

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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BUSINESS SERVICES			
A. Professional Services			
Legal service, excluding the practice of Vietnamese law (CPC 861)	(1) None (2) None (3) Foreign lawyers organisation ¹ are permitted to establish commercial presence in Vietnam in the following forms: a) Branches of foreign lawyers organisations; b) Foreign law firms ² ; c) Partnership between foreign lawyer organisations and Vietnam's law partnerships.	(1) None (2) None (3) None, except that lawyers of foreign lawyers organisations in Viet Nam are not permitted to participate in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam	

¹ A "foreign lawyers organisation" is an organisation of practicing lawyers established in any commercial corporate form in foreign countries (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms. Foreign lawyers organisations are themselves responsible for their activities before the law of Vietnam

² A foreign law firm is an organisation of practicing lawyers established in Vietnam by one or more foreign lawyers organisations under regulations of Vietnam. Foreign law firms are themselves responsible for their activities before the law of Vietnam

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	<p>The practicing lawyers of foreign lawyer's organisations in Vietnam are not permitted to participate in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Vietnam.</p> <p>Commercial presences of foreign lawyer's organisations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except as indicate in the horizontal section</p>	

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Architectural Services. (CPC 8671)	(1) None (2) None (3) a) Joint operation - Foreign architectural service suppliers are granted consultants' license per project; - To be considered to get a consultant's license, foreign architectural service supplier is required to have contract awarded through bidding or tender selection in Vietnam. In the case of implementation of project funded by State budget capital, credit capital guaranteed by the State, credit capital from State fund for investment and development, foreign architecture service supplier is required to have a joint-operation agreement or contract with Vietnamese architectural consultants except the case allowed by the Prime Minister	(1) None (2) None (3) Unbound	

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	<p>b) Joint venture</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the Horizontal Measures and Law on Foreign Investment in Vietnam</p> <p>c) Company with 100% foreign owned capital</p> <p>Companies with 100% foreign-owned capital supply services only to enterprises with foreign direct investment capital and foreign – funded projects in Vietnam</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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Accounting and auditing and bookkeeping (CPC 862)	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except branch opening and:</p> <p>After 1 year from the effective date of this Schedule, there shall be no limitation on the number of service providers to be licensed.</p> <p>To be licensed, joint venture and 100% foreign owned companies must have at least 5 members having practicing accountant/auditor certificate issued by Vietnam Ministry of Finance and having been practicing in Vietnam for more than 3 year.</p> <p>After 1 year from the effective date of this Schedule, 100% foreign owned auditing companies, operating in Vietnam after receiving the license, shall be permitted to provide service to foreign invested enterprises and foreign funded projects in Vietnam.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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	<p>(4) Foreign auditors are allowed to provide auditing services in Vietnam under the following conditions:</p> <ul style="list-style-type: none"> - Legally resident in Vietnam for at least 1 year. - Possess auditor certificate granted by Vietnam Ministry of Finance or accountant/auditor certificate issued by foreign institution recognised by Vietnam Ministry of Finance and pass an examination on Vietnam laws and regulations; - Be registered in the list of practicing auditors managed by Vietnam Ministry of Finance or Vietnam Association of Certified Public Accountants (VACPA). - Have the employment contract with an auditing firm being established and operating under the laws of Vietnam. 	<p>(4) Unbound except as indicated in the Horizontal Commitments.</p>	

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Taxation Services (CPC 863)	(1) None (2) None (3) None, except branch opening and: <ul style="list-style-type: none"> ▪ After 2 year from the effective date of this Schedule, there shall be no limitation on the number of service providers to be licensed ▪ After 2 year from the effective date of this Schedule, foreign invested taxation service firms shall be permitted to provide service to foreign invested enterprises and foreign funded projects in Vietnam. (4) Unbound except as indicated in the Horizontal Commitments.	(1) Taxation services must be authenticated by an entity which is permitted to provide taxation services in Vietnam. (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	

