information and communication electronics equipment JSIC 313* ² Shipbuilding and repairing, and marine engines JSIC 3159* ² Miscellaneous industrial trucks and parts and accessories JSIC 3199* ² Transportation equipment, n.e.c JSIC 33 Production, transmission and distribution of electricity JSIC 34 Production and distribution of gas JSIC 8899* ² Waste disposal business, n.e.c. JSIC 9011* ² General machine repair shops, except construction and mining machinery JSIC 902* ² Electrical machinery, apparatus, appliances and supplies repair shop
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) ⁴

³ An asterisk (*1) on the JSIC number indicates that the activities covered by this entry under such number are limited to nuclear materials. An asterisk (*2) on the JSIC number indicates that the activities covered by this entry under such number are limited to the activities related to the nuclear energy industry.

⁴ With respect to the obligation under Article 9.10 (Performance Requirements), this entry applies only to measures which are not inconsistent with the obligations under *the Agreement on Trade-Related Investment Measures*.

Senior Management and Boards of Directors (Article 9.11)
Most-Favoured-Nation Treatment (Article 10.4)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description:

Investment and Cross-Border Trade in Services

Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in the energy industry listed in the “sub-sector” element.

Existing Measures:

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 and Article 30
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 and Article 5
Electricity Business Law (Law No.170 of 1964), Article 5
Gas Business Law (Law No.51 of 1954), Article 5
Specified Radioactive Waste Final Disposal Law (Law No. 117 of 2000), Chapter 5

Sector:	Fisheries and Services incidental to Fisheries
Sub-Sector:	Fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone, and continental shelf of Japan. For the purposes of this entry, the term “fisheries” means the work of taking and cultivation of aquatic resources, including the following fisheries related services: (a) investigation of aquatic resources without taking such resources; (b) luring of aquatic resources; (c) preservation and processing of fish catches; (d) transportation of fish catches and fish products; and (e) provision of supplies to other vessels used for fisheries.
Existing Measures:	<i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order

No. 261 of 1980), Article 3
Law for Regulation of Fishing Operation by Foreign Nationals
(Law No. 60 of 1967), Article 3, Article 4 and Article 6
Law Concerning the Exercise of Sovereign Rights concerning
Fisheries in the Exclusive Economic Zones (Law No. 76 of
1996), Article 4, Article 5, Article 7, Article 8, Article 9,
Article 10, Article 11, Article 12 and 14

Sector: Land Transaction

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on foreign nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in the foreign country.

Existing Measures: *Alien Land Law* (Law No. 42 of 1925), Article 1

Sector: Public Law Enforcement and Correctional Services and Social Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in public law enforcement and correctional services, and in social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public training, health, child care and public housing.

Existing Measures:

Sector: Security Guard Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.

Existing Measures: *Security Business Law* (Law No. 117 of 1972), Article 4 and Article 5

Sector: Transport

Sub-Sector: Air transport

Industry Classification:

Obligations Concerned: National Treatment (Articles 9.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Japan reserves the right to adopt or maintain any measure with respect to investment in airports or airport operation services as defined in Article 10.1 (Definitions).

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

1. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement in force on, or signed prior to, the date of entry into force of this Agreement.

2. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement, other than the agreement referred to in paragraph 1, involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

ANNEX II

SCHEDULE OF MALAYSIA

Sector: Land and Real Estate

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Acquisitions or dealings of land by non-citizens and enterprises owned by foreign nationals must be approved by the relevant State Authority, subject to such conditions and restrictions as may be imposed by that Authority.

Existing Measures: *Land Acquisition Act, 1960* [Act 486]
Land Conservation Act 1960 [Act 385]
National Land Code 1965 [Act 625]
National Land Code (Penang and Malacca Titles) Act 1963 [Act 518]
Strata Titles Act 1985 [Act 318]
Building and Common Property (Maintenance and Management) Act 2007 [Act 663]
Strata Management Act 2013 [Act 757]
Federal Lands Commissioner Act 1957(Revised 1988) [Act 349]
Land (Group Settlement Areas) Act 1960 [Act 530]
Malay Reservations Enactment 1933 [F.M.S Cap 142]
Kedah Enactment No 63 (Malay Reservations)
Kelantan Malay Reservations Enactment, 1930
Kelantan Land Settlement Act 1955 (Revised 1991) [Act 460]
Perlis Malay Reservations Enactment 1935
Perlis Land Settlement Enactment 1966
Johore Malay Reservation Enactment 1936
Terengganu Malay Reservation Enactment 1941
Terengganu Settlement Enactment 1856
Sabah Land Ordinance [Sabah Cap 68]
Sabah Land Acquisition Ordinance [Sabah Cap 69]
Sarawak Land Code 1958 [Sarawak Cap 81]
Local Government Act 1976 [Act 171]
Town and Country Planning Act 1976 [Act 172]

Federal Territory (Planning) Act 1982 [Act 267]
Federal Capital Act 1960 [Act 190]
Street, Drainage and Building Act 1974 [Act 133]

Sector:	Oil and Gas
Obligations Concerned:	National Treatment (Article 9.4 and 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Petroliam Nasional Berhad (PETRONAS) and its successor are vested with the entire ownership in, and the exclusive rights, powers, liberties and privileges, which shall be irrevocable, in exploring, exploiting, winning and obtaining petroleum whether onshore or offshore of Malaysia. PETRONAS in its role as the exclusive owner of the petroleum resources, decides on the form and conditions of contractual arrangements available for foreign participation and selection of the contract parties.
Existing Measures:	<i>Petroleum Development Act 1974</i> [Act 144]

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Malaysia reserves the right to adopt or maintain any measures affecting the:

- (a) full or partial devolvement to the private sector of services provided in the exercise of governmental authority;
- (b) divestment of its equity interests in, or the assets of, an enterprise that is wholly or partially owned by the Malaysian government; and
- (c) privatisation of government owned entities or assets.

The description above pertains only to the initial transfer or disposal of such interest, and for subsequent transfers or disposals that are for strategic sectors announced through the Malaysia Plan.

For greater certainty, where Malaysia transfers any interest in an existing state enterprise to another state enterprise, such transfer shall not be considered to be an initial transfer. Where the transfer or disposal of an interest in an existing state enterprise is undertaken either partially or sequentially, the right shall apply separately to each phase.

Existing Measures: *Minister of Finance (Incorporation) Act 1957* [Act 375]
Privatisation Master Plan
Guidelines on Privatisation

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and 10.3) Performance Requirements (Article 9.10) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measure that provides assistance to Bumiputera for the purpose of supporting Bumiputera participation in the Malaysian market through the creation of new and additional licences or permits for Bumiputera eligible to receive such assistance, provided that such measures shall not affect the rights of existing licence and permit holders or future applicants for licences and permits in sectors where foreign participation is permitted.
Existing Measures:	Policies and Ministerial statements Federal Constitution <i>Aboriginal Peoples Act 1954</i> [Act 134] <i>Interpretation (Definition of Native) Ordinance 1952</i> [Cap. 64] Treasury Circular Year 2014

Sector: All

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Malaysia reserves the right to adopt or maintain any measure relating to National and State unit trusts.

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and 10.4)

Description: Investment and Cross-Border Trade in Services

Malaysia reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Malaysia reserves the right to adopt or maintain any measure that accords differential treatment to ASEAN member states under any ASEAN agreement open to participation by any ASEAN member state, in force or signed after the date of entry into force of this Agreement.

With regard to the sectors listed below, Malaysia reserves the right to adopt or maintain any measure that accords rights, preferences and differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation matters;
- (b) maritime and port;
- (c) broadcasting;
- (d) space transportation¹; and
- (e) fisheries.

¹ Any such measure shall be implemented in a manner consistent with Malaysia's commitments under Article II of GATS. For greater certainty, subparagraph (d) does not apply with respect to Malaysia's obligations under Article 11.4 (Most-Favoured Nation Treatment), to the sectors or sub-sectors for which Malaysia has made specific commitments under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement, nor to the sectors for which the following entries are made in the Schedule of Malaysia to Annex I: Annex I – Malaysia – 7, Annex I – Malaysia – 8, Annex I – Malaysia – 11, Annex I – Malaysia – 12, and Annex I – Malaysia – 23.

Sector:	Manufacture, assembly, marketing and distribution of explosives, weapons, ammunitions, as well as military-related equipment / devices, and similar products
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Malaysia reserves the right to adopt or maintain any measures affecting the arms and explosives sector.
Existing Measures:	Section 4, <i>Industrial Co-Ordination Act 1975</i> [Act 156] <i>Explosives Act 1957</i> [Act 207] <i>Arms Act 1960</i> [Act 206]

Sector:	Gaming, Betting and Gambling including supply and suppliers of betting and gambling equipment, wholesale and retail of gambling equipment
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures relating to the provision of gaming, betting and gambling including supply and suppliers of betting and gambling equipment, wholesale and retail.
Existing Measures:	<i>Lotteries Act 1952</i> [Act 288] <i>Common Gaming Houses Act 1953</i> [Act 289] <i>Pool Betting Act 1967</i> [Act 384] <i>Betting Act 1953</i> [Act 495] <i>Racing (Totalisator Board) Act 1961</i> [Act 494] <i>Racing Club (Public Sweepstakes) Act 1965</i> [Act 404] Customs (Prohibition of Imports) Order 2008 (P.U. (A) 86/2008)

Sector:	Non-medical utilisation/application of atomic energy for: (a) electric power plants based on fossil fuel/materials; (b) nuclear power generation including nuclear fuel cycle; and (c) electric power generation.
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures relating to non-medical utilisation or application of atomic energy for: (a) electric power plants based on fossil fuel or materials; (b) nuclear power generation including nuclear fuel cycle; and (c) electric power generation.
Existing Measures:	<i>Atomic Energy Licensing Act 1984</i> [Act 304]

Sector:	Cultural Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to review the following products following their importation and distribution in the Malaysian market to ensure their consistency with Malaysia's decency standards: books, magazines, periodicals or newspapers, works of art and films imported into Malaysia, programming licensed for broadcast on television, cable and satellite stations. In addition, prior approval is required for any arts, filming and performances by foreign artist and such activities shall comply with the Central Agency for Application for Filming and Performance by Foreign Artistes (PUSPAL) Guidelines. Such review and pre-approval shall be administered in an objective, transparent and impartial manner, and consistent, where applicable, with Article 2.3 (National Treatment) and the <i>Communications and Multimedia Act 1998</i> [Act 588].
Existing Measures:	<i>Printing Presses and Publications Act 1984</i> [Act 301] <i>Akta Perbadanan Kemajuan Filem Nasional Malaysia 1981</i> [Act 244] <i>Akta Perbadanan Kemajuan Kraftangan Malaysia 1979</i> [Act 222] Dasar Industri Kreatif Negara (DIKN) 2010 Central Agency Committee for Application for Filming and Performance by Foreign Artistes (PUSPAL) Guidelines

Sector:	Wholesale and Distribution Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures relating to wholesale and distribution services for rice, sugar (other than refined sugar for food and beverage manufacturers), flour, liquor and alcoholic beverages, tobacco and cigarettes products.

Sector:	Sewage and Refuse Disposal Sanitation and other Environmental Protection Services
Obligations Concerned:	National Treatment (Article 9.4)
Description:	<u>Investment</u> Malaysia reserves the right to adopt or maintain any measures relating to the collection, treatment and disposal of hazardous waste (excluding carbon gases).
Existing Measures:	<i>Environmental Quality Act 1974</i> [Act 127]

Sector: Air Transport Services

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Malaysia reserves the right to adopt and maintain any measure affecting:

- (a) airport operation services;
- (b) aircraft repair and maintenance services;
- (c) ground handling services; and
- (d) specialty air services; and

Investment

- (e) air transport services covering passenger and freight transportation frequencies and routing by air.

Sector:	Passenger Road Transportation Services covering taxi services and scheduled passenger road transportation
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures relating to passenger and scheduled passenger road transportation services covering urban and sub-urban regular transportation, railway, taxi services; and bus, taxi and rail station services.

Sector:	Legal Services covering mediation and Shari'a law
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures relating to mediation and Shari'a law.

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measures related to the non-internationalisation of ringgit which includes: (a) the requirement for international settlement to be made in foreign currency; (b) limitation on the access to ringgit financing by non-residents for use outside Malaysia; and (c) limitation on the use of ringgit in Malaysia by non-residents.
Existing Measures:	<i>Central Bank of Malaysia Act 2009</i> [Act 701] <i>Financial Services Act 2013</i> [Act 758] <i>Islamic Financial Services Act 2013</i> [Act 759] Notices on Foreign Exchange Administration Rules

Sector:	Social Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Malaysia reserves the right to adopt or maintain any measure with respect to the supply of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health and child care.

ANNEX II

SCHEDULE OF MEXICO

INTRODUCTORY NOTES

For the purposes of this Annex:

The term “*CMAP*” means Mexican Classification of Activities and Products (*Clasificación Mexicana de Actividades y Productos*) numbers as set out in National Institute for Statistics and Geography (*Instituto Nacional de Estadística y Geografía*), Mexican Classification of Activities and Products (*Clasificación Mexicana de Actividades y Productos*), 1994.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure restricting the acquisition, sale or other disposition of bonds, treasury bills or any other kind of debt security issued by the federal, state or local governments.

