

**CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 9<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services**

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

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

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

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Architectural services (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Engineering services (CPC 8672)  Integrated engineering services (CPC 8673)  Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None	(1) None (2) None (3) None	



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<b>E. Rental/Leasing Services without Operators</b>			
Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)	(1) Unbound due to lack of technical feasibility (2) None (3) None	(1) Unbound due to lack of technical feasibility (2) None (3) None	
Renting and leasing of studio recording equipment (CPC 83109**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	



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Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None	(1) None (2) None (3) None	
Placement and supply services of Personnel (CPC 872)  Engineering related scientific and technical consulting services (CPC 8675)  Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Convention Centre	(1) None (2) None (3) None, foreigners may own 100% capital share for investing in convention centre with more than 3000 people's capacity	(1) None (2) None (3) None	
Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) Services must be provided with Cambodian Partners	(1) Unbound (2) None (3) Unbound	

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<b>COMMUNICATION SERVICES</b>			
Courier services (CPC 7512)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
<b>Telecommunication Services</b>			
Voice telephone services (CPC 7521)	(1) None	(1) None	Cambodia undertakes obligations contained in the Reference Paper attached.
Packet-switched data transmission services (CPC 7523**)	(2) None	(2) None	
Circuit-switched data transmission services (CPC 7523**)	(3) None, except subject to requirement for local share holding of up to 49%.	(3) None	
Telex services (CPC 7523**)			
Telegraph services (CPC 7522)			
Facsimile services (CPC 7521**+ 7529**)			
Private leased circuit services (CPC 7522**+7523**)			



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E-mail (CPC 7523**)	(1) None	(1) None	
Voice-mail (CPC 7523**)	(2) None	(2) None	
On-line information and data base-retrieval (CPC 7523**)	(3) None	(3) None	
Electronic Data Interchange (CPC 7523**)			
Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)			
Code and protocol conversion			
On-line information and/or data processing (including transaction processing) (CPC 843**)			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging services (CPC 75291)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Internet services provision, excluding voice telephony and facsimile	(1) Unbound (2) None (3) None	(1) None (2) None (3) None	
Other services: - Mobile services	(1) None (2) None (3) None	(1) None (2) None (3) None	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.

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<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
General Construction Work for Buildings (CPC 512)	(1) Unbound*	(1) Unbound*	
General Construction Work for Civil Engineering (CPC 513)	(2) None	(2) None	
Installation and Assembly Work (CPC 514, CPC 516)	(3) None	(3) None	
Building Completion and Finishing Work (CPC 517)			
Other (CPC 511, 515, 518)			

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<b>DISTRIBUTION SERVICES</b>			
Commission agents' services (CPC 621)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Wholesale trade services  - Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244)  - Wholesale trade services of motor vehicles (CPC 61111)  - Sales of parts of motor vehicles (CPC 6113)  - Sales of motorcycles and related parts (CPC 6121)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Retailing services  For supermarkets and large department stores only <sup>2</sup> :  - Food and non-food retailing services (CPC 631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211).  - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234)  - Retail sales of motor vehicles (CPC 61112)  - Sales of parts of motor vehicles (CPC 6113)  - Sales of motorcycles and related parts (CPC 6121)	(1) None  (2) None  (3) None	(1) None  (2) None  (3) None	

<sup>2</sup> Large supermarkets and department stores are those of floor space no less than 2,000 m<sup>2</sup>.

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Franchising services (CPC 8929)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>EDUCATIONAL SERVICES</b>			
Higher education services (CPC 923)  Adult education (CPC 924)  Other education services (CPC 929)	(1) None (2) None (3) None	(1) None (2) None (3) None	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.

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<b>ENVIRONMENTAL SERVICES</b>			
Sewage services (CPC 9401)	(1) None	(1) None	
Refuse disposal services (CPC 9402)	(2) None	(2) None	
Sanitation and similar services (CPC 9403)	(3) None	(3) None	
Other services			
- Cleaning of exhaust gases (CPC 9404)			
- Noise abatement services (CPC 9405)			
- Nature and landscape protection services (CPC 9406)			
- Other environmental services not included elsewhere (CPC 9409)			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b>			
Specialised medical services (CPC 93122)	(1) None	(1) None	
	(2) None	(2) None	
Specialised Dental services (CPC 93123)	(3) None	(3) None	
Hospital services (CPC 93110)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Ambulance Services (CPC 93192)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	



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Nursing Services (CPC 93191)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher <sup>3</sup>	(1) None (2) None (3) None	
Restaurants (CPC 642, 643)	(1) None (2) None (3) Permit is granted taking into account characteristics of the area <sup>4</sup>	(1) None (2) None (3) Unbound	

<sup>3</sup> 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.

