

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

HORIZONTAL SECTION			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<p>3) <u>Acquisition, Mergers and Take-overs</u> The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following:</p> <p>(a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM 10 million in value;</p> <p>(b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and</p> <p>(c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.</p> <p>Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p>	<p>3) <u>Land, Property and Real Estate</u> Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> <p><u>Incentives/Preferences</u> Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS¹			
BUSINESS SERVICES			
A. Professional Services			
Legal Services (CPC 8619) covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None (2) None (3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.	(1) None (2) None (3) None	
Accounting, auditing and book keeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 40 per cent.	(1) None (2) None (3) None	
Taxation Services (CPC 863 / 8630)	(1) None (2) None	(1) None (2) None	

¹ An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 40 per cent.	(3) None	
Architectural services (CPC 8671)	(1) None (2) None (3) a) Architectural services may be supplied only by natural person; and b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(1) Architectural services must be authenticated by a licensed architect in Malaysia. (2) None (3) a) None b) Unbound	
Engineering services (CPC 8672) covering: (CPC 86721- 86729)	(1) None (2) None (3) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(1) Engineering services must be authenticated by a registered professional Engineer in Malaysia. (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Integrated engineering services (CPC 8673)</p> <p>covering: (CPC 86731, 86732, 86733, 86739)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia.</p> <p>The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p> <p>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.</p>	<p>(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>(2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>(3) None</p>	
<p>Urban Planning Services Covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning.</p> <p>(CPC 86741)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.	(3) None	

B. Computer and Related Services Consultancy services related to the installation of computer hardware (CPC 841)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Software implementation service (CPC 842)			
Data Processing Services (CPC 843)			

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Data base services (CPC 844 / 84400)</p> <p>Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842*)</p>			
<p>C. Research and Development Services</p> <p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>E. Rental/Leasing Services without Operator</p> <p>Relating to ships exclude cabotage and offshore trades (CPC 83103)</p> <p>Relating to aircraft (CPC 83104)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent.	(1) None (2) None (3) None	
F. Other Business Services Advertising services (CPC 8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent. <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia.	(1) Unbound (2) None (3) None	
Management Consulting Services a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)			
c) covering advisory and guidance in the field of pharmacy as follows: <ul style="list-style-type: none"> - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing drugs and vaccine; - Vaccine production. 			

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d) covering advisory and guidance on International Value-Added Network Services, rural telecom development in telecommunications (CPC8650*)			
Human Resource Management Consulting Services (CPC 86504)	(1) None (2) None (3) Only through joint venture with foreign equity not exceeding 30 %.	(1) None (2) None (3) None	
Public Relations Services (CPC 86506)	(1) None (2) None (3) Only through joint venture with foreign equity not exceeding 30 %.	(1) None (2) None (3) None	
Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc. (CPC 881*, 882*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services incidental to manufacturing (CPC 884, 885 except 88442)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	
Technical Testing and Analysis Services (CPC 8676 except 86764)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	
Convention Centre (CPC 87909) (Convention and exhibition management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events)	(1) None (2) None (3) For Convention Centres with over 5,000 seating capacity, only through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Supplied by natural person.	(1) None (2) None (3) None	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	
Operational Headquarters (OHQ) Services	(1) Unbound due to lack of technical feasibility.	(1) Unbound due to lack of technical feasibility.	
covering general management and administration, business planning, procurement of raw materials, technical support,	(2) Unbound due to lack of technical feasibility.	(2) Unbound due to lack of technical feasibility.	
	(3) Only through a locally incorporated wholly foreign-owned company.	(3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or	<p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ.</p> <p>OHQ must operate in Malaysia and fulfil the following criteria:</p>		
sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)	<p>a) carry out at least 3 of the OHQ service activities;</p> <p>b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies;</p> <p>c) have a well established foreign-owned company which is sizeable in terms of assets and employees;</p> <p>d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>e) be able to make decisions independently without consultations with its head office or</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>parent company located outside Malaysia; and</p> <p>f) be able to contribute to the Malaysian economy by :</p> <ul style="list-style-type: none"> i. using services such as legal, accounting etc. provided by Malaysians; ii. creating job opportunities for Malaysians; and iii. enabling greater inflow of foreign funds. 		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES Telecommunication Services			
Basic Telecommunications 1. Voice service (wired or wireless) (CPC 7521) 2. Packet-switched data transmission services, including frame-relay services (CPC 7523) 3. Circuit switched data transmission services (CPC 7523) 4. Facsimile Service (CPC 7521**, PCPC 7529**) 5. Private leased circuit service (CPC 7522** & CPC 7523**)	(1) None (2) None (3) a) Only through acquisition of shares of existing appropriately licensed public telecommunications operators; and b) Foreign shareholding of up to 49 percent in these service providers is allowed.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Basic Telecommunications 6. Paging services (CPC 75291)	(1) None (2) None (3) Only through locally incorporated joint-venture corporation with Malaysian individuals or Malaysia controlled corporations or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 per cent in these service providers is allowed.	(1) None (2) None (3) None	
Other telecommunication services 7. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite) 8. Satellite earth station 9. International switching and other international gateway 10. Mobile services analogue/digital cellular 11. Trunked radio services	(1) None (2) None (3) a) Only through acquisition of shares of existing appropriately licensed service providers. b) Foreign shareholding of up to 49 percent in these service providers is allowed.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. Video transport services			
<p>Data and message transmission services</p> <p>Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers</p> <p>Foreign shareholding of up to 49 percent in these service providers is allowed.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Voice telephone service (CPC 7521)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed.</p>	<p>(2) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile telephone service (CPC 75213)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 percent in these service providers is allowed.	(1) None (2) None (3) None	
Telegraph services (CPC 7522)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 percent in these service providers is allowed.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telex services (CPC 7523)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing licensed service providers Foreign shareholding shall not exceed 49 per cent in these service providers is allowed.	(1) None (2) None (3) None	
Mobile data services (CPC 7523)	(1) None (2) None (3) Only through a JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 per cent in these service providers is allowed.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