Existing Measures:

Sector: Energy

Sub-Sector: Oil and other hydrocarbons
Electricity

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4)

Level of Government: Central

Description: Investment

Mexico allows private investment exclusively through contractual arrangements with respect to the exploration and production of oil and other hydrocarbons, and the public service of transmission and distribution of electricity.

If Mexican law is amended to allow private investment in a different modality from that set out in the first paragraph, or to allow the sale of assets or ownership interest in an enterprise engaged in the activities set out in the first paragraph, Mexico reserves the right to impose restrictions on such investment. Any such restrictions shall be deemed existing Annex I non-conforming measures and shall be subject to paragraphs 1, 3 and 7 of Article 9.12 (Non-Conforming Measures).

For greater certainty, Mexico affirms the principle reflected in Articles 25, 27 and 28 of the Constitution that the exploration and production of oil and other hydrocarbons, the planning and control of the National Electric System and the public service of transmission and distribution of electricity are reserved to the State.

Existing Measures: *United Mexican States Political Constitution (Constitución Política de los Estados Unidos Mexicanos)*, Articles 25, 27 and 28
Federal Electricity Commission Law (Ley de la Comisión Federal de Electricidad)
Foreign Investment Law (Ley de Inversión Extranjera)

Hydrocarbons Law (Ley de Hidrocarburos)
Petroleos Mexicanos Law (Ley de Petróleos Mexicanos)
The Electric Industry Law (Ley de la Industria Eléctrica)

Sector:	Entertainment Services
Sub-Sector:	Recreational and leisure services
Industry Classification:	CMAP 949104 Other Private Recreational and Leisure Services (limited to gambling and betting services)
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Level of Government:	Central
Description:	<u>Investment and Cross-Border Trade in Services</u> Mexico reserves the right to adopt or maintain any measure relating to investment in, or the supply of, gambling and betting services.
Existing Measures:	

Sector: Minority Affairs

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)
Local Presence (Article 10.6)

Level of Government: Central

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged groups.

Existing Measures: *United Mexican States Political Constitution, Article 4 (Constitución Política de los Estados Unidos Mexicanos)*

Sector: Social Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Level of Government: Central

Description: Investment and Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure with respect to the supply of public law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health and child care.

Existing Measures: *United Mexican States Political Constitution (Constitución Política de los Estados Unidos Mexicanos)*, Articles 4, 17, 18, 25, 26, 28 and 123

Sector:	Transportation
Sub-Sector:	Specialised personnel
Industry Classification:	CMAP 951023 Other Professional, Technical and Specialised Services (limited to ship captains; aircraft pilots; ship masters; ship machinists; ship mechanics; airport administrators (<i>comandantes de aeródromos</i>); harbour masters; harbour pilots; crew on Mexican flagged vessels or aircrafts)
Obligations Concerned:	National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4) Local Presence (Article 10.6)
Level of Government:	Central
Description	<u>Cross-Border Trade in Services</u> Mexico reserves the right to adopt or maintain any measure with respect to specialised personnel. Only Mexican nationals by birth may serve as: (a) captains, pilots, ship masters, machinists, mechanics and crew members manning vessels or aircraft under the Mexican flag; and (b) harbour pilots, harbour masters and airport administrators.
Existing Measures:	<i>United Mexican States Political Constitution (Constitución Política de los Estados Unidos Mexicanos)</i> , Article 32

Sector:	All
Sub-Sector:	Telegraph, radiotelegraph and postal services Issuance of bills (currency) and minting of coinage Control, inspection and surveillance of maritime and inland ports Control, inspection and surveillance of airports and heliports
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Level of Government:	Central
Description:	<u>Investment</u> The activities set out in this list are reserved to the Mexican State, and private equity investment is prohibited under Mexican Law. Where Mexico allows private investment to participate in such activities through service contracts, concessions, lending arrangements or any other type of contractual arrangement, such participation shall not be construed to affect the State's reservation of those activities. If Mexican law is amended to allow private equity investment in an activity set out in this list, Mexico may impose restrictions on foreign investment participation and those restrictions shall be deemed existing Annex I non-conforming measures and shall be subject to paragraphs 1, 3 and 7 of Article 9.12 (Non-Conforming Measures). Mexico may also impose restrictions on foreign equity investment participation when selling an asset or ownership interest in an enterprise engaged in activities set out in this list, and those restrictions shall be deemed existing Annex I non-conforming measures and shall be subject to paragraphs 1, 3 and 7 of Article 9.12 (Non-Conforming Measures). (a) Telegraph, radiotelegraph and postal services; (b) Issuance of bills (currency) and minting of coinage;

- (c) Control, inspection and surveillance of maritime and inland ports;
- (d) Control, inspection and surveillance of airports and heliports; and
- (e) Nuclear power.

Existing Measures:

United Mexican States Political Constitution (Constitución Política de los Estados Unidos Mexicanos) Articles 25 and 28.
Law of the Mexican Bank (Ley del Banco de México)
Law of the House of Currency of Mexico (Ley de la Casa de Moneda de México)
United Mexican States Monetary Law (Ley Monetaria de los Estados Unidos Mexicanos).
Commercial and Navigation Maritimes Law (Ley de Navegación y Comercio Marítimos)
Ports Law (Ley de Puertos)
Airports Law (Ley de Aeropuertos)
Federal Telecommunication and Broadcasting Law (Ley Federal de Telecomunicaciones y Radiodifusión)
 Decree that establish the decentralized agency of Navigation Services in the Mexican Airspace, SENEAM (by its acronym in Spanish) (*Decreto que Crea el Organismo Desconcentrado de Servicios a la Navegación en el Espacio Aéreo Mexicano, SENEAM*)
General Means of Communication Law (Ley de Vías Generales de Comunicación)
The Mexican Postal Service Law (Ley del Servicio Postal Mexicano), Title I, Chapter III
Foreign Investment Law (Ley de Inversión Extranjera)

Sector: All

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5)

Level of Government: Central

Description: Investment

Mexico reserves the right to adopt or maintain any measure granting different treatment to countries accorded under all bilateral or multilateral international agreements in force prior to the date of the entry into force of this Agreement.

Mexico reserves the right to adopt or maintain any measure granting different treatment to countries accorded under all international agreements in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Sector: All

Sub-Sector:

Obligations Concerned: Market Access (Article 10.5)

Level of Government: Central and Regional

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure related to Article 10.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below.

For the purpose of this entry:

- (a) “1)” refers to the supply of a service from the territory of one Party into the territory of any other Party;
- (b) “2)” refers to the supply of a service in the territory of one Party by a person of that Party to a person of the other Party;
- (c) “3)” refers to the supply of a service in the territory of one Party by an investor of the other Party or a covered investment; and
- (d) “4)” refers to the supply of a service by a national of one Party, in the territory of any other Party.

This entry:

- (a) applies to central level;
- (b) applies to regional level in accordance with specific commitments of Mexico under the Article XVI of GATS which exist at the date of entry into force of this Agreement; and
- (c) does not apply to municipal or local level.

This entry does not apply to entries listed in Annex I with respect to Article 10.5 (Market Access). Mexico's limitations on market access in this entry are only those limitations which are not discriminatory.

Sector or subsector	Limitations on market access
1.BUSINESS SERVICES	
1. A. Professional services ¹	
a) Legal services (CPC 861)	1), 2) and 3) None 4) Unbound except as indicated in the Temporary Entry for Business Persons Chapter.
b) Accounting, auditing and bookkeeping services (CPC 862)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
d) Consultancy and technical studies for architecture (CPC 8671)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
e) Consultancy and technical services for engineering (CPC 8672)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
f) Integrated engineering services (CPC 8673)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
g) Urban planning and landscape architectural services (CPC 8674)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
h) Related scientific and technical consulting services (CPC 8675)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

¹ In order to practise a profession in Mexico, it is necessary to have a degree that has been recognised or confirmed by the Ministry of Public Education (*Secretaría de Educación Pública*) and also to obtain a professional licence. There are special requirements to be met by engineers, architects and doctors.

Sector or subsector	Limitations on market access
i) Medical and dental services (CPC 9312)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
k) Other services - Religious services (CPC 95910)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
1. B. Computer and Related Services	
a) Consultancy services related to the installation of computer hardware (CPC 841)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
b) Software implementation services (CPC 842)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
c) Data processing services (CPC 843)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
d) Data base services (CPC 844)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
e) Other (CPC 845+849)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
1. C. Research and Development Services (CPC 85) (other than research and technological development centres)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Research and experimental development services on engineering and technology (CPC 85103)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Research and development services on social sciences and humanities (CPC 852)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary

Sector or subsector	Limitations on market access
	Entry for Business Persons Chapter.
1. D. Real estate services	
a) Real estate services involving own or leased property (CPC 821) Other than: Real estate services involving own property	1) Unbound 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
b) Real estate services on a fee or contract basis (CPC 822)	1) Unbound 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
1. E. Rental/Leasing Services without Operators	
a) Leasing or rental services concerning vessels without operator (CPC 83103)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
b) Leasing or rental services concerning aircraft without operator (CPC 83104)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
c) Leasing or rental services concerning other means of transport without operator (limited to private cars without operator CPC 83101)	1) Unbound 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
-Leasing or rental services concerning means of maritime transport without operator	1) Unbound 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
d) Leasing or rental services concerning other machinery and equipment without operator:	1) Unbound 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Rental services concerning agricultural and fishery machinery and equipment (CPC 83106)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Rental services concerning machinery and equipment for industry (CPC 83109)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
e) Other - Rental services concerning electronic equipment for data processing (CPC 83108)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Leasing or rental services concerning other personal or household goods (CPC 83209)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter
- Rental services concerning office equipment and furniture (CPC 83108)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Rental services concerning televisions, sound equipment, video-cassette recorders and musical instruments (CPC 83201)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Rental services concerning professional photographic equipment and projectors (CPC 83209)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Rental services concerning other machinery, equipment and furniture not mentioned above (CPC 83109)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
1. F. Other Business Services	

Sector or subsector	Limitations on market access
a) Advertising and related activities (excluding broadcasting as well as restricted radio and television services) (CPC 871)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
b) Market research services (CPC 8640)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
c) Management consulting services (CPC 8650)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
d) Administrative formalities and collection services (CPC 8660)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
e) Technical testing and analysis services (CPC 8676)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
f) Services incidental to agriculture, hunting and forestry -Services incidental to agriculture (CPC 8811 limited to professional services incidental to agriculture)	1) and 2) None 3) None except as indicated in 1.A 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
-Services incidental to animal husbandry (CPC 8812 limited to professional services incidental to animal husbandry)	1) and 2) None 3) None except as indicated in 1.A 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Services incidental to forestry and logging (CPC 88104)	1) and 2) None 3) None except as indicated in 1.A 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
g) Services incidental to fishing (CPC 882)	1), 2) and 3) None 4) Unbound except as indicated in Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
k) Placement and supply of services of personnel (CPC 8720)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
l) Protection and guard services (CPC 8730)	1) Unbound 2) None 3) None, except that the requirements laid down for each specific means of transport must be fulfilled. 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
n) Maintenance and repair of equipment except maritime vessels, aircraft and other transport equipment:	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Repair and maintenance of industrial machinery and equipment (CPC 8862)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Repair and maintenance of professional technical equipment and instruments (CPC 8866)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Repair services incidental to metal products, machinery and equipment. (CPC886)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Repair and maintenance of machinery and equipment for general use, not assignable to any specific activity (CPC 886)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
o) Building-cleaning services (CPC 8740)	1) None 2) Unbound* 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
p) Photographic services	
- Photography and motion-picture processing services (CPC 87505 and 87506)	1) None 2) Unbound* 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
r) Printing, publishing (CPC 88442) Only includes: - Publishing of books and similars - Printing and binding (except newsprint for circulation exclusively in the Mexican territory) - Auxiliary and related industries with editing and printing (excludes manufacturing for printing types which are classified into 3811 branch, "casting and moulding of ferrous and nonferrous metal parts").	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
s) Convention services (CPC 87909***)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
t) Other	
- Credit reporting services (CPC 87901)	1) Unbound 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
- Speciality design services (CPC 87907)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Industrial design services (CPC 86725)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Photocopying and similar services (CPC 87904)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Translation and interpretation services (CPC 87905)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Laundry collection services (CPC 97011)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
2.COMMUNICATION SERVICES	
B. Courier services - Courier services (CPC 7512)	1) Unbound 2) None 3) None, except that the requirements laid down for each specific means of transport must be fulfilled. 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
C. Telecommunication Services Telecommunications services supplied by facilities based public telecommunications network (wire-based and radioelectric) through any technological medium, included in subparagraphs (a), (b), (c), (f), (g) and	1) The international traffic only may be routed through international ports of a natural person or juridical person with a concession granted by the regulatory agency to install, operate or use a public telecommunication network in the Mexican territory authorised to provide long distance service.