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Urban planning services (CPC 86741)	(1) None (2) None (3) a. Joint operation Foreign urban planning service suppliers are granted consultant's license per project. To be considered to get a consultant's license, foreign urban planning service supplier is required to have the contract awarded through bidding or tender selection in Vietnam	(1) None (2) None (3) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>In the case of implementation of project funded by State budget capital, credit capital guaranteed by the State, credit capital from State fund for investment and development, foreign urban planning service supplier is required to have a joint-operation agreement or contract with Vietnamese urban planning consultants except the case allowed by the Prime Minister.</p> <p>b. Joint venture</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the Horizontal Measures and Law on Foreign Investment in Vietnam.</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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Landscape Architectural Services (CPC 86742)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation</p> <ul style="list-style-type: none"> - Foreign architectural service suppliers are granted consultants' license per project; - To be considered to get a consultant's license, foreign architectural service supplier is required to have contract awarded through bidding or tender selection in Vietnam. <p>In the case of implementation of project funded by State budget capital, credit capital guaranteed by the State, credit capital from State fund for investment and development, foreign architecture service supplier is required to have a joint-operation agreement or contract with Vietnamese architectural consultants except the case allowed by the Prime Minister</p>	<p>(1) None</p> <p>(2) None</p> <p>(3)</p>	

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	<p>b) Joint venture</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the Horizontal Measures and Law on Foreign Investment in Vietnam</p> <p>C. Company with 100% foreign-owned capital.</p> <p>Companies with 100% foreign - owned capital supply services only to enterprises with foreign direct investment capital and foreign - funded projects in Vietnam</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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Engineering Services. (CPC 8672)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation</p> <ul style="list-style-type: none"> - Foreign engineering service suppliers are granted consultants' license per project - To be considered to get a consultant's license, foreign engineering service supplier is required to have contract awarded through bidding or tender selection in Vietnam. <p>In the case of implementation of project funded by State budget capital, credit capital guaranteed by the State, credit capital from State fund for investment and development, foreign engineering service supplier is required to have a joint-operation agreement or contract with Vietnamese engineering consultants except the case allowed by the Prime Minister</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Foreign engineering service suppliers can only carry out surveys for engineering design purposes (including topographical, geotechnical, hydrogeological and environmental surveys) in the cases required by the Vietnamese side and permitted by Vietnamese competent authorities</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>b) Joint venture</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the Horizontal Measures and Law on Foreign Investment in Vietnam</p> <p>c) Company with 100% foreign owned capital</p> <p>Companies with 100% foreign owned capital supply services only to enterprises with foreign direct investment capital and foreign funded projects and international bid projects in Vietnam</p> <p>(4) Foreign engineering services suppliers can bring into Vietnam only management, technical personnel that Vietnam can not provide. Other as indicated in the Horizontal Measures</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673)	(1) None (2) None (3) Joint operation: <ul style="list-style-type: none"> - Foreign engineering service suppliers are granted consultant's license per project. - To be considered to get a consultant's license, Foreign engineering service supplier is required to have the contract awarded through bidding or tender selection in Vietnam 	(1) None (2) None (3) Suppliers can only carried out surveys for engineering design purposes (including topographical, geotechnical, hydro-geological and environmental surveys) in the cases required by the Vietnamese side and permitted by Vietnamese competent authorities	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>In the case of implementation of project funded by State budget capital, credit capital guaranteed by the State, credit capital from State fund for investment and development, foreign engineering service supplier is required to have a joint-operation agreement or contract with Vietnamese engineering consultants except the case allowed by the Prime Minister.</p> <p>Joint Venture:</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the horizontal measures and law and on foreign investment in Viet Nam.</p> <p>(4) Foreign engineering service suppliers can bring into Vietnam only management, technical personnel that Vietnam can not provide.</p> <p>Others as indicated in the Horizontal Measures.</p>	<p>(4) Unbound except as indicated in the Horizontal Measures.</p>	

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Advertising Services (except advertising services for cigarettes and wines and spirits) (CPC 871)	(1) None (2) None (3) Only in the form of joint venture or business cooperation contract with Vietnamese partners who are legally authorised to provide advertising services may be established, the capital contribution of foreign side may not exceed 49% of legal capital of the joint venture (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
R&D services on natural sciences (CPC 851)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

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Market research services (CPC 864, excluding CPC 86402)	(1) None (2) None (3) Only in the form of joint venture or business cooperation contract with Vietnamese partners who are authorised to provide management consulting services. Foreign capital contribution may not exceed 49% of the legal capital of the joint venture (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Management Consulting Services (CPC 865)	(1) None (2) None (3) Only in the form of joint-venture or business co-operation contract with Vietnamese partners who are authorised to provide management consulting services. Foreign capital contribution may not exceed 49% of the legal capital of the joint venture. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