Explanatory Note

- 1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.
- 2) Definitions as per Communications and Multimedia Act 1998:
 - a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
Network facilities provider means a person who is an owner of any network facilities.
 - b. Network services means a service for carrying communications by means guided and/or unguided electromagnetic radiation.
Network service provider means a person who provides network services.
 - c. Application service means a service provided by means of, but not solely by means of, one or more network services.
Application service provider means a person who provides an applications service.
- 3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001:
 - a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.
 - b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.
 - c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113)	(1) Commercial presence is required. (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent.	(1) Unbound (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility.	(1) Unbound due to lack of technical feasibility.	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517)	(3) (a) None except through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 49%; (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i. Construction projects wholly financed by foreign investment and/or grants; ii. Construction projects financed by loans of international tendering according to the terms of loans; iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available; and iv. 100% Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors.	(3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
Primary education services (CPC 921) General secondary education services (CPC 9221) Higher Secondary Education Services (CPC 9222) In private institution only, only international schools	(1) None, except for requirement for commercial presence. (2) None (3) Only through a joint venture with foreign equity not exceeding 49%. <i>Note:</i> From 31 December 2010, foreign equity not exceeding 51% is allowed. From 31 December 2015, foreign equity not exceeding 70% is allowed.	(1) None, except for requirement for commercial presence. (2) None (3) None	Any new establishment of international schools should be established at Economic Corridor Region (Iskandar, North, East, Sabah and Sarawak).
Technical and vocational secondary education services (CPC 9223) Technical and vocational secondary school-type education services for handicapped students (CPC 9224) In private institution only.	(1) None, except for requirement for commercial presence. (2) None (3) Only through a joint venture with foreign equity not exceeding 49%. <i>Note:</i> From 31 December 2010, foreign equity not exceeding 51% is allowed. From 31 December 2015, foreign equity not exceeding 70% is allowed.	(1) None, except for requirement for commercial presence. (2) None (3) None	For technical and vocational secondary education services (private education services) (CPC 9223) are required to use National Curriculum; and Technical and vocational secondary education school-type education services for handicapped students (private education) (CPC 9224), are required to use National curriculum.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other education services in private institutions only (CPC 929 / 9290 / 92900)	(1) None, except for requirement for commercial presence. (2) None (3) Only through a joint venture with foreign equity not exceeding 49%. <i>Note:</i> From 31 December 2010, foreign equity not exceeding 51% is allowed. From 31 December 2015, foreign equity not exceeding 70% is allowed.	(1) None, except for requirement for commercial presence. (2) None (3) None	
Other Higher Education Services provided by privately funded higher education institutions ² other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)	(1) Unbound except for requirement for commercial presence. (2) None (3) Only through a joint venture with foreign equity not exceeding 49% and subject to the requirement of a needs test if necessary. Up to 51% foreign equity will be considered subject to additional criteria which include	(1) (2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents. (3)	

² as defined in Malaysian Legislation

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>among others:</p> <p>a) courses deemed important to attain Malaysia's educational objective have export potential; and</p> <p>b) have export potential.</p> <p><i>Note:</i> <i>From 31 December 2010, foreign equity not exceeding 51% is allowed.</i></p> <p><i>From 31 December 2015, foreign equity not exceeding 70% is allowed.</i></p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
<p>Wastewater Management (CPC 9401)-Covers only removal and treatment of industrial effluents.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government or contracted out by them)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 per cent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Cleaning services of exhaust gases (CPC 9404-corresponds to Cleaning Services of Exhaust Gases)</p> <p>Covers only services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes.</p> <p>(Only for services contracted by the private sector. Does not include public works</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 per cent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
functions owned and operated by federal, state or local government contracted out by them).			
<p>Noise abatement services (CPC 9405-corresponds to Noise Abatement Services)</p> <p>Covers only monitoring programmes, and installation of noise reductions and screens in residential, commercial and industrial premises.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government or contracted out by them).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 per cent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Nature and Landscape Protection Services – covering only contaminated soil cleanup and remediation (part of CPC 94060)</p> <p>(Only for services contracted by the private sector. Does</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 per cent.</p>	<p>(1) Unbound due to lack of technical feasibility.</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
not include public works functions owned and operated by federal, state or local government or contracted out by them).			