Sector or subsector	Limitations on market access
(o).	2) None 3) The Federal Telecommunications Institute (<i>Instituto Federal de Telecomunicaciones, IFT</i>) shall reserve for community indigenous FM radio stations ten per cent of broadcasting band of FM that goes from 88 to 108 MHz. Such percentage shall be granted as concession for the upper part of the referred band. The Institute shall directly assign 90 MHz of the 700 MHz band for the operation and exploitation of a wholesale shared network through a concession for commercial use. Resellers of telecommunications of long distance and international long distance may contract telecommunications services (exclusively) with authorised concessionaires. The economic agent who has been declared preponderant in the telecommunications sector or the concessionaires that are part of the economic group to which the declared preponderant agent belongs to may not participate directly or indirectly in any reseller. 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
a) Telephony services (CPC 75211, 75212)	1) As indicated in 2.C.1). 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
b) Packet-switched data transmission services (CPC 7523**)	1) As indicated in 2.C.1). 2) None 3) None 4) Unbound, except as indicated in Temporary

Sector or subsector	Limitations on market access
	Entry for Business Persons Chapter.
c) Circuit-switched data transmission services (CPC 7523**)	1) As indicated in 2.C.1). 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
f) Facsimile services (CPC 7521**+7529**)	1), 2) and 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
g) Private leased circuit services (CPC 7522**+7523**)	1) As indicated in 2.C.1). In Mexico it is not allowed allow the resale of private leased circuits to private networks. 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
o) Others	
- Paging services (CPC 75291)	1) As indicated in 2.C.1). 2) None 3) As indicated in 2.C.3). 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
- Cellular telephony (75213**)	1) As indicated in 2.C.1). 2) None 3) None 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
- Resellers ²	1) As indicated in 2.C.1). 2) None 3) None, except that the establishment and operation of resellers is invariably subject to the relevant regulations. The Federal Telecommunications Institute (<i>Instituto Federal de Telecomunicaciones, IFT</i>) will not issue permits for the establishment of a reseller until the corresponding regulations are issued. 4) Unbound, except as indicated in Temporary Entry for Business Persons Chapter.
-Other telecommunication services. Value-added services (Services that use public telecommunication network and have effect on the format, content, code, protocol, storage or similar aspects of the information transmitted by a user and which market users with additional information, different and restructured, or involve interaction user with information stored). ³	1) Registration before the Federal Telecommunications Institute (<i>Instituto Federal de Telecomunicaciones, IFT</i>) is required to provide Value Added Services. The Value Added Services originated overseas destined to the Mexican territory may only be taken and delivered in Mexico through infrastructure or facilities of a public telecommunications network concessioner. 2) None

² Companies which, without owning transmission means, provide third parties with telecommunications services by using capacity leased from a public network concessionaire.

³ Value Added Services are not those services for which its establishment, operation or exploitation make use of transmission infrastructure owned by the service provider, unless the service provider has the appropriate license or permit to establish, operate or exploit a public telecommunications network. It does not include those value-added services, the provision requiring the obtaining of licenses and permits including, without limitation, the following services: voice telephony, regardless of the technology used (VoIP) in its modalities of local service; long distance telephony; simple resale of leased private circuits, mobile telephony, mobile or fixed radio telephony, cable television, paid television using microwaves and satellite; paging services, trucking services; private or maritime radio-communication: restricted radio; data transmission; videoconferencing and vehicle radiolocation.

Sector or subsector	Limitations on market access
	3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
2.D. Audiovisual services	
a) Private production of cinematographic films (CPC 96112)	1), 2) and 3) None, except that film screening requires a permit issued by the Ministry of the Interior (<i>Secretaría de Gobernación</i>). 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
b) Private film-screening services (CPC 96121)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
c) Radio and Television Services (CPC9613) - broadcasting (radio and free to air television)	1) None 2) None 3) The Federal Institute of Telecommunications (<i>Instituto Federal de Telecomunicaciones, IFT</i>) shall grant upon request authorisations to access the multiprogramming. In the case of concessionaires belonging to an agent declared preponderant the <i>IFT</i> will not authorise the transmission of a number of channels greater than 50 per cent of the total amount of broadcasted television channels, including the multiprogramming ones, authorised for other concessionaires that are broadcasting in the region covered. Concessionaires of commercial, public and social use providing broadcasting service shall have daily free transmission in each station and for each programming channel, of duration up to 30 minutes whether continuous or discontinuous, dedicated to disseminate educational, cultural and social interest topics. In addition to the time set for the State, All concessionaires of commercial, public and social

Sector or subsector	Limitations on market access
	use providing broadcasting services shall be required to broadcast simultaneously in radio stations and television channels in the country when it comes to transmitting information of concern to the nation, according to the Ministry of Interior (<i>Secretaría de Gobernación</i>). 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Restricted radio and television services	1)None 2)None 3)Concessionaires providing restricted or audio services shall reserve at no charge channels for the distribution of federal public institutions' television signals as indicated by the executive through the Federal Executive branch as follows: I. A channel with the service consists of 31 to 37 channels; II. Two channels, when the service consists of 38 to 45 channels, and III. Three channels, when the service consists of 46 to 64 channels. Beyond this last number, a channel shall be added for every 32 transmission channels. When the service consists of up to 30 channels, The Ministry may require, that a specific channel dedicates up to six hours daily for transmission of programming as indicated by the Ministry of the Interior (<i>Secretaría de Gobernación</i>). Concessionaires providing broadcasting or restricted television and audio services, as well as programmers and signals operators shall maintain a balance between advertising and programming transmitted daily, and the following rules shall apply: I. concessionaires of commercial use broadcasting: a) in television stations, the time

Sector or subsector	Limitations on market access
	spent on commercial advertising shall not exceed 18 per cent of the total transmission time per programming channel, and b) in radio stations, the time spent on commercial advertising shall not exceed 40 per cent of the total transmission time per programming channel. The length of commercial advertising does not include transmissions of the station own advertising, nor does it include State time and other Executive Branch provisions or programmes offering products or services; II. concessionaires of restricted television, and audio may transmit, daily and per channel, up to six minutes of advertising for every hour of transmission. For purposes of corresponding calculation, advertising in the broadcast signals that are retransmitted and programming channels own advertising shall not be considered, and the channels exclusively dedicated to programmes of product offerings, shall be exempted from the limit stated in the previous paragraph. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
3.CONSTRUCTION AND RELATED ENGINEERING SERVICES	
A. General construction work for buildings - Residential or housing building (CPC 5121 and 5122)	1) Unbound 2) Unbound* 3) None 4) Unbound

Sector or subsector	Limitations on market access
- Non-residential buildings (CPC 5124, 5127 and 5128)	1) Unbound 2) Unbound* 3) None 4) Unbound
B. General construction work for civil engineering - Construction of urban development works (CPC 5131 and 5135)	1) Unbound 2) Unbound* 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Construction of industrial buildings (excluding electric power stations and plants for the piping of oil and oil products (CPC 52121)	1) Unbound 2) Unbound* 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Other construction (excluding construction of maritime and river works, highway and transport works and track construction) (CPC 52269)	1) Unbound 2) Unbound* 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
D. Building completion and finishing work	
- Electrical, plumbing and drainage installations in buildings (excluding telecommunication installations and other special installations) (CPC 5161-5164)	1) Unbound 2) Unbound* 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
E. Other - Special work, including earth moving, foundations, underground excavation, under-water work, signalling and protection installations, demolition, construction of drinking water or water treatment plants (excluding sinking of oil, gas and water wells) (CPC 511 and 515)	1) Unbound 2) Unbound* 3) None, except that services relating to visual and electronic aids for runways are subject to authorisation by the Ministry of Communication and Transports (<i>Secretaría de Comunicaciones y Transportes, SCT</i>). 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
4. DISTRIBUTION SERVICES	
4.A Trade intermediary services (CPC 621) (includes sales agents who are not considered within the paid staff of any establishment in particular).	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
4. B. Wholesale trade services -Wholesale trade of non-food products, including animal feed (excluding petroleum-based fuels, coal, firearms, cartridges and ammunition) (CPC 622) - Commission agents' services (CPC 62113 – 621118)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Wholesale trade of food, beverages and tobacco (CPC 6222)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Wholesale trade services (CPC 622)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
4. C. Retail trade services: -Retail sales of food, beverages and tobacco in specialized establishments (CPC 6310)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
- Retail sales of food products in supermarkets, self-service stores and shops (CPC 6310)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Retail sales of non-food products in department stores and shops (CPC 632)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Retail sales of motor vehicles, including tyres and spare parts (CPC 61112)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Retail sales of non-food products in specialised establishments (excluding retail sales of liquefied fuel gas, charcoal, coal and other non-petroleum-based fuels, paraffin, fuel, and tractor vaporising oil (TVO), gasoline and diesel, firearms, cartridges and ammunition) (CPC 6329)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
4.D. Franchise services	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
5.PRIVATE EDUCATION SERVICES	
5. A. Primary education services (CPC 921)	1) and 2) None 3) None except that prior authorisation is required from the Ministry of Public Education (<i>Secretaría de Educación Pública, SEP</i>) or the State authority. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
5. B. Secondary education services (CPC 922)	1) and 2) None 3) None except that prior authorisation is required from the Ministry of Public Education (<i>Secretaría de Educación Pública, SEP</i>) or the State authority. 4) Unbound, except as indicated in the

Sector or subsector	Limitations on market access
	Temporary Entry for Business Persons Chapter.
5. C. Higher education services (CPC 923)	1) and 2) None 3) None except that prior authorisation is required from the Ministry of Public Education (<i>Secretaría de Educación Pública, SEP</i>) or the State authority. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
5. E. Other education services: - Language education, special education and commercial training (CPC 9290)	1) and 2) None 3) None, except that prior authorisation is required from the Ministry of Public Education (<i>Secretaría de Educación Pública, SEP</i>) or the State authority. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
6. ENVIRONMENTAL SERVICES ⁴	
6. A. Sewage services (CPC 9401)	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
6. B. Additional environmental services - Refuse disposal services (CPC 9402)	1) Unbound 2) None 3) None

⁴ The level of disaggregation of each of this sector's subsectors is interpreted in accordance with Mexico's domestic legislative framework and may not correspond exactly to the stated CPC classification.

Sector or subsector	Limitations on market access
- Protection of ambient air and climate (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Limited to environmental impact assessments and Consultancy services for environmental protection services (CPC 9409)	4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1) Unbound 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1) Unbound 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1) Unbound 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1) Unbound 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
6. C. Sanitation services (CPC 94030)	1) Unbound 2) None

Sector or subsector	Limitations on market access
	3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
8. HEALTH RELATED AND SOCIAL SERVICES	
8. A. Private hospital services (CPC 9311)	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
8. B. Other human health services. - Private services of clinical laboratories auxiliary to medical diagnosis (CPC 93199)	1) Unbound 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Other private services auxiliary to medical treatment (CPC 93191)	1) Unbound 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Dental prosthesis laboratory services (CPC 93123)	1) Unbound 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
9.TOURISM AND TRAVEL RELATED SERVICES	
9. A. Hotel and restaurant services	
-Hotel services (CPC 6411)	1), 2) and 3) None, except for the requirement of holding a permit to engage in the activity from the competent authority (Central, Regional or Local). 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
-Motel services (CPC 6412)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Board and lodging in guest houses and furnished accommodation (CPC 64192 and 64193)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Youth hostels and temporary camping facilities (CPC 64194)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Camping facilities for mobile homes (trailer parks) (CPC 64195)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
-Restaurant services (CPC 642)	1), 2) and 3) None, except for the requirement of holding a permit to engage in the activity from the competent authority (Central, Regional or Local). 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Cabarets and night clubs (CPC 6432)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Canteens, bars and taverns (CPC 6431)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
B. Travel agencies and tour operators (CPC 7471)	1) None 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
C. Tourist guide services (CPC 7472)	1) Unbound* 2) None 3) None, except a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
9. D. Others	
- Spa services (CPC 97029) Only includes: Private services in social centres, recreational and sports. Also, sports clubs services, gyms, spas, swimming pools, sports fields, billiards, bowling, horses and bicycles. Excludes boats rental.	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
Catering services, providing meals to outside (CPC 6423) (other than service on aircraft and in airports)	1) Unbound* 2) None 3) None except that a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
Bar services with entertainment (only in hotels and other lodging places)	1) Unbound* 2) None 3) None, except that a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
Public house services without entertainment (CPC 6431) (except in hotels, other lodging places and other means of transport)	1) Unbound* 2) None 3) None, except that a permit from the competent authority (Central, Regional or Local) is required to engage in the activity. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
10.RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)	
10. A. Entertainment services (including theatre, live bands and circus) (CPC 9619)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
10. B. News agency services (CPC 962)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
10. C. Libraries, archives, museums and other cultural services (CPC 963)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
10. D. Sporting and other recreational services (CPC 964)	
- Sports event organisation services (CPC 96412)	1) Unbound * 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Sports facility operation services (CPC 96413)	1) Unbound * 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
- Other sporting services (only services provided by sport and game schools) (CPC 96419)	1) Unbound * 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Promotion of sports services (CPC 96411)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11.TRANSPORT SERVICES	
A. Maritime transport services International Transport (freight and passengers) (CPC 7211 and 7212, other than cabotage transport) - Supporting services for water transport (CPC 745) (includes operation and maintenance of docks; loading and unloading of vessels at shore-side; marine cargo handling, operation and maintenance of piers; ship and boat cleaning; stevedoring; transfer of cargo between ships and trucks, trains, pipelines and wharves; waterfront terminal operations) -Supporting services for water transport (CPC 745) (limited to Maritime Port Administration, Lake and Rivers)	1) Scheduled, bulk, tramp and other international maritime transport, including passenger transport. Specific international deep-sea transport may be reserved wholly or partly for shipping companies which are Mexican, or recognised as such, when the principles of free competition are not observed and the national economy is affected. 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1)None 2)None 3)None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1)None 2)None 3)None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
-Maritime cargo handling services	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Storage and warehousing services, except general bonded warehouses (CPC 742)	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Container station and depot services	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Maritime agency services	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Maritime freight forwarding services	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Vessel maintenance and repair	1) Unbound* 2) and 3) None 4) Unbound, except as indicated in the

