

## BRUNEI DARUSSALAM – 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>			
<p>Mode 1 'None, except...' due to bona fide regulatory reasons:                      Health and Safety reasons: Foreign professionals who intend to practice in Brunei Darussalam should submit plans of the proposed developments through licensed practicing companies/partnerships/architects in Brunei Darussalam to provide for an entity or a body that will be liable for the development.</p>			
<b>A. Professional Services</b>			
Legal Services CPC861  Provision of legal services in international law and home country law (foreign law) only	(1) None  (2) None  (3) In partnership with a Bruneian advocate and solicitor established in Brunei Darussalam	(1) None  (2) None  (3) None	
Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:  <u>A. For accounts kept in English</u> Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants	

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

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	<p>(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <p>Maximum number of partners in an audit firms is twenty.</p> <ul style="list-style-type: none"> <li>- A partnership may consist of only individuals, local companies and/or branches of foreign companies.</li> <li>- Principal or only place of residence within Brunei Darussalam.</li> </ul>	<p><u>B. For accounts kept in languages other than English.</u></p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p> <p>(3) Must prove commitment to recruit and develop more local human resources.</p>	

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Architectural Services (CPC 8671)	<p>(1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam. *</p> <p>(2) None</p> <p>(3) Foreign Equity Participation should not exceed 51%.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) - Must be a resident in Brunei Darussalam for at least ninety (90) days - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be nationals of Brunei Darussalam</p>	

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Engineering Services (CPC 8672)	<p>(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam.*</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) - Must be a resident in Brunei Darussalam for at least ninety (90) days - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be nationals of Brunei Darussalam</p>	
<p>Integrated Engineering Services (CPC 8673)</p> <p>- for Transportation Infrastructure Turnkey Projects (CPC 86731)</p> <p>- for Water Supply and Sanitation Works Turnkey Projects (CPC 86732)</p> <p>- for the Construction of Manufacturing Turnkey Projects (CPC 86733)</p> <p>- for Other Turnkey Projects (CPC 86739)</p>	<p>(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam. *</p> <p>(2) None</p> <p>(3) Foreign equity participation is opened up to 55% max.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) - Must be a resident in Brunei Darussalam for at least ninety (90) days - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be nationals of Brunei Darussalam</p>	

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Urban planning and landscape architectural services CPC 8674	(1) None, other than plans should be submitted through licensed practicing Urban Planners in Brunei Darussalam  (2) None  (3) Foreign equity participation is opened up to 51%.	(1) None  (2) None  (3) - Must be a resident in Brunei Darussalam for at least ninety (90) days - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be nationals of Brunei Darussalam	
Veterinary Services CPC 932	(1) None  (2) None  (3) Foreign Equity Participation should not exceed 70%	(1) None  (2) None  (3) None	

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<b>B. Computer and Related Services</b>	(1) None	(1) None	
Consultancy Services related to the Installation of Computer Hardware (CPC 841)	(2) None	(2) None	
Software Implementation Services (CPC 842)	(3) None	(3) None	
Data Processing Services (CPC 843)			
Database Services (CPC 844)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam with foreign equity not exceeding 51%.	(3) None	
Maintenance and repair services of office machinery and equipment including computers (CPC 845)	(1) None	(1) None	
	(2) None	(2) None	
Other computer Services (CPC 849)	(3) None	(3) None	

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<b>C. Research and Development Services</b>  R&D services on natural sciences and engineering (CPC 851/8510)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 51%	(3) None	
R&D services on social sciences and humanities (CPC 852/8520)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 51%	(3) None	
Interdisciplinary R&D services (CPC 853/8530)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 51 %	(3) None	