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers	1), 2) Unbound* except as otherwise specified in this schedule. 3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.	1), 2) Unbound , except as otherwise specified in this schedule. 3) None.	
2. Commercial banks and merchant banks.	1), 2) Unbound *except as otherwise specified in this schedule. 3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders. Unbound for new licences.	1), 2) Unbound* except as otherwise specified in this schedule. 3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria:	

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(All financial services-Direct Insurance companies cont'd)	<p>(b) In an insurance broking company.</p> <p>Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in:</p> <p>(a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or</p> <p>(b) An insurance broking company.</p>	Malaysia.	
FINANCIAL SERVICES ACTIVITIES			
<p>A. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE</p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p>	<p>1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed.</p> <p>2) None.</p> <p>3) Only permitted through a commercial bank, a merchant bank or an offshore bank.</p> <p>Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p> <p>(Lending of all types – cont'd)</p>	<p>1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>3) Entry as a non-bank for scheduled businesses is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Merchant banks are not permitted to provide consumer credit and home mortgages.</p> <p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks</p>	<p>1), 2) None.</p> <p>3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions.</p> <p>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>All payment and money transmission services namely credit and debit cards, travellers cheques and bankers drafts.</p>	<p>1) Electronic fund transfer system requires approval.</p> <p>2) None.</p> <p>3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 per cent.</p>	
<p>Charge cards.</p>	<p>1), 2) None</p> <p>3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required.</p>	<p>1), 2) None</p> <p>3) None</p>	
<p>Guarantees and commitments.</p>	<p>1), 2) None except banks established in Malaysia may be given the right of first refusal.</p> <p>3) None.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> - money market instruments - foreign exchange transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion 	<ol style="list-style-type: none"> 1) Dealing is limited to contracts traded on specified exchanges abroad. 2) None 3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorised banks in Malaysia. <p>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.</p> <p>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.</p>	<ol style="list-style-type: none"> 1) None 2) None 3) None 	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(Trading for own account or account of customers - cont'd)	<p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to participating organisations of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized.</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).</p>	<p>1), 2) Participation in issues and services related to such issues requires authorization.</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>Only merchant banks are permitted to make submissions to the Securities Commission for new issues.</p> <p>Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for appointment as principal dealers.</p>	<p>1), 2) None</p> <p>3) None</p>	
<p>Underwriting.</p>	<p>1) Commercial presence is required.</p> <p>2) Authorization is required.</p> <p>3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Commercial banks are permitted to underwrite private debt securities only.</p>	<p>1) Unbound.</p> <p>2) None</p> <p>2) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Underwriting.(cont'd)	Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.		
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	1) Commercial presence is required. 2) None. 3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings.	1) None 2) None 3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(Asset management - cont'd)	<p>Entry as a non-bank, other than a Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 per cent.</p> <p>Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.</p> <p>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission.</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy.</p>	<p>1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only.</p> <p>Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia.</p> <p>Notwithstanding 3(a), locally incorporated joint venture companies licensed by the Securities</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy. cont'd)	<p>Commission to carry on the regulated activity of financial planning, with aggregate foreign shareholding in such companies not exceeding 49 percent, will be permitted to provide financial planning services in Malaysia.</p> <p>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.</p>		
Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).	<p>1), 2) Unbound*</p> <p>3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.</p> <p>An OHQ must operate in Malaysia and fulfill the following criteria:</p> <p>(a) Carry out at least three of the OHQ service activities;</p> <p>(b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related</p>	<p>1), 2) Unbound *</p> <p>3) None</p>	