Sector or subsector	Limitations on market access
	Temporary Entry for Business Persons Chapter.
11. C. Air transport services	
e) Supporting services for air transport - Airport and heliport administration services	1) Unbound 2) None 3) None, except that a concession from the Ministry of Communications and Transport (<i>Secretaría de Comunicaciones y Transportes, SCT</i>) is required to operate an airport. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11. E. Rail transport services c. Pushing or towing services (CPC 7113)	1) Unbound * 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
e. Supporting services for railway transport (CPC 743)	1) Unbound * 2) None 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11. F. Road transport services d) Maintenance and repair of road transport equipment -Motor vehicle maintenance and repair services (CPC 6112 and 8867) Other supporting services for road transport (CPC 74490) (limited to main bus and truck terminals and bus and truck stations)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

Sector or subsector	Limitations on market access
e) Supporting services for road transport services Supporting services for road transport (CPC 744) limited to Management Services of Roads, Bridges and Auxiliary Services	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11. G. Pipeline transport. b) Transportation of other goods (CPC 7139) limited to Non-energy Pipelines)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11. H. Services auxiliary to all modes of transport	
- Weighbridge services for transport purposes (CPC 7490) - Supporting services for air transport	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter. 1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
11. I. Other transport services - Tramway transport (CPC 71211) - Subway transport (CPC 71211)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Temporary Entry for Business Persons Chapter. 1) Unbound except as indicated in the horizontal section 2) None 3) None 4) Unbound except as indicated in the

Sector or subsector	Limitations on market access
- Rental of commercial vehicles with operator (CPC 7124)	Temporary Entry for Business Persons Chapter. 1) Unbound except as indicated in the horizontal section 2) and 3) None 4) Unbound except as indicated in the Temporary Entry for Business Person Chapter.
12. OTHER SERVICES	
-Repair of footwear and other articles of leather and skins -Footwear and leather goods repair services (CPC 63301)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Repair of electronic appliances mainly for household use (CPC 63302) - Repair services of electrical household appliances (CPC 63302)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Repair of clocks, watches and jewellery (CPC 63303) - Watch, clock and jewellery repair services (CPC 63303)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Repair and cleaning of headgear (CPC 63304)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
-Repair of bicycles (CPC 63309) - Bicycle repair (CPC 63309)	1), 2) and 3) None 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.
- Locksmiths' trade (CPC 63309)	1) and 2) None 3) None, except that regional and local authorities are responsible for authorising these services. 4) Unbound, except as indicated in the Temporary Entry for Business Persons Chapter.

* Unbound due to technical unfeasibility.

** The specified service constitutes only a part of the total number of activities covered by the corresponding CPC code.

*** The specified service is an element of a bigger CPC code added in another place in the list.

ANNEX II

SCHEDULE OF NEW ZEALAND

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure with respect to:

- (a) the provision of public law enforcement and correctional services; and
- (b) the following, to the extent that they are social services established for a public purpose:
 - (i) childcare;
 - (ii) health;
 - (iii) income security and insurance;
 - (iv) public education;
 - (v) public housing;
 - (vi) public training;
 - (vii) public transport;

- (viii) public utilities;¹
- (xi) social security and insurance; and
- (x) social welfare.

¹ Only with respect to utility services for which exclusive rights or government support are accorded by the central government for the purpose of ensuring the affordability, availability or accessibility of such services. This footnote does not apply to measures adopted or maintained by a local government.

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to water, including the allocation, collection, treatment and distribution of drinking water. This reservation does not apply to the wholesale trade and retail of bottled mineral, aerated and natural water.

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt and maintain any measure solely as part of the act of devolving a service that is provided in the exercise of governmental authority at the date of entry into force of the Agreement. Such measures may include:

- (a) restricting the number of service suppliers;
- (b) allowing an enterprise, wholly or majority owned by the Government of New Zealand, to be the sole service supplier or one amongst a limited number of service suppliers;
- (c) imposing restrictions on the composition of senior management and boards of directors;
- (d) requiring local presence; and
- (e) specifying the juridical form of the service supplier.

Sector: All

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment and Cross-Border Trade in Services

Where the New Zealand Government wholly owns or has effective control over an enterprise, then New Zealand reserves the right to adopt or maintain any measure regarding the sale of any shares in that enterprise or any assets of that enterprise to any person, including according more favourable treatment to New Zealand nationals.

Entities within the scope of this reservation include state-owned enterprises at the central level of government. For transparency purposes, such enterprises include:

- (a) Airways Corporation of New Zealand Limited;
- (b) Animal Control Products Limited;
- (c) AsureQuality Limited;
- (d) Electricity Corporation of New Zealand Limited;
- (e) KiwiRail Holdings Limited;
- (f) Kordia Group Limited;
- (g) Landcorp Farming Limited;
- (h) Learning Media Limited;
- (i) Meteorological Service of New Zealand Limited;
- (j) New Zealand Post Limited;
- (k) New Zealand Railways Corporation;
- (l) Quotable Value Limited;

- (m) Solid Energy New Zealand Limited;
- (n) Terralink NZ Limited; and
- (o) Transpower New Zealand Limited.

Sector: All

Obligations Concerned: National Treatment (Article 9.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

New Zealand reserves the right to adopt or maintain any measure that sets out the approval criteria to be applied to the categories of overseas investment that require approval under New Zealand's overseas investment regime.

For transparency purposes those categories, as set out in Annex I – New Zealand – 12 and 13, are:

- (a) acquisition or control by non-government sources of 25 per cent or more of any class of shares² or voting power³ in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$200 million;
- (b) commencement of business operations or acquisition of an existing business by non-government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$200 million;
- (c) acquisition or control by government sources of 25 per cent or more of any class of shares⁴ or voting power⁵ in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$100

² For greater certainty, the term “shares” includes shares and other types of securities.

³ For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

⁴ For greater certainty, the term “shares” includes shares and other types of securities.

⁵ For greater certainty, “voting power” includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

million;

- (d) commencement of business operations or acquisition of an existing business by government sources, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$100 million;
- (e) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's overseas investment legislation; and
- (f) any transaction, regardless of dollar value, that would result in an overseas investment in fishing quota.

Existing Measures:

Overseas Investment Act 2005

Fisheries Act 1996

Overseas Investment Regulations 2005

Sector:	All
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement. New Zealand reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any international agreement in force or signed after the date of entry into force of this Agreement involving: (a) aviation; (b) fisheries; and (c) maritime matters.

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure taken as part of a wider process of economic integration or trade liberalisation between the parties to the *Australia New Zealand Closer Economic Relations Trade Agreement* (ANZCERTA) or the *Pacific Agreement on Closer Economic Relations* (PACER) that accords differential treatment to a Party or a non-Party.⁶

⁶ For the avoidance of doubt, this includes any measure adopted or maintained under any existing or future protocol to the agreements.

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure regarding the control, management or use of: (a) protected areas, being areas established under and subject to the control of legislation, including resources on land, interests in land or water, that are set up for heritage management purposes (both historic and natural heritage), public recreation and scenery preservation; or (b) species owned under enactments by the Crown or that are protected by or under an enactment.
Existing Measures:	<i>Conservation Act 1987</i> and the enactments listed in Schedule 1 of the <i>Conservation Act 1987</i> <i>Resource Management Act 1991</i> <i>Local Government Act 1974</i>

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any nationality or residency measures in relation to: (a) animal welfare; and (b) the preservation of plant, animal and human life and health, including in particular: (i) food safety of domestic and exported foods; (ii) animal feeds; (iii) food standards; (iv) biosecurity; (v) biodiversity; and (vi) certification of the plant or animal health status of goods. Nothing in this reservation shall be construed to derogate from the obligations of Chapter 7 (Sanitary and Phytosanitary Measures) or the obligations of the SPS Agreement. Nothing in this reservation shall be construed to derogate from the obligations of Chapter 8 (Technical Barriers to Trade) or the obligations of the TBT Agreement.

Sector:	All
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to maintain or adopt any measure made by or under an enactment in respect of the foreshore and seabed, internal waters as defined in international law (including the beds, subsoil and margins of such internal waters), territorial sea, the Exclusive Economic Zone and the continental shelf, including for the issuance of maritime concessions in the continental shelf.
Existing Measures:	<i>Resource Management Act 1991</i> <i>Marine and Coastal Area (Takutai Moana) Act 2011</i> <i>Continental Shelf Act 1964</i> <i>Crown Minerals Act 1991</i> <i>EEZ and Continental Shelf (Environmental Effects) Act 2012</i>

Sectors: All

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure that is not inconsistent with New Zealand's obligations under Article XVI of GATS as set out in New Zealand's Schedule of Specific Commitments under GATS (GATS/SC/62, GATS/SC/62 Suppl. 1, GATS/SC/62/Suppl. 2).

For the purposes of this entry only, New Zealand's Schedule of Specific Commitments is modified as set out in Appendix A.

Sector:	Business Services Fire Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to the provision of fire-fighting services, excluding aerial fire-fighting services.
Existing Measures:	<i>Fire Service Act 1975</i> <i>Forest and Rural Fires Act 1977</i>

Sector:	Business Services Research and Development
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to: (a) research and development services carried out by State- funded tertiary institutions or by Crown Research Institutes when such research is conducted for a public purpose; and (b) research and experimental development services on physical sciences, chemistry, biology, engineering and technology, agricultural sciences, medical, pharmaceutical and other natural sciences, <i>i.e.</i> CPC 8510.

Sector:	Business Services Technical Testing and Analysis Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure in respect of: (a) composition and purity testing and analysis services (CPC 86761); (b) technical inspection services (CPC 86764); (c) other technical testing and analysis services (CPC 86769); (d) geological, geophysical and other scientific prospecting services (CPC 86751); and (e) drug testing services.

Sector:	Business Services Fisheries and Aquaculture Services related to fisheries and aquaculture
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to control the activities of foreign fishing, including fishing landing, first landing of fish processed at sea, and access to New Zealand ports (port privileges), consistent with the provisions of the <i>United Nations Convention on the Law of the Sea</i> .
Existing Measures:	<i>Fisheries Act 1996</i> <i>Aquaculture Reform Act 2004</i>

Sector:	Business Services Energy Manufacturing Wholesale Trade Retail
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt any measure in order to prohibit, regulate, manage or control the production, use, distribution or retail of nuclear energy, including setting conditions for natural persons or juridical persons to do so.

Sector:	Communication Services Audio-visual and other Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures:	For greater transparency, section 18 of the <i>New Zealand Film Commission Act 1978</i> limits Commission funding to films with a “significant New Zealand content”. This criterion is deemed to be satisfied if made pursuant to a co-production agreement or arrangement with the partner country in question.

Sector:	Communication Services Audio-visual and other Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to the promotion of film and television production in New Zealand and the promotion of local content on public radio and television, and in films.

Sector:	Agriculture, including services incidental to agriculture
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to: (a) the holding of shares in the co-operative dairy company arising from the amalgamation authorised under the <i>Dairy Industry Restructuring Act 2001</i> (DIRA) (or any successor body); and (b) the disposition of assets of that company or its successor bodies.
Existing Measures:	<i>Dairy Industry Restructuring Act 2001</i>

Sector:	Agriculture, including services incidental to agriculture
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to the export marketing of fresh kiwifruit to all markets other than Australia.
Existing Measures:	<i>Kiwifruit Industry Restructuring Act 1999</i> and Regulations

Sector: Agriculture, including services incidental to agriculture

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment and Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure with respect to:

- (a) specifying the terms and conditions for the establishment and operation of any government endorsed allocation scheme for the rights to the distribution of export products falling within the HS categories covered by the *WTO Agreement on Agriculture* to markets where tariff quotas, country-specific preferences or other measures of similar effect are in force; and
- (b) the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme.

This entry is not intended to have the effect of prohibiting investment in the provision of wholesale trade and distribution services relating to goods in the HS chapters covered by the *WTO Agreement on Agriculture*. The entry applies in respect of investment to the extent that wholesale trade and distribution services are provided with respect to agricultural products that are subject to tariff quotas, country-specific preferences or other measures of similar effect.