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Relating to other machinery and equipment (CPC 83106-83109)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Rental/Leasing services concerning personal and household goods (CPC 8320)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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<b>F. Other Business Services</b>	(1) None	(1) None	
Sale or leasing services of advertising space or time (CPC 8711)	(2) None (3) Foreign equity participation should not exceed 51%	(2) None (3) None	
Planning, creating and placement services of advertising (CPC 8712)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Other advertising services (Advertising consultancy services) (CPC 8719)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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Marketing research and public opinion polling services (CPC864/8640)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Management consulting service (CPC 865/8650)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Services related to management consulting (including management services n.e.c) (CPC 866/8660)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Services incidental to energy distribution (CPC 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) Foreign equity participation should not exceed 70%	(1) None (2) None (3) None	
Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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Building-cleaning services (CPC 874)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Photographic services (CPC 875/8750)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Packaging services (CPC 876/8760)	(1) None (2) None (3) Foreign equity participation should not exceed 70%	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Printing, publishing services (CPC 88442)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Duplicating services (CPC 87904)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Convention Services (Exhibition only)  (CPC 87909*)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License'	

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Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Specialty design services (CPC 87907)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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<b>COMMUNICATIONS SERVICES</b>			
<b>B. Courier Services</b> (CPC 7512)	(1) None  (2) None  (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity.	(1) None  (2) None  (3) None	
<b>Telecommunication Services</b>			
<p>Note: * For the subsectors of (a) Public Non-Fixed and (b) Public Payphone services, this is in accordance with the new licensing regime under the new Telecommunications Order 2001 which requires new entrance/players wishing to provide such service domestically are required to apply for a license from the relevant Authority (i.e. The Authority for Info-Communication Technology and Industry (AITI) and if further required may also be subject to terms and conditions set by the authority including among others the need to have commercial arrangements with licensed operator(s).</p>			
Voice Telephone Services (CPC 7521)	(1) Subject to commercial arrangements with licensed operator(s)  (2) Subject to commercial arrangements with licensed operator(s)  (3) None	(1) None  (2) None  (3) None	
Circuit - switched data transmission services (7523**)	(1) None  (2) None  (3) None	(1) None  (2) None  (3) None	



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Packet- switched data transmission services (7523**)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations;  Foreign equity participation should not exceed 70%	(1) None (2) None (3) None	
Telex services (CPC7523**)  Telegraph services (CPC7522**)	(1) None (2) None (3) None	(1) None (2) None (3) None, except as indicated in the horizontal section	

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Facsimile services (7521** + 7529**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) Foreign equity participation should not exceed 70%	(1) None (2) None (3) None	
Electronic mail (7523**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Voice Mail (7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) None	(1) None (2) None (3) None, except as indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
On-line information and database retrieval (7523**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Electronic data interchange (EDI) (7523**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Enhanced/value-added facsimile services, including store and forward and retrieve (7523**)	(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
Code and Protocol Conversion	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations. Foreign equity participation should not exceed 70%.	(1) None (2) None (3) None	
Online Information and Data Processing (incl transaction processing) (CPC 843*)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations	(1) None (2) None (3) None	

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Public Non-Fixed*	<p>(1) None, except subject to commercial arrangements with licensed operator(s).*</p> <p>(2) None, except subject to commercial arrangements with licensed operator(s)</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in horizontal section</p>	<p>This offer is based on the new licensing regime under the new Telecommunications Order 2001.</p> <p>This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.</p>
Local Services  Public Switched Voice Telephone Services	<p>(1) Subject to commercial arrangements with licensed operator(s)</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section</p>	

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Public payphone services*	(1) None, except subject to commercial arrangements with licensed operator(s) *  (2) None, except subject to commercial arrangements with licensed operator(s)  (3) None	(1) None  (2) None  (3) None, except as indicated in horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.
International Service:  Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s)  (2) Subject to commercial arrangements with licensed operator(s)  (3) None	(1) None  (2) None  (3) None, except as indicated in the horizontal section	

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Mobile Services: Public Cellular Mobile Telephone Service.	(1) Subject to commercial arrangements with licensed operator(s)  (2) Subject to commercial arrangements with licensed operator(s)  (3) None	(1) None  (2) None  (3) None, except as indicated in the horizontal section	
Prepaid Telecommunications Services	(1) None, except subject to commercial arrangements with licensed operator(s)  (2) None, except subject to commercial arrangements with licensed operator(s)  (3) None	(1) None  (2) None  (3) None, except as indicated in horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.