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Operational headquarters (OHQ) for financial sector (cont'd)	<p>companies;</p> <p>(c) Have a well established foreign-owned company which is sizeable in terms of assets and employees;</p> <p>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;</p> <p>(f) Be able to contribute to the Malaysian economy by:</p> <p>(i) Using services such as legal, accounting etc. provided by Malaysians;</p> <p>(ii) Creating job opportunities for Malaysians;</p> <p>(iii) Enabling greater inflow of foreign funds.</p>		
<p>Securities broking services comprising:</p> <ul style="list-style-type: none"> - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research 	<p>1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>Promotion in Malaysia of Malaysian stocks requires approval.</p> <p>Provision of investment advisory services and credit reference services to residents requires commercial presence.</p>	1) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Securities broking services comprising (cont'd)</p>	<p>2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>3) Entry is limited to recognized foreign stock broking companies through:</p> <p>(a) Equity participation in an existing stockbroking company; or</p> <p>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company.</p> <p>And aggregate foreign shareholding in such company shall not exceed 49 percent.</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognized foreign stockbroking companies is also permitted through a representative office.</p> <p>Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p> <p>New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</p>	<p>2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Commodity futures broking services	<p>1), 2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>3) Entry is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or</p> <p>(b) A representative office. Representative offices are permitted to undertake research, information and liaison services only.</p> <p>Total participation of the exchange will be based on economic needs.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>B. INSURANCE SERVICES Direct insurance (non-life).</p>	<p>1) Soliciting and advertising in Malaysia are not allowed. Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>2) Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p>	<p>1) None</p> <p>2) None</p> <p>3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	<p>1), 2) Unbound</p> <p>3) Only permitted through direct insurance companies.</p> <p>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval.</p> <p>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.</p>	<p>1), 2) Unbound</p> <p>3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	
Reinsurance and retrocession (non-life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.</p>	<p>1), 2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Reinsurance and retrocession (non-life). (cont'd)	<p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>		
Reinsurance and retrocession (life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Insurance intermediation - insurance broking (excluding agency).	<p>1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks.</p>	<p>1), 2) None</p> <p>3) None</p>	
Insurance intermediation - insurance underwriting and insurance management.	<p>1), 2) Insurance underwriting and insurance management are not permitted.</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p> <p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>2) None.</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p> <p>Offshore companies are not permitted to provide services to Malaysian residents.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Medical speciality services (CPC 93122) covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(1) None (2) None (3) Medical specialty services may be supplied only by a natural person.	(1) None (2) None (3) None	
Veterinary Services (CPC 932)	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both.	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both.	1. Subject to the provisions in the Veterinary Surgeons Act, 1974 (Act 147)

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and The joint-venture corporation shall operate a hospital with a minimum of 100 beds.	(1) None (2) None (3) Establishment of feeder out patient clinics is not permitted	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643) Hotel and restaurant services	(1) None (2) None (3) For CPC 64110 covering 4 & 5 star establishments, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Travel Agency and Tour Operator Services (CPC 7471)	(1) None (2) None (3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) Tourist guide services only to be supplied by a natural person.	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192)	(1) Unbound due to lack of technical feasibility. (2) None (3) Entertainment services may be supplied only by a natural person	(1) Unbound due to lack of technical feasibility. (2) None (3) None	
Theme Park (part of CPC 96194) (A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through a Malaysian-controlled	(1) Unbound due to lack of technical feasibility. (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	corporation acting as the local sponsor.		
TRANSPORT SERVICES			
<p>A. Maritime Transport Services</p> <p>International maritime transportation services, excludes cabotage (CPC 7211, 7212)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49% per cent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p> <p>1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2) Majority shareholding to be held by Malaysians; 3) Majority of the board of directors to be Malaysians; and 4) Principal place of business to be in Malaysia.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>1) Pilotage; 2) Towing and tug assistance; 3) Provisioning, fuelling and Watering; 4) Garbage collection and ballast waste disposal; 5) Port Captain's services; 6) Navigation aids; 7) Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8) Emergency repair facilities; and 9) Anchorage, berth and berthing Services.</p>

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Maritime agency services covering marketing and sales of maritime transport and related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 7454*)</p> <p>Vessel salvage and refloating services except on inland waters (CPC 74540)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Maritime Cargo Handling Services (CPC 741**)</p> <p>(Limited only for sea transport)</p> <p>Maritime Cargo Handling Services limited to activities exercise by terminal operators but not including the direct activities of dockers, when this workforce is organised independently of stevedoring or operator companies. The activities covered include the organisation and supervision of the loading/discharging of</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent .</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
cargo to/from a ship; the lashing/unlashing of cargo and the reception/delivery and safekeeping of cargoes before shipment or after discharge.			
Classification Societies ¹ (Except for statutory services for Malaysian flag vessels)	(1) Unbound ² (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent.	(1) None (2) None (3) None	¹ Provision of rules on construction and safety of ships and issuance of certificate should be in accordance with specified rules stated in domestic legislation. Exclude survey and classification of Malaysian flag vessels which requires specific authorization by the relevant authority. ² Malaysian flag vessels should legally obliged to the ship survey regulations imposed and stipulated by national Maritime Administration.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

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

OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1. automated manufacturing technology; 2. advanced materials technology; 3. biotechnology; 4. electronics; 5. information technology; and 6. avionics/aviation technology (CPC 97090)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and Establishment of local branches requires additional licenses	(1) None (2) None (3) None	