Sector:	Agriculture, including services incidental to agriculture
Obligations Concerned:	Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to maintain or adopt any measure necessary to give effect to the establishment or implementation of mandatory marketing plans (also referred to as “export marketing strategies”) for the export marketing of products derived from: (a) agriculture; (b) beekeeping; (c) horticulture; (d) arboriculture; (e) arable farming; and (f) the farming of animals, where there is support within the relevant industry that a mandatory collective marketing plan should be adopted or activated. For the avoidance of doubt, mandatory marketing plans, in the context of this entry, exclude measures limiting the number of market participants or limiting the volume of exports.
Existing Measures:	<i>New Zealand Horticulture Export Authority Act 1987</i>

Sector:	Health and Social Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to all services suppliers and investors for the supply of adoption services.
Existing Measures:	<i>Adoption Act 1955</i> <i>Adoption (Inter-country) Act 1997</i>

Sector:	Recreation, Cultural and Sporting
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to gambling, betting and prostitution services.
Existing Measures:	<i>Gambling Act 2003</i> and Regulations <i>Prostitution Reform Act 2003</i> <i>Racing Act 2003</i> Racing (Harm Prevention and Minimisation) Regulations 2004 Racing (New Zealand Greyhound Racing Association Incorporated) Order 2009

Sector:	Recreation, Cultural and Sporting Library, Archive, Museum and other Cultural Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure in respect of: (a) cultural heritage of national value, including ethnological, archaeological, historical, literary, artistic, scientific or technological heritage; as well as collections that are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions; (b) public archives; (c) library and museum services; and (d) services for the preservation of historical or sacred sites or historical buildings.

Sector:	Transport Maritime Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to: (a) the carriage by sea of passengers or cargo between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port in New Zealand (maritime cabotage); (b) the establishment of registered companies for the purpose of operating a fleet under the New Zealand flag; and (c) the registration of vessels in New Zealand.

Sector: Distribution Services

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

New Zealand reserves the right to adopt or maintain any measure for public health or social policy purposes with respect to wholesale and retail trade services of tobacco products and alcoholic beverages.

Sector:	Financial Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> New Zealand reserves the right to adopt or maintain any measure with respect to the supply of: (a) compulsory social insurance for personal injury caused by accident, work related gradual process disease and infection, and treatment injury; and (b) disaster insurance for residential property for replacement cover up to a defined statutory maximum.

Sector: All Sectors

Obligations Concerned: National Treatment (Article 9.4)
Performance Requirements (Article 9.10)

Description: Investment

New Zealand reserves the right to adopt or maintain any taxation measure with respect to the sale, purchase or transfer of residential property (including interests that arise via leases, financing and profit sharing arrangements, and acquisition of interests in enterprises that own residential property).

For greater certainty, residential property does not include non-residential commercial real estate.

Appendix A

For the purposes of entry Annex II – New Zealand – 14, New Zealand’s obligations under Article XVI of GATS as set out in New Zealand’s Schedule of Specific Commitments under GATS (GATS/SC/62, GATS/SC/62 Suppl. 1, GATS/SC/62/Suppl. 2) are improved in the following sectors as described below.

Sector/subsector	Market Access Improvement
BUSINESS SERVICES	
Professional Services	
Practice of foreign law	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Business tax planning and consulting services	
Integrated engineering services	
Consultancy related to Urban Planning and Landscape Architecture (CPC 8674**)	
Computer And Related Services	
Maintenance and repair of office machinery and equipment including computers	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Other Computer Services	
Other Business Services	
Management Consulting Services	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Services related to management consulting	
Services incidental to animal husbandry	
Placement and supply services of personnel	
Photographic services	
Convention services (CPC 87909**)	
Other credit reporting services	
Collection agency services	
Interior Design Services (CPC 87907**)	

Telephone Answering Services	
Duplicating Services	
Mailing list compilation and mailing services	
Other Business Services – services generally provided to business not elsewhere classified in the CPC and not including convention services. These include: business brokerage services, appraisal services (other than for real estate), secretarial services, demonstration and exhibition services, etc.	
COMMUNICATION SERVICES	
Postal And Courier Services	
Services relating to the handling⁷ of postal items⁸ whether for domestic or foreign destinations: A. Handling of addressed written communications on any kind of physical medium⁹, including: - Hybrid mail services - Direct mail B. Handling of addressed parcels and packages¹⁰ C. Handling of addressed press products¹¹ D. Handling of items referred to in A. to C. above as registered or insured mail. E. Express delivery services¹² for items referred to in A. to C. above F. Handling of non-addressed items G. Document exchange	Insert new commitment with modes 1 and 3 limited as follows: “None, other than Additional conditions for operation in the market or de-registration may be imposed on postal operators where these engage in anti-competitive behaviour”, no limitations on mode 2 and mode 4 “Unbound, except as indicated in the horizontal section.”

⁷ The term “handling” should be taken to include clearance, sorting, transport and delivery.

⁸ “Postal item” refers to items handled by any type of commercial operator, whether public or private.

⁹ For example, letter, postcards.

¹⁰ Books, catalogues are included hereunder.

¹¹ Journals, newspapers, periodicals.

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 addressee in transit, confirmation of receipt.

H. Other services not elsewhere specified, including post office counter services, other than the issue of stamps bearing the words: “New Zealand” ¹³	
CONSTRUCTION AND RELATED ENGINEERING SERVICES	
General Construction Work for Buildings General Construction Work for Civil Engineering Installation and Assembly Work Building Completion and Finishing Work Other Site preparation: new construction (other than pipelines) Maintenance and repair of fixed structures	Replace existing restriction under mode 1 with “None for consultancy services”.
Other Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
DISTRIBUTION SERVICES	
Commission Agents’ Services	Replace existing commitments with: CPC 62113-62115, 62117-62118: no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.” CPC 62111** only in respect of 02961-02963** (ovine wool); CPC 62112** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin) and 02961-02963** (ovine wool); and CPC 62116** only in respect of 2613-2615**,

¹³ The issue of stamps bearing the said words is restricted to Universal Postal Union designated operators except where the said words form part of the name of the operator issuing the stamps.

	(ovine wool): Insert new commitments with no limitations for modes 1 and 2, mode 3 “None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.” and mode 4 “Unbound, except as indicated in the horizontal section.”
Wholesale trade services	Replace existing commitments with: CPC 6223 – 6226, CPC 6228: no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.” CPC 6221**only in respect of 02961-02963** (ovine wool); CPC 6222** only in respect of CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin); and CPC 62277** only in respect of 2613-2615**, (ovine wool): Insert new commitments with no limitations for modes 1 and 2, mode 3 “None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services

	operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.” and mode 4 “Unbound, except as indicated in the horizontal section.”
EDUCATION SERVICES	
Other Education Services	
Other Education in respect of the following services only: - Language training provided in private specialist language institutions - Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system¹⁴	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
ENVIRONMENTAL SERVICES ¹⁵	
Waste water management Waste Management Refuse disposal services Sanitation and similar services Protection of ambient air and climate Remediation and clean-up of soil and water Noise and vibration abatement Protection of biodiversity and landscape Other environmental and ancillary services	Insert new commitments for consultancy and these services contracted by private industry only with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”

¹⁴ Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

¹⁵ New Zealand’s commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.

TRANSPORT SERVICES	
Maritime Transport Services	Replace existing condition applicable to all maritime service sectors with the following: “General conditions applicable to all maritime service sectors: marketing and sales of maritime transport and related services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound, except for marketing and sales related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).”
Maritime Auxiliary Services	
Maritime Cargo Handling Services ¹⁶	Insert new commitment with mode 1 “Unbound except for no limitation on transshipment (board to board or via the quay) and/or use of on board cargo handling equipment.”, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Customs Clearance Services ¹⁷ Container Station and Depot Services ¹⁸	Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”

¹⁶ Maritime Cargo Handling Services: activities exercised by stevedoring companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:

- (a) the loading/discharging of cargo to/from a ship;
- (b) the lashing/unlashing of cargo; and
- (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

¹⁷ Customs Clearance Services: activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

¹⁸ Container Station and Depot Services: activities consisting of storing containers, whether in port or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

Maritime Agency Services ¹⁹	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
AIR TRANSPORT SERVICES	
Selling and marketing of air transport services ²⁰	Replace existing limitation for modes 1, 2 and 3 with “Unbound for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin), CPC 2613-2615** (ovine wool), and CPC 02961-02963** (ovine wool).”
Aircraft repair and maintenance Services ²¹	Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Airport Operation Services CPC74610**, excluding Navigation aids	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
Other supporting services for air transport CPC 74690** excluding fire-fighting and fire-prevention services Cargo and baggage handling services (CPC 741**) Ramp handling services (CPC 741**)	Insert new commitment with mode 1 unbound, no limitations for modes 2 and 3 and mode 4 “Unbound, except as indicated in the horizontal section.”

¹⁹ Maritime Agency Services: activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- (a) Marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- (b) Acting on behalf of the companies organising the call of a ship or taking over cargoes when required.

²⁰ As defined in paragraph 6(b) of GATS Annex on Air Transport Services.

²¹ As defined in paragraph 6(b) of GATS Annex on Air Transport Services.

Airport management services	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”
OTHER SERVICES NOT INCLUDED ELSEWHERE	
Other	
Washing, cleaning and dyeing services	Insert new commitments with no limitations for modes 1-3 and mode 4 “Unbound, except as indicated in the horizontal section.”

ANNEX II
SCHEDULE OF PERU

Sector: All

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Peru reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreements in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters,¹ including salvage.

Existing Measures:

¹ For greater certainty, maritime matters include transport by lakes and rivers.

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Peru, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise² or an existing governmental entity, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests or assets to control any resulting enterprise, by investors of a Party or of a non-Party or their investments. With respect to such a sale or other disposition, Peru may adopt or maintain any measure relating to the nationality of individuals appointed to senior management positions or members of the board of directors.

For the purposes of this entry:

- (a) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements described in this entry shall be deemed to be an existing measure subject to Article 9.12.1, Article 9.12.4, Article 9.12.5 and Article 9.12.6 (Non-Conforming Measures) and Article 10.7.1 (Non-Conforming Measures); and
- (b) “state enterprise” means an enterprise owned or controlled through ownership interests by Peru and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the

² An illustrative list of existing state enterprises in Peru can be found in the following website: www.fonafe.gob.pe.

assets of, an existing state enterprise or governmental entity.

Existing Measures:

Sector: Indigenous Communities, Peasant, Native and Minority Affairs

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities and ethnic groups. For purposes of this entry, “ethnic groups” means indigenous, native, and peasant communities.

Existing Measures:

Sector:	Fishing and Services related to Fishing
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10)
Description:	<u>Investment and Cross-Border Trade in Services</u> Peru reserves the right to adopt or maintain any measure relating to artisanal fishing.
Existing Measures:	

Sector:	Cultural Industries
Sub-Sector:	
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u>

For purposes of this entry, “cultural industries” means:

- (a) publication, distribution, or sale of books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;
- (b) production, distribution, sale, or display of recordings of movies or videos;
- (c) production, distribution, sale, or display of music recordings in audio or video format;
- (d) production and presentation of theatre arts³;
- (e) production and exhibition of visual arts;
- (f) production, distribution, or sale of printed music scores or scores readable by machines;
- (g) design, production, distribution and sale of handicrafts; or
- (h) radiobroadcasts aimed at the public in general, as well as all radio, television, and cable television-related activities, satellite programming services, and broadcasting networks.

Peru reserves the right to adopt or maintain any measure giving preferential treatment to persons of other countries pursuant to any existing or future bilateral or multilateral international agreement regarding cultural industries, including audio-visual cooperation agreements.

³ The term “theatre arts” means live performances or presentations such as drama, dance or music.

For greater certainty, Article 9.4 (National Treatment) and Article 9.5 (Most-Favoured-Nation Treatment) and Chapter 10 (Cross-Border Trade in Services) shall not apply to government support for the promotion of cultural industries.

Existing Measures:

Sector: Handicraft Industries

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to the design, distribution, retailing or exhibition of handicrafts that are identified as Peruvian handicrafts.

Performance requirements shall in all cases be consistent with the *WTO Agreement on Trade-Related Investment Measures* (TRIMs Agreement).

Existing Measures:

Sector: Audio-Visual Industry

Sub-Sector:

Obligations Concerned: Performance Requirements (Article 9.10)
National Treatment (Article 10.3)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure whereby a specified percentage (up to 20 per cent) of the total cinematographic works shown on an annual basis in cinemas or exhibition rooms in Peru consist of Peruvian cinematographic works. In establishing such percentage, Peru shall take into account factors including the national cinematographic production, the existing exhibition infrastructure in the country and attendance.

Existing Measures:

Sector:	Jewellery Design Theatre Arts Visual Arts Music Publishing
Sub-Sector:	
Obligations Concerned:	Performance Requirements (Article 9.10) National Treatment (Article 10.3)
Description:	<u>Investment and Cross-Border Trade in Services</u> Peru reserves the right to adopt or maintain any measure conditioning the receipt or continued receipt of government support for the development and production of jewellery design, theatre arts, visual arts, music and publishing on the recipient achieving a given level or percentage of domestic creative content.
Existing Measures:	

Sector:	Audio-Visual Industry Publishing Music
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Description:	<u>Investment and Cross-Border Trade in Services</u> Peru may adopt or maintain any measure that affords a person of another Party the treatment that is afforded by that Party to Peruvian persons in the audio-visual, publishing and music sectors.
Existing Measures:	

Sector: Social Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security and insurance, social security, social welfare, public education, public training, health and childcare.