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Paging Services (CPC 75291)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations. Foreign equity participation should not exceed 70%	(1) None (2) None (3) None	
Trunked Radio service	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) None	(1) None (2) None (3) None, except as indicated in the horizontal section	
Video text (CPC 75299*)	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) None	(1) None (2) None (3) None, except as indicated in horizontal section	



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<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC511)	(1) Unbound *	(1) Unbound*	
Construction Work for Buildings (CPC512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC513)	(3) Foreign Citizen registered may hold up to maximum 55% equity	(3) Unbound	
Assembly and Erection of Prefabricated Constructions (CPC514)			
Special Trade Construction (CPC515)			
Installation Work (CPC516)			
Building Completion and Finishing Work (CPC517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			

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<b>DISTRIBUTION SERVICES</b>			
Franchising (CPC 8929)	(1) None  (2) None  (3) Foreign equity participation should not exceed 51%	(1) None  (2) None  (3) Under the Miscellaneous Licenses Act (Chapter 127) only nationals are allowed to apply for 'Miscellaneous License'	

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<b>EDUCATION SERVICES</b>			
Primary Education For International School Only  CPC921	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 51%	(1) None (2) None (3) a majority of the senior managers in any such enterprise are Bruneian nationals	
Secondary Education For International School Only CPC922	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 51%	(1) None (2) None (3) a majority of the senior managers in any such enterprise are Bruneian nationals	
Higher Education CPC923  1) Other Higher Education Services provided by privately funded higher education institutions [excluding courses such as engineering, medicine, law and architecture on undergraduate and graduate programmes]  2) ther Higher Education Services provided by privately funded higher institutions [ except for those institutions which has government subsidies and investment]	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 51%	(1) None (2) None (3) a majority of the senior managers in any such enterprise are Bruneian nationals	

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Adult Education Courses with the maximum duration of 3 months (Private education) (CPC 924)	(1) None  (2) None  (3) through joint venture with foreign equity participation shall not exceed 51%	(1) None  (2) None  (3) a majority of the senior managers in any such enterprise are Bruneian nationals	
Adult Education Services For Skill Centre Only  CPC924	(1) None  (2) None  (3) Only through a joint venture with foreign equity not exceeding 51%	(1) None  (2) None  (3) a majority of the senior managers in any such enterprise are Bruneian nationals	
Foreign Language Training Centre  CPC929	(1) None  (2) None  (3) Only through a joint venture with foreign equity not exceeding 51%	(1) None  (2) None  (3) a majority of the senior managers in any such enterprise are Bruneian nationals	

## BRUNEI DARUSSALAM – 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>ENVIRONMENTAL SERVICES</b>			
Refuse disposal services (CPC 9402)	(1) None  (2) None  (3) Through a joint venture with foreign equity participation not exceeding 51%	(1) None  (2) None  (3) None	
Other environmental services	(1) None  (2) None  (3) Through a joint venture with foreign equity participation not exceeding 51%	(1) None  (2) None  (3) None	
Sewage Services CPC 9401	(1) None  (2) None  (3) Through a joint venture with foreign equity participation not exceeding 51%	(1) None  (2) None  (3) None	
Sanitation and Similar Services CPC 9403	(1) None  (2) None  (3) Through a joint venture with foreign equity participation not exceeding 51%	(1) None  (2) None  (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b>			
Medical and Dental Services (CPC9312)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Services provided by midwives, nurses, physiotherapists and para- medical personnel  CPC 93191	(1) None (2) None (3) None	(1) None (2) None (3) None	
Hospital services (CPC9311/93110) (excluding Laboratory and X-Ray Services)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Laboratory Services (CPC9311X)	(1) None (2) None (3) None	(1) None (2) None (3) None	
X-Ray services (CPC9311X)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Pharmaceutical services (CPC 9319) (other than 93191)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Social Services  CPC 93321 Child Day-care services incl. day-care for the handicapped.	(1) None (2) None (3) Foreign equity participation should not exceed 51% subject to the approval of the relevant agencies.	(1) None (2) None (3) None	

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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel Lodging Services (CPC 64110)	(1) None (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity.	(1) None (2) None (3) None	
Restaurants (CPC 642,643)	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity.	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) None	