<sup>4</sup> The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel agencies and tour operators services (CPC 7471)	(1) None (2) None (3) None, except foreign equity participation limited to 51% for travel agencies	(1) None (2) None (3) None	
Tourist guides services (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Other entertainment services n.e.c. (CPC 96199):  Cinema theatre services, including cinema projection services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Golf Course (CPC 96413)	(1) None (2) None (3) None, foreigners may own 100% capital share.	(1) None (2) None (3) Unbound	

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<b>TRANSPORT SERVICES</b>			
<b>Maritime Transport Services</b>			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(1) None (2) None (3) None	(1) None (2) None (3) None	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: <ol style="list-style-type: none"> <li>1. Towing and tug assistance;</li> <li>2. Provisioning, fuelling and watering;</li> <li>3. Garbage collecting and ballast waste disposal;</li> <li>4. Emergency repair facilities;</li> <li>5. Lightering and water taxi services;</li> <li>6. Ship agencies;</li> <li>7. Custom brokers;</li> <li>8. Stevedoring and terminal services;</li> <li>9. Surveying and classification services.</li> </ol>

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Rental Vessels with crew (CPC 7213)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maintenance and repair of vessels (CPC 8868**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Pushing and towing Services (CPC 7214)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting services for maritime transport (CPC 745**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>Internal Waterways Transport</b>			
Passenger Transportation (CPC 7221); Exclude cabotage	(1) None (2) None (3) None	(1) None (2) None (3) None	
Freight Transportation (CPC 7222); Exclude cabotage	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental Vessels with crew (CPC 7223)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maintenance and repair of vessels (CPC 8868**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Pushing and towing Services (CPC 7224)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Supporting services for Internal Waterway transport (CPC 745*)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>Rail Transport Services</b>			
Passenger Transportation (CPC 7111); Exclude cabotage	(1) None (2) None (3) None	(1) None (2) None (3) None	
Freight Transportation (CPC 7112); Exclude cabotage	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Pushing and towing Services (CPC 7113)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maintenance and repair of Rail transport equipment (CPC 8868**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Supporting Services for rail transport services	(1) None (2) None (3) None	(1) None (2) None (3) None	



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<b>Road Transport Services</b>			
Passenger transportation (CPC 7121 + 7122)	(1) None	(1) None	
Freight transportation (CPC 7123)	(2) None	(2) None	
Rental of commercial vehicles with operator (CPC 7124)	(3) None	(3) None	
Maintenance and repair of road transport equipment (CPC 6112+8867)			
Supporting services for road transport services (CPC 744)			

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<b>Pipeline Transport Services</b>			
Transport of fuels (CPC 7131)	(1) None	(1) None	
Transport of other goods (CPC 7139)	(2) None	(2) None	
	(3) None	(3) None	
<b>H. Services Auxiliary to All Modes of Transport</b>	(1) None	(1) None	
Cargo handling services (CPC 741)	(2) None	(2) None	
Storage and Warehousing Services (CPC 742)	(3) None	(3) Unbound	
Freight Transport agency services (CPC 748)			
Other (CPC 749)			

## REFERENCE PAPER

### Scope

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

### Definitions

Users mean service consumers and service suppliers.

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

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

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

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

### 1. Competitive safeguards

#### 1.1. Prevention of anti-competitive practices in telecommunications

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

#### 1.2. Safeguards

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

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

## 2. Interconnection

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

### 2.2. Interconnection to be ensured

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

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

### 2.3. Public availability of the procedures for interconnection negotiations

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

### 2.4. Transparency of interconnection arrangements

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

### 2.5. Interconnection: dispute settlement

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

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

## 3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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