Existing Measures:

Sector: Public Supply of Potable Water

Sub-Sector:

Obligations Concerned: Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the public supply of potable water.

For greater certainty, nothing in this entry shall affect the ability of a foreign enterprise to supply bottled water.

Existing Measures:

Sector: Public Sewage Services

Sub-Sector:

Obligations Concerned: Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to public sewage services.

Existing Measures:

Sector: Telecommunications Services

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 10.4)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure in relation to the granting of a concession for the installation, operation and exploitation of public telecommunication services.

Existing Measures:

Sector: Education Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 10.3)
Most-Favoured-Nation Treatment (Article 10.4)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to natural persons who supply educational services, including teachers and auxiliary personnel rendering educational services in basic and superior education including technical and productive training (*educación técnico productiva*) as well as other people who supply services related to education including sponsors of educational institutions of any level or stage of the educational system.

Existing Measures:

Sector: Transportation Services

Sub-Sector: Road Transportation Services

Obligations Concerned: National Treatment (Article 10.3)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure that authorises only Peruvian natural or juridical persons to supply land transportation of persons or merchandise inside the territory of Peru (cabotage). For this, the enterprises shall use vehicles registered in Peru.

Existing Measures:

Sector:	Transportation
Sub-Sector:	International road transportation services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Peru reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or passengers in border areas. Additionally, Peru reserves the right to adopt or maintain the following limitations for the supply of international land transportation from Peru: (a) the service supplier must be a Peruvian natural or juridical person; (b) the service supplier must have a real an effective domicile in Peru; and (c) in the case of juridical persons, the service supplier must be legally constituted in Peru and more than 50 per cent of its capital stock must be owned by Peruvian nationals and its effective control must be by Peruvian nationals.
Existing Measures:	

Sector:	Transportation
Sub-Sector:	Air transportation services
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 10.4) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Peru reserves the right to adopt or maintain any measure relating to ground-handling services.
Existing Measures:	

Sector:	Transportation
Sub-Sector:	Air transportation services
Obligations Concerned:	National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Peru reserves the right to adopt or maintain any measure relating to airport operation services.
Existing Measures:	

Sector: All

Sub-Sector:

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Peru reserves the right to adopt or maintain any measure relating to Article 10.5 (Market Access), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:

Legal services: For (a) and (c): None, except that the number of notary positions depends of the number of inhabitants of each city. For (b): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Accounting, auditing and bookkeeping services: For (a) and (c): None, except that auditing societies shall be constituted only and exclusively by public accountants licensed and resident in the country and duly qualified by the Association of Public Accountants of Lima (*Colegio de Contadores Públicos de Lima*). No partner may be a member of another auditing society in Peru. For (b): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Taxation services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Architectural services: For (a), (b) and (c): None, except that for temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Engineering services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign

Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Integrated engineering services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Urban planning and landscape architectural services: For (a), (b) and (c): None, except that to obtain temporary registration, non-resident foreign architects must have a contract of association with a Peruvian architect residing in Peru. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Veterinary Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Services provided by midwives, nurses, physiotherapists, and paramedical personnel: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Computer and Related Services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Research and Development services on natural sciences: For (a), (b) and (c): None, except that a permission of operation may be required and the competent authority may require the inclusion to the expedition of one or more representatives of the Peruvian pertinent activities, in order to participate and know the studies and its scope. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Research and Development services on social sciences and humanities: For (a), (b) and (c): None, subject to the respective authorisations of the competent authority. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Interdisciplinary Research and Development services: For (a), (b) and (c): None, except that a permission of operation may be required. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Real Estate Services: Involving owned or leased property or on a fee or contract basis: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Rental/leasing services without crew/operators, related to vessels, aircraft, any other transport equipment, and other machinery and equipment:

For (a), (b) and (c): None, except that:

A “National Shipowner” or “National Ship Enterprise” is understood as a natural person of Peruvian nationality or juridical person constituted in Peru, with its principal domicile and real and effective headquarters in Peru, whose business is to provide water transportation services in national traffic or cabotage⁴ or international traffic and who is the owner or lessee under a financial lease or a bareboat charter, with an obligatory purchase option, of at least one Peruvian flag merchant vessel and that has obtained the relevant Operation Permit from the General Aquatic Transport Directorate (*Dirección General de Transporte Acuático*).

Cabotage is exclusively reserved to Peruvian flagged merchant vessels owned by a National Shipowner or National Ship Enterprise or leased under a financial lease or a bareboat charter, with an obligatory purchase option, except that:

- (i) up to 25 per cent of the transport of hydrocarbons in national waters is reserved for the ships of the Peruvian Navy; and
- (ii) foreign-flagged vessels may be operated exclusively by National Shipowners or National Ship Enterprise for a period of no

⁴ For greater certainty, water transportation includes transportation by lakes and rivers.

more than six months for water transportation exclusively between Peruvian ports or cabotage when such an entity does not own its own vessels or lease vessels under the modalities previously mentioned.

For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Advertising services: For (a), (b) and (c): None, except that: Commercial advertising produced in Peru, must use at least 80 per cent national artists. National artists shall receive no less than 60 per cent of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in commercial advertising. For (d): No commitments, except as indicated in the Law of the Artist and Performer (*Ley del Artista, Intérprete y Ejecutante*) and Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Market research and public opinion polling services, management consulting services, services related to management consulting, and technical testing and analysis services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Services related to agriculture, hunting, and forestry: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Services incidental to fishing: solely advisory and consulting services relating to fishing: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Services related to mining, placement and supply services of personnel, and investigation and security services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Related scientific and technical consulting services: For (a),

(b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Maintenance and repair of equipment (not including vessels, aircraft, or other transport equipment), building-cleaning services, photographic services, packing services and convention services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Printing and publishing services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Other (CPC 8790) except: credit rating services (CPC 87901); jewellery design services; design services of handicrafts that are identified as Peruvian handicrafts; and other business services non elsewhere classified (CPC 87909): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Express delivery services: For (a) and (b): No commitments. For (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Advisory services on telecommunications: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

National or international long-distance telecommunications services: For (a), (b), (c) and (d): Peru reserves the right to adopt or maintain any measure that is not inconsistent with Peru's obligations under Article XVI of GATS.

Carrier telecommunications services, private telecommunications services and value added services⁵:

For (a), (b), (c):

⁵ Value added services shall be defined in accordance with Peruvian legislation.

None, except for the obligation of obtaining a concession, authorisation, registry or any other title which Peru considers convenient to grant in order to habilitate the suppliers to provide these services. The juridical persons constituted under Peruvian law can be eligible for a concession.

Call-back, understood as being the offer of telephone services for the realisation of attempts to make calls originating in the country with the objective of obtaining a return call with an invitation to dial, coming from a basic telecommunications network located outside the national territory, is prohibited.

International traffic shall be routed through the installations of a company holding a concession or other permission for operation granted by the Ministry of Transport and Communications (*Ministerio de Transportes y Comunicaciones*).

Interconnection among private services is prohibited.

For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Commission agents services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Retailing services, except alcohol and tobacco: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Wholesale trade services (except hydrocarbons): For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Franchising: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Construction services: solely consulting services related to construction: For (a), (b) and (c): None. For (d): No

commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

*Higher Education Services*⁶: For (a): No commitments, except for subjects that are part of a program that mainly takes place outside Peru. For (b): None. For (c) and (d): No commitments.

Environmental services: solely consulting services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Hotels and restaurants (including catering), travel agencies and tour operators services, and tourist guide services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Entertainment services (including theatre, live bands, and circus services), news agencies services, libraries, archives, museums, and other cultural and sporting services: For (a), (b) and (c): None, except that:

- (i) any domestic theatre⁷ and visual arts production and any domestic artistic live performance must be comprised of at least 80 per cent national artists. National artists shall receive no less than 60 per cent of the total payroll for wages and salaries paid to artists. The same percentages established in the preceding paragraphs shall govern the work of technical personnel involved in artistic activities.
- (ii) a foreign circus may stay in Peru with the original cast for a maximum of 90 days. This period may be extended for the same period of time. If it is extended, the foreign circus will include a minimum of 30 per cent Peruvian nationals as artists and 15 per cent

⁶ For greater certainty, these commitments do not affect any regulation or mandatory requirements related to the recognition of certificates or degrees and they shall not be construed to exempt any student from meeting any applicable requirement to practice a profession or otherwise engage in business activities.

⁷ The term “theatre arts” means live performances or presentations such as drama, dance or music.

Peruvian nationals as technicians. The same percentages shall apply to the payroll of salaries and wages.

For (d): No commitments, except as indicated in the Law of the Artist and Performer (*Ley del Artista, Intérprete y Ejecutante*) and Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Exploitation of facilities for competitive and recreational sports: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Recreational parks services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Road Transport: rental of commercial vehicles with operator, maintenance and repair of road transport equipment, and exploitation of roads, bridges and tunnels services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Services auxiliary to all transport: cargo handling services; storage and warehouse services; freight transport agency services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Aircraft repair and maintenance services: For (a): No commitments. For (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Selling and marketing of air transport services, and computer reservation system services: For (a), (b) and (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

Airport operation and ground handling services: For (a) and

(b) No commitments. For (c): None. For (d): No commitments, except as indicated in the Law for Foreign Workers Recruitment (*Ley para la Contratación de Trabajadores Extranjeros*).

For greater certainty, nothing in this entry shall be inconsistent with Peru's commitments under Article XVI of GATS.

For purposes of this entry:

1. “(a)” refers to the supply of a service from the territory of one Party into the territory of Peru;
2. “(b)” refers to the supply of a service in the territory of a Party by one person of that Party to a person of Peru;
3. “(c)” refers to the supply of a service in the territory of Peru by an investor of another Party or by a covered investment; and
4. “(d)” refers to the supply of a service by a national of a Party in the territory of Peru.
5. “None” means no limitations or conditions on the application of Article 10.5 (Market Access).

Existing Measures:

ANNEX II
SCHEDULE OF SINGAPORE

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)
Most-Favoured-Nation Treatment (Article 10.4)
Market Access (Article 10.5)

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure in relation to the divestment of the administrator and operator of airports.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to maintain or adopt any measure affecting the supply of the following services:

- (a) social services;
- (b) social security;
- (c) public training;
- (d) ambulance services; and
- (e) health services by government-owned or controlled healthcare institutions, such as hospitals and polyclinics, including investments in these institutions, hospitals and polyclinics.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to maintain or adopt any measure affecting:

- (a) the full or partial devolvement to the private sector of services provided in the exercise of governmental authority;
- (b) the divestment of its equity interests in, and/or the assets of, an enterprise that is wholly owned by the Singapore government; and
- (c) the divestment of its equity interests in, and/or the assets of, an enterprise that is partially owned by the Singapore government.

However, the right referred to in the preceding paragraph shall, in respect of measures affecting:

- (i) subparagraph (a) (to the extent that the devolvement is accompanied by a divestment), and
- (ii) subparagraphs (b) and (c),

pertain only to the initial divestment and Singapore does not reserve this right with respect to subsequent divestments of such divested equity interests and/or assets.¹

Existing Measures:

¹ For greater certainty, any transfer of equity interests and/or assets to an enterprise that is wholly owned by the Singapore government, whether for consideration or not, shall not be considered to be a divestment.

Sector: Administration and Operation of National Electronic Systems

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure relating to or affecting the collection and administration of proprietary information by national electronic systems.

Existing Measures:

Sector: Arms and Explosives

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the arms and explosives sector.

Existing Measures: *Arms and Explosives Act*, Cap. 13, 2003 Rev Ed

Sector: Broadcasting Services

Broadcasting is defined as the transmission of signs or signals via any technology for the reception and/or display of aural and/or visual programme signals by all or part of the domestic public.

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Board of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting broadcasting services receivable by Singapore's domestic audience or originating from Singapore, including but not limited to:

- (a) transmission quotas for content on television broadcasting services in Singapore;
- (b) non-discriminatory expenditure requirements for Singapore production on television broadcasting services;
- (c) transmission quotas for content on radio in Singapore;
- (d) spectrum management and licensing of broadcasting services; or
- (e) subsidies or grants for investment involving Singapore subjects, persons and services.

This entry does not apply to:

- (i) a service supplier of another Party, an investor of

another Party, or a covered investment of an investor of another Party, in respect of measures affecting the supply of non-scheduled broadcasting services, to the extent that Singapore is bound to accord national treatment to that service supplier, investor or covered investment for non-scheduled broadcasting services under an agreement between Singapore and that Party, that was notified to the WTO Council for Trade in Services under Article V:7 of GATS prior to entry into force of this Agreement;

- (ii) the sole activity of transmitting licensed broadcasting services to a final consumer;
- (iii) the production, distribution and public display of motion pictures, video recordings and sound recordings. Commitments in the production, distribution and public display of motion pictures, video recordings and sound recordings shall not include all the broadcasting and audio-visual services and materials that are broadcasting-related. Examples of services that are reserved include: free-to-air broadcasting, cable and pay television; and
- (iv) value-added network (VAN) services such as electronic-mail, voice-mail, online information and data-base retrieval, electronic data interchange, and online information and/or data processing.