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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Tourism Services - Youth Hostel - Golf Courses - Marina Facilities	(1) None  (2) None  (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity.	(1) None  (2) None  (3) None	
Travel agencies and tour operators services (CPC7471)	(1) None  (2) None  (3) Foreign equity participation should not exceed 70%	(1) None  (2) None  (3) None	

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Modes of Supply:

1) Cross-border supply

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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Theme Parks CPC 9619	(1) None  (2) None  (3) Joint venture corporation with Bruneian individuals or Bruneian-controlled corporations or both the aggregate foreign shareholding in the joint venture corporation shall not exceed 70% foreign equity.	(1) None  (2) None  (3) None	
News Agency Services CPC 962	(1) None  (2) None  (3) Foreign equity participation should not exceed 51%	(1) None  (2) None  (3) None	
Sports event promotion services CPC 96411  Sports event organization services CPC 96412  Sports facility operation services CPC 96413	(1) Unbound*  (2) None  (3) Foreign equity participation should not exceed 51%	(1) Unbound*  (2) None  (3) None	
Library Services (CPC 96311)  Archive Services (CPC 96312)	(1) Unbound*  (2) None  (3) Foreign equity participation should not exceed 51%	(1) Unbound*  (2) None  (3) None	

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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>	(1) None (2) None (3) Foreign equity participation shall not exceed 51%	(1) None (2) None (3) None, except as indicated in the horizontal section	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage 2. Towing and the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth, and berthing services
Freight transportation (CPC7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 51% b) The supply of international maritime transport of energy goods: unbound	(1) None (2) None (3) None, except as indicated in the horizontal section	

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Modes of Supply:

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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of Vessels with Crew (CPC7213)	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%	(1) None  (2) None  (3) None	
Maintenance and Repair of Vessels (CPC8868**)	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%	(1) None  (2) None  (3) None	
Maritime Agency Services  CPC7454*	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%.	(1) None  (2) None  (3) None	

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1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><b>B. Internal Waterways Transport Services</b></p> <p>Passenger transportation (CPC7221)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Foreign equity participation shall not exceed 51%</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section</p>	
<p>Freight transportation (CPC7222)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) The supply of internal waterways transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 51%</p> <p>b) The supply of internal waterway transport of energy goods: unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section</p>	

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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
Rental of Vessels with Crew (CPC7223)	(1) None (2) None (3) Foreign equity participation shall not exceed 51%	(1) None (2) None (3) None	
Maintenance and Repair of Vessels (CPC8868**)	(1) None (2) None (3) Foreign equity participation shall not exceed 51%	(1) None (2) None (3) None	
Supporting Services for Internal Waterway Transport (CPC745*)	(1) None (2) None (3) Foreign equity participation shall not exceed 51%	(1) None (2) None (3) None	

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1) Cross-border supply

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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>D. Space Transport</b> (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
<b>E. Rail Transport Services</b>  Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 51%	(1) None (2) None (3) None	

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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
Pushing and towing services (CPC 7113)	(1) None  (2) None  (3) Foreign equity participation should not exceed 51%	(1) None  (2) None  (3) None	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None  (2) None  (3) Foreign equity participation should not exceed 51%	(1) None  (2) None  (3) None	
<b>H. Services Auxiliary to All Modes of Transport</b>  Maritime Cargo Handling Services  CPC741	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%	(1) None  (2) None  (3) None	



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3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehousing services CPC 742	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%.	(1) None  (2) None  (3) None	
Maritime Freight Forwarding Services CPC748	(1) None  (2) None  (3) Foreign equity participation shall not exceed 51%.	(1) None  (2) None  (3) None	

## REFERENCE PAPER

### Scope

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

### Definitions

Users mean service consumers and service suppliers.

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

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

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

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

### 1. Competitive safeguards

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

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

#### 1.2 Safeguards

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

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and

- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

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

### 2.2 Interconnection to be ensured

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

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

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

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

### 2.4 Transparency of interconnection arrangements

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

### 2.5 Interconnection: dispute settlement

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

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

### 3. Universal service

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

### 4. Public availability of licensing criteria

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

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