Existing Measures:

Sector: Business Services

Sub-Sector: Patent agent services

Industry Classification:

Obligations Concerned: National Treatment (Article 10.3)

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the recognition of educational and professional qualifications for purposes such as admission, registration and qualification for patent agents.

Existing Measures: *Patents Act*, Cap. 221, 2005 Rev Ed

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting real estate. This includes, but is not limited to, measures affecting the ownership, sale, purchase, development and management of real estate.

This entry does not apply to real estate consultancy services, real estate agency services, real estate auction services, real estate valuation services, and renting or leasing services involving owned or leased non-residential property.

Existing Measures: *Residential Property Act*, Cap. 274, 2009 Rev Ed
State Lands Act, Cap. 314, 1996 Rev Ed
Housing and Development Act, Cap. 129, 2004 Rev Ed
Jurong Town Corporation Act, Cap. 150, 1998 Rev Ed
Executive Condominium Housing Scheme Act, Cap. 99A, 1997 Rev Ed
Planning Act, Cap 232

Sector:	Business Services
Sub-Sector:	Scientific and technical consulting services
Industry Classification:	CPC 8675 Engineering related scientific and technical consulting services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of the following services: (a) geological, geophysical and other scientific prospecting services (CPC 86751); (b) subsurface surveying services (CPC 86752); (c) surface surveying services (CPC 86753); and (d) map making services (CPC 86754).
Existing Measures:	

Sector:	Business Services
Sub-Sector:	Armed escort services and armoured car services Armed guard services
Industry Classification:	CPC 87305 Guard Services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the provision of armed escort, armoured car and armed guard services.
Existing Measures:	Part IX of the <i>Police Force Act</i> , Cap. 235, 2006 Rev Ed

Sector:	Business Services
Sub-Sector:	Betting and gambling services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of betting and gambling services.
Existing Measures:	<i>Betting Act</i> , Cap. 21, 2011 Rev Ed <i>Common Gaming Houses Act</i> , Cap. 49, 1985 Rev Ed <i>Private Lotteries Act</i> , Cap. 250

Sector: Business Services

Sub-Sector: Legal services

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of legal services in the practice of Singapore law.

Existing Measures: *Legal Profession Act, Cap. 161*

Sector:	Community, Personal and Social Services
Sub-Sector:	Services furnished by trade unions
Industry Classification:	CPC 952 Services furnished by trade unions
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting services provided by trade unions.
Existing Measures:	<i>Trade Unions Act</i> , Cap. 333, 2004 Rev Ed

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Singapore reserves the right to adopt or maintain any measure in relation to the retention of a controlling interest by the Singapore Government in Singapore Technologies Engineering (the Company) or its successor body, including but not limited to controls over the appointment and termination of members of the Board of Directors, divestment of equity and dissolution of the Company.

Existing Measures:

Sector:	Distribution, Publishing and Printing of Newspapers
	“Newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments, in relation to such news, intelligence, reports of occurrences, or to any other matter of public interest, printed in any language and published for sale or free distribution at regular intervals or otherwise, but does not include any publication published by or for the Government.
Sub-Sector:	
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the distribution, publishing and printing of newspapers, including but not limited to, shareholding limits and management control.
Existing Measures:	<i>Newspaper and Printing Presses Act, Cap. 206, 2002 Rev Ed</i>

Sector: Trade Services

Sub-Sector: Distribution services
Commission agents' services
Wholesale trade services
Retailing services
Franchising

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of any products subject to import or export prohibition or non-automatic import or export licensing.

Singapore reserves the right to modify or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import or export prohibition or non-automatic import or export licensing regime.

Existing Measures:

Sector:	Educational Services
Sub-Sector:	Primary education services Secondary education services
Industry Classification:	CPC 921 Primary Education Services CPC 92210 General Secondary Education Services CPC 92220 Higher Secondary Education Services (only applies to Junior colleges and pre-university centres under the Singapore educational system)
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of primary, general secondary and higher secondary (only applies to junior colleges and pre-university centres under the Singapore educational system) education services for Singapore citizens, including Sports Education Services.
Existing Measures:	<i>Education Act</i> , Cap. 87, 1985 Rev Ed Administrative Guidelines <i>Private Education Act</i> , Cap. 247A, 2011 Rev Ed

Sector:	Health and Social Services
Sub-Sector:	Medical services Pharmacy services Deliveries and related services, nursing services, physiotherapeutic and para-medical services, and allied health services Optometrists and opticians
Industry Classification:	
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 10.5)
Description:	<u>Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any limit on the number of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services, and optometry and opticianry services. Singapore reserves the right to adopt or maintain any measure with respect to the regulation of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services, and optometry and opticianry services.
Existing Measures:	<i>Allied Health Professions Act 2011</i>

Sector:	Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services
Sub-Sector:	Waste water management, including but not limited to collection, disposal and treatment of solid waste and waste water
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting waste water management, including but not limited to the collection, treatment and disposal of waste water.
Existing Measures:	Code of Practice on Sewerage and Sanitary Works <i>Sewerage and Drainage Act</i> , Cap. 294, 2001 Rev Ed

Sector: Postal Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services:

Singapore reserves the right to adopt or maintain any measure relating to a Public Postal Licensee.

Existing Measures:

Sector: Telecommunications Services

Sub-Sector: Telecommunications services

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure that accords treatment to persons of another Party equivalent to any measure adopted or maintained by that other Party limiting ownership by persons of Singapore enterprises engaged in the provision of public mobile and wireless communications in the territory of that other Party, including:

- (a) Public Radiocommunication Services (Public Radiocommunication Services refer to Maritime and Aeronautical radiocommunication services);
- (b) Public Cellular Mobile Telephone Service (PCMTS);
- (c) Public Radio Paging Services (PRPS);
- (d) Public Trunked Radio Services (PTRS);
- (e) Public Mobile Data Services (PMDS);
- (f) Public Mobile Broadband Multimedia Services; and
- (g) Public Fixed-Wireless Broadband Multimedia Services.

Existing Measures:

Sector:	Trade Services
Sub-Sector:	Supply of potable water for human consumption
Industry Classification:	CPC 18000 Natural Water The sectors listed above apply only insofar as they relate to the supply of potable water
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of potable water. For greater certainty, this entry does not affect the supply of bottled water.
Existing Measures:	<i>Public Utilities Act</i> , Cap. 261, 2002 Rev Ed

Sector:	Transport Services
Sub-Sector:	Air transport services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting cross-border supply of: (a) aircraft repair and maintenance services during which an aircraft is withdrawn from service, excluding so-called line maintenance; (b) the selling and marketing of air transport services; (c) computer reservation system services; (d) airport operation services; and (e) ground handling services. Singapore reserves the right to adopt or maintain any measure affecting investments in air transport related services.
Existing Measures:	<i>Civil Aviation Authority of Singapore Act 2009</i>

Sector: Specialty Air Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure affecting the supply of specialty air services.

Existing Measures:

Sector :	Transport Services
Sub-Sector:	Land transport services – Passenger transport services, including but not limited to passenger transportation services by railway, urban and suburban regular transportation services, taxi services; bus and rail station services and ticketing services related to passenger transport services Passenger Transport Services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of passenger transport services.
Existing Measures:	<i>Rapid Transit Systems Act, Cap. 263A</i> <i>Land Transport Authority of Singapore Act, Cap. 158A, 1996 Rev Ed</i> <i>Public Transport Council Act, Cap. 259B, 2012 Rev Ed</i> <i>Road Traffic Act, Cap. 276, 2004 Rev Ed</i>

Sector:	Transport Services
Sub-Sector:	Land transport services – railway and road freight transportation Supporting services for railway and road transport services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of land transport services as set out above. This entry does not apply to: (a) maintenance and repair services of motor vehicles (CPC 61120); (b) maintenance and repair services of parts of motor vehicles (CPC 88**) ²; and (c) parking services (CPC 74430).
Existing Measures:	

² In this Annex, “**” indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Sector:	Transport Services
Sub-Sector:	Services auxiliary to all modes of transport
Industry Classification:	CPC 742 Storage and warehousing services CPC 742** Container station and depot services CPC 748 Freight transport agency services CPC 7123** Inland trucking services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure that accords equivalent treatment to storage and warehousing, freight forwarding, inland trucking, container station and depot services of another Party.
Existing Measures:	

Sector:	Transport Services
Sub-Sector:	Maritime transport services – Towing and tug assistance; provisioning, fuelling and watering; garbage collection 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 supplies.
Industry Classification:	CPC 74510 Port and Waterway Operation Services CPC 74520 Pilotage and Berthing Services CPC 74530 Navigation Aid Services CPC 74590 Other Supporting Services for Water Transport
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of towing and tug assistance; provisioning, fuelling and watering; garbage collection 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 supplies. For greater certainty, no measures shall be applied which deny international maritime transport operators reasonable and non-discriminatory access to the above port services. This entry does not apply to: (a) international transport (freight and passengers) excluding cabotage transport (CPC 7211**, 7212**); (b) international towage (CPC 7214**); (c) rental of vessels with crew (CPC 7213); and

- (d) other supporting and auxiliary services (including catering) (CPC 749**).

Existing Measures: *Maritime and Port of Singapore Act, Cap. 170A, Section 41 (Part VIII)*

Sector:	Transport Services
Sub-Sector:	Transportation services via pipeline
Industry Classification:	Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products
Obligations Concerned:	National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Only service suppliers with a local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products. Singapore reserves the right and flexibility to modify or increase the list of the chemical and petroleum products, and other related products that are subject to this entry.
Existing Measures:	Administrative

Sector:	Trade Services
Sub-Sector:	Wholesale trade services and retail trade services of alcoholic beverages and tobacco
Industry Classification:	
Obligations Concerned:	Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Singapore reserves the right to adopt or maintain any measure affecting the supply of wholesale and retail trade services of tobacco products and alcoholic beverages.
Existing Measures:	

Sector: Energy

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross Border Trade in Services

Singapore reserves the right to adopt or maintain any measure in order to prohibit, manage or control the generation, use, distribution and retail of nuclear energy, including setting conditions for natural persons or juridical persons to do so.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to ASEAN member states under any ASEAN agreement open to participation by any ASEAN member state, in force or signed after the date of entry into force of this Agreement.

Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation matters;
- (b) maritime matters and services auxiliary to maritime matters;
- (c) port matters;
- (d) land transport matters; and
- (e) telecommunication matters.

Existing Measures:

ANNEX II

SCHEDULE OF VIET NAM

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure conferring rights or privileges to socially, economically and geographically disadvantaged minorities and ethnic groups.

Existing Measures:

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to limit the transfer or disposal of any interest held in an existing state enterprise to nationals of Viet Nam. This entry pertains only to the initial transfer or disposal of such interest. Viet Nam does not reserve this right with respect to subsequent transfers or disposals of such interest to nationals of Parties on the date hereof, subject to any limitation found in Viet Nam's Annex I and Annex II.

Where Viet Nam transfers or disposes of an interest in an existing state enterprise in multiple phases, the preceding paragraph shall apply separately to each such phase.

Existing Measures: *Law No. 59/2005/QH11 on Investment* dated 29 November 2005
Law No. 60/2005/QH11 on Enterprise dated 29 November 2005
Decree No.108/2006/ND-CP dated 22 September 2006
Decree No. 139/2007/ND-CP dated 5 September 2007

Sector: All

Sub-Sector:

Obligations concerned: National Treatment (Article 9.4)

Description: Investment

The level of equity purchased on the Vietnamese stock exchange by foreign investors is subject to any equity limitations set forth in this Annex and Viet Nam's Annex I.¹

Existing Measures:

¹ For greater certainty, while this entry is included in Annex II, equity limitations in Annex I are subject to the rules applicable to Annex I entries, including pursuant to Article 9.12.1 (Non-Conforming Measures).

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure relating to land ownership.

Existing Measures: *Law No. 45/2013/QH13 on Land* dated 29 November 2013 and its implementing regulations.

Sector: All

Sub-Sector:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure that accords differential treatment:

- (a) to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement; and
- (b) to ASEAN Member States under any ASEAN agreement open to participation by any ASEAN Member State, in force or signed after the date of entry into force of this Agreement.

Viet Nam reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) maritime matters, including salvage;
- (b) fisheries; and
- (c) aviation.

Existing Measures:

Sector:	Transport Services
Sub-Sector:	Air-transport related services
Obligations Concerned:	National Treatment (Article 9.4 and 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to: (a) specialty air services (except for commercial flight training); (b) ground handling; and (c) airport operation services.
Existing Measures:	

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure regarding assistance to small and medium-sized enterprises² in production site selection and related regulatory matters, human resource training, providing research assistance and information on technology and equipment, legal assistance, and providing marketing assistance and promotional information.

Existing Measures: *Decree No. 56/2009/ND-CP* dated 30 June 2009

² The term “small and medium-sized enterprise” is defined under Article 3 of the *Decree No.56/2009/ND-CP*, dated 30 June 2009 of the Government as follows: small and medium-sized enterprise is an enterprise established in accordance with Vietnamese law which has less than or equal to 300 employees or has total legal capital of less than or equal to VND 100 billion.

Sector: River Ports, Sea Ports and Airports Construction, operation and management

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure with respect to the construction, operation and management of river ports, sea ports and airports.

This entry shall not be invoked to nullify the commitments set out in Viet Nam's Annex I.

Existing Measures:

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to the establishment and operation of co-operatives, union of co-operatives, household business and sole-proprietorship.

Existing Measures:

Sector:	Agriculture
Sub-Sector:	Cultivating, producing or processing rare or precious plants, breeding or husbandry of precious or rare wild animal and processing of those plants or animals (including both living animals and processed matter taken from animals) ³
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Viet Nam reserves the right to adopt or maintain any measure relating to investment in the above mentioned sector and sub-sectors.
Existing Measures:	

³ A list of rare or precious plants and animals can be found in the following website: www.kiemlam.org.vn.

Sector: Distribution Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)

Description: Investment and Cross-Border Trade in Services

1. Viet Nam reserves the right to adopt or maintain any measure in regard of cross-border trade in:

- (a) commission agents' services (CPC 621, 61111, 6113, 6121);
- (b) wholesale trade services (CPC 622, 61111, 6113, 6121); and
- (c) retailing services (CPC 631 and 632, 61112, 6113, 6121)⁴,

regarding the distribution of products other than products for personal use and legitimate computer software for personal and commercial use.

2. Notwithstanding the above, with respect to the distribution of the following products covered by CPC 621, 622 and 632, Viet Nam reserves the right to adopt or maintain any measure in regard of cross-border trade in services and investment regarding cigarettes and cigars, publications⁵, precious metals and stones, pharmaceutical products and drugs⁶, explosives, processed oil and crude oil.

Existing Measures: *Law on Trade No. 36/2005/QH11 dated 14 June 2005*
Decree No. 23/2007/ND-CP dated 12 February 2007
Revised Publishing Law No. 19/2012/QH13

⁴ For transparency purposes, these services include 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.

⁵ For greater clarity, publications means books, newspapers and magazines.

⁶ For the purposes of this Schedule, "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

*Amendment and Supplement to Publishing Law No
12/2008/QH12 dated 3 June 2008
Decree No. 11/2009/ND-CP dated 10 February 2009
Decree No. 110/2010/ND-CP dated 6 November 2010
Circular N006F 02/2010/TT-BTTTT dated 11 January 2010*

Sector:	Telecommunication services
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to investment in, building of, operating and exploiting telecommunication networks and services serving ethnic minorities in rural and remote areas of Viet Nam.
Existing Measures:	

Sector: Audio-visual Services

Sub-Sector: Sound recording

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to sound recording services except that it shall permit foreign ownership of up to 51 per cent in enterprises engaged in sound recording.

Existing Measures:

Sector: Educational Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to investment in secondary education services.

This entry shall not be invoked to nullify the commitments set out in Viet Nam's Annex I.

Existing Measures:

Sector: Educational Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure with respect to investment in and the supply of primary education services.

This entry shall not be invoked to nullify the commitments set out in Viet Nam's Annex I.

Existing Measures:

Sector: Performing Arts and Fine Arts

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure to grant preferential treatment to Vietnamese artists and Vietnamese-owned companies in the performing arts, fine arts and other cultural activities⁷.

Existing Measures:

⁷ For greater certainty, other cultural activities mean photography, art exhibitions, fashion shows, beauty and model contests, karaoke and discotheque business, and festival organisation.

Sector:	Cultural Heritage
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure to protect, maintain and renovate Viet Nam's tangible heritages as defined in the <i>Law on Cultural Heritage (2001)</i> and the revised <i>Law on Cultural Heritage (2009)</i> and intangible cultural heritages as covered by the revised <i>Law on Cultural Heritage (2009)</i>.
Existing Measures:	<i>Law No.28/2001/QH10 on Cultural Heritage</i> dated 29 June 2001 and <i>Law No. 32/2009/QH12 amending and supplementing a number of articles of the Law on Cultural Heritage</i> dated 19 June 2009

Sector:	Mass Communication
Sub-Sector:	Press and news-gathering agencies, publishing, radio and television broadcasting, in any form
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Viet Nam reserves the right to adopt or maintain any measure with respect to the sub-sectors listed above, including regulating activities in these sub-sectors in accordance with Viet Nam's laws and regulations. For greater certainty, the absence of a reservation against the cross-border services obligations does not preclude Viet Nam from ensuring that the cross-border supply of the listed sub-sectors complies with Viet Nam's laws and regulations, including applicable registration and licensing requirements.
Existing Measures:	

Sector: Production and Distribution of Video Records

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure in respect of investment in the production and distribution of video records on whatever medium.

Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure in respect of the distribution of video records on whatever medium.

Existing Measures:

Sector:	Audio-visual Services
Sub-Sector:	Production, distribution, and projection of television programmes and cinematographic works
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain subsidies inconsistent with Article 9.10.2 (Performance Requirements) for audio-visual services and preferential treatment to television programmes and cinematographic works produced under co-production agreements.
Existing Measures:	

Sector: Power Development

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to hydroelectricity and nuclear power.

Existing Measures:

Sector:	Business Services
Sub-Sector:	Printing (CPC 88442) Public opinion polling (CPC 864) Investigation and security, excluding security system services (part of CPC 873) Technical testing and analysis services (CPC 8676): conformity testing of means of transport and certification of transport vehicles Arbitration and conciliation services (CPC 86602), excluding arbitration and conciliation services for commercial disputes between businesses Placement and supply services of personnel (CPC 872) Services incidental to fishing (CPC 882), excluding specialised consultancy services related to marine or freshwater fisheries, fish hatchery services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to the above mentioned sub-sectors.
Existing Measures:	

Sector:	Tourism and Travel-related Services
Sub-Sector:	Tourist guides services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to tourist guides services.
Existing Measures:	

Sector:	Health and Social Services
Sub-Sector:	Residential health facilities services other than hospital services (CPC 93193) Other human health services (CPC 93199) ⁸ Social services (CPC 933)
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to the listed sub-sectors.
Existing Measures:	

⁸ Only with respect to the obligations of Chapter 10 (Cross-Border Trade in Services).

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Sporting and other recreational services, excluding electronic games business
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to martial art clubs and extreme sports.
Existing Measures:	

Sector:	Transport Services
Sub-Sector:	Maritime cabotage services Internal waterway transport: cabotage services, rental of vessels with crew (CPC 7223) Space transport Pipeline transport Rail transport (cabotage services, infrastructure business services) Road cabotage services Pushing and towing services
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure with respect to the above mentioned sub-sectors.
Existing Measures:	

Sector:	Manufacturing
Sub-Sector:	Paper production Manufacturing and assembling of buses and transport vehicles of more than 29 seats
Obligations Concerned:	National Treatment (Article 9.4) Performance Requirements (Article 9.10)
Description:	<u>Investment</u> Viet Nam reserves the right to adopt or maintain measures inconsistent with Article 9.10.1(h) (Performance Requirements) for foreign-invested enterprises in the above sub-sectors.
Existing Measures:	<i>Decision No.17/2004/QD-BCN dated 8 March 2004</i> <i>Decision No.22/2005/QD-BCN dated 26 April 2005</i> <i>Decision No.36/2007/QD-BCN dated 6 August 2007</i> <i>Decision No.07/2007/QD-BCN dated 30 January 2007</i> <i>Decision No.177/2004/QD-TTg dated 5 October 2004</i> <i>Decision No.147/QD-TTg dated 4 September 2007</i> <i>Decision No.36/2007/QD-BCN dated 6 August 2007</i> <i>Decision No.249/QD-TTg dated 10 October 2005</i> <i>Decree No.80/2006/ND-CP dated 9 August 2006</i> <i>Decree No.12/2006/ND-CP dated 23 January 2006</i>

Sector: Fishery

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure in relation to fishery activities within Viet Nam's sovereignty, and jurisdictional waters as defined in accordance with the *United Nations Convention on the Law of the Sea*.

No investment licence shall be issued to foreign investors for:

- (a) fresh-water fishing, marine fishing; and
- (b) coral and natural pearl exploitation.

Existing Measures: *Law No. 59/2005/QH11 on Investment* dated 29 November 2005
Law No. 17/2003/QH11 on Fishery dated 26 November 2003
Decree No.108/2006/ND-CP dated 22 September 2006
Decree No.49/1998/ND-CP dated 13 July 1998
Decree No.86/2001/ND-CP dated 16 November 2001
Decree No.191/2004/ND-CP dated 18 November 2004
Decree No.59/2005/ND-CP dated 4 May 2005
Decision No.10/2007/QD-TTg dated 11 January 2006
Circular No.02/2005/TT-BTS dated 4 May 2005
Circular No.62/2008/TT-BNN dated 20 May 2008
Decree No.32/2010/ND-BNN dated 30 March 2010

Sector:	Forestry and Hunting
Sub-Sector:	Forestry and hunting (excluding CPC 881)
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Senior Management and Boards of Directors (Article 9.11)
Description:	<u>Investment</u> Viet Nam reserves the right to adopt or maintain any measure relating to investment in forestry and hunting activities.
Existing Measures:	<i>Resolution No.71/2006/QH11</i> dated 29 November 2006 <i>Law No.29/2004/QH11 on Protection and Development of Forest</i> dated 3 December 2004 <i>Decree No.23/2006/QD-TTg</i> dated 3 March 2006

Sector: Traditional Markets

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to traditional markets.

Existing Measures:

Sector: Commodity Exchange

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to the establishment and management of commodity exchanges.

Existing Measures:

Sector: Judicial Administration and related services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4)
Most-Favoured-Nation Treatment (Article 9.5)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)

Description: Investment

Viet Nam reserves the right to adopt or maintain any measure with respect to:

- (a) judicial expertise services;
- (b) bailiff services;
- (c) property auction services relating to property in accordance with the law on auction;
- (d) notary and certification services; and
- (e) proper managing and liquidating according to the regulations of the law on bankruptcy.

Existing Measures:

Sector: Lottery, Betting and Gambling Services

Sub-Sector:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure with respect to lottery, betting and gambling services.

Existing Measures:

Sector:	Professional Services
Sub-Sector:	Accounting and book-keeping services Taxation services
Obligations Concerned:	Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure that is not consistent with Article 10.6 (Local Presence) in cross-border trade in services in accounting, book-keeping and taxation services.
Existing Measures:	

Sector: All

Sub-Sector:

Obligations Concerned: Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

Viet Nam reserves the right to adopt or maintain any measure that is not inconsistent with Viet Nam's obligations under Article XVI of GATS.

For the purposes of this entry, Viet Nam's Schedule of Specific Commitments is modified as set out in Appendix II-A.

Existing Measures:

Sector:	Services in the exercise of governmental authority
Sub-Sector:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> Viet Nam reserves the right to adopt or maintain any measure relating to services in the exercise of governmental authority when these services are opened to the private sector. For the purposes of this entry, any non-conforming measure adopted after the opening of such services to the private sector shall be deemed to be an existing measure subject to Article 9.12.1 (Non-Conforming Measures) and Article 10.7.1 (Non-Conforming Measures) five years after the adoption of the measure.
Existing Measures:	

Appendix II-A

For the purposes of entry at Annex II – Viet Nam – 36, Viet Nam’s obligations under Article XVI of GATS as set out in Viet Nam’s Schedule of Specific Commitments in Services under the GATS (WT/ACC/VNM/48/Add.2) are improved in the following sectors as described below.

Sector/Sub-Sector	Market Access Improvement
BUSINESS SERVICES	
Real estate services	
Involving own or leased property (CPC 821)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
On a fee or contract basis	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
Rental/Leasing Services without Operators	
Relating to other machinery and equipment (CPC 83109)	Replace existing restriction under mode 1 with “None”.
Other Business Services	
Services incidental to fishing (only specialised consultancy services related to marine or freshwater fisheries, fish hatchery services) (CPC 882)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.

Services incidental to mining (CPC 883)	Insert new commitments as follows: Mode 1: None.
Portrait Photography services (CPC 87504) Specialty Photography services except aerial photography (CPC 87504)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture.
Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
R&D services on social science and humanity (CPC 852)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
A. Interdisciplinary R&D services (CPC 853)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
Packaging services (CPC 876)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None, except joint venture with the foreign capital contribution not exceeding 49 per cent shall be permitted.

ENVIRONMENTAL SERVICES	
Sewage Services (CPC 9401)	Insert new commitments as follows: Mode 1: Unbound, except related consulting services Mode 2: None.
Sanitation and similar services (CPC 9403)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
Nature and landscape protection (CPC 9406)	Insert new commitments as follows: Mode 1: None. Mode 2: None. Mode 3: None.
Other services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	Insert new commitments as follows: Mode 1: Unbound, except related consulting services Mode 2: None.
RECREATIONAL, CULTURAL AND SPORTING SERVICES	
Services related to the hosting of a sporting event (including promotion, organisation and facilities management)	Insert new commitments as follows: Mode 2: None. Mode 3: None, in accordance with Viet Nam's laws and regulations and in a manner consistent with Viet Nam's commitments under this Agreement.