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Production management consulting services (CPC 86505)	(1) None, except for mining, oil, and gas related fields (2) None (3) joint-venture or business co-operation contract, except for mining, gas, oil, and related fields (4) Unbound except as indicated in the Horizontal Measures	(1) None, except for mining, oil, and gas related fields (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Services related to management consulting (CPC 866, except CPC 86602 and arbitration and conciliation services for commercial disputes between business (CPC 86602**))	(1) None (2) None (3) None, except that: After 2009, branching is allowed for: CPC 866, except CPC 86602: before 2008: only in the form of joint venture or business cooperation contract. Thereafter: None For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): before 2010: Unbound. Thereafter: None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam (4) Unbound except as indicated in the Horizontal Measures	

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<p>Technical testing and analysis services (CPC 8676 covering CPC 86761-9) (Including services related to composition testing, quality inspection)</p>	<p>(1) None , except for mining, oil, and gas related field</p> <p>(2) None</p> <p>(3) Joint venture or BOT, except for mining, oil and gas related fields</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(1) None , except for mining, oil, and gas related field</p> <p>(2) None</p> <p>(3) Joint venture or BOT, except for mining, oil and gas related fields</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	
<p>Related scientific and technical consulting services. (Covering CPC 86751-86753) (the supply of services related to prospecting, surveying exploration is subject to the applicable laws and regulations of Viet Nam)</p>	<p>(1) None, except: companies without a commercial presence my be required to be registered with the competent authority of the government of Viet Nam under the terms outline in Viet Nam's applicable laws. for mining, oil, and gas related field</p> <p>(2) None</p> <p>(3) None. Except joint venture with the foreign capital contribution not exceeding 49% shall be permitted after 2008, this limitations shall be 51%. Two years thereon, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound except as indicated in the Horizontal Section</p>	<p>(1) None, except as indicated in the market access column</p> <p>(2) None</p> <p>(3) None , except as indicated in the market access column</p> <p>(4) Unbound except as indicated in the Horizontal Section</p>	

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Leasing and rental services relating to aircraft without operator (CPC 83104)	(1) Unbound except for industrial machinery and equipment: None ³ (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound except for industrial machinery and equipment: None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Leasing and rental services relating to other machinery and equipment (CPC 83109)	(1) Unbound except for industrial machinery and equipment (1): None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound except for industrial machinery and equipment (1): None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Maintenance and repair equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except joint ventures with the foreign capital contribution not exceeding 49% shall be permitted. (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound except as indicated in the Horizontal Section	

³ Excluding mining and oil field equipment; commercial radio, television and communication equipment

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COMMUNICATIONS SERVICES			
Telecommunication Services			
Basic Telecommunications	(1) Subject to commercial arrangements with Vietnamese international service and network provider.	(1) None	Viet Nam undertakes the obligations in the reference paper
a. Voice telephone services including local, long distance and international (CPC 7521)	(2) None	(2) None	
b. Packet-switched data transmission services (CPC 7523**)	(3) Joint venture with Vietnamese partners who are authorised to provide telecommunication services may be established, the capital contribution of foreign side ma not exceed 49% of legal capital	(3) None	
c. Circuit-switched data transmission services (CPC 7523**)			
d. Telegraph services (CPC 7523**)	(4) Unbound, except as indicated in the Horizontal Measures	(4) Unbound, except as indicated in the Horizontal Measures	
e. Telex services (CPC 7523**)			
f. Facsimile services (CPC 7521**+7529**)			
g. Private leased circuit services (CPC 7522**+7523**)			

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Value added services: h. Electronic mail (CPC 7523**) i. Voice mail (CPC 7523**) j. On-line information and database retrieval (CPC 7523**) k. Electronic data interchange (EDI) (CPC 7523**) l. Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC7523**) m. Code and protocol conversion n. On-line information and data processing (CPC 843)	(1) Subject to commercial arrangements with Vietnamese international service and network provider. (2) None (3) Joint venture with Vietnamese partners who are authorised to provide telecommunication services (from h to n) may be established, the capital contribution of foreign side may not exceed 50% of legal capital (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Measures	
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Radio based services including mobile, cellular and satellite	(1) Only through business cooperation contract with Vietnam's gateway operators (2) None (3) Only through business cooperation contract with Vietnamese partners who are authorised to provide telecommunication services (from a to g) (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Measures	
Computer and Related Services (CPC 841 – 845 + 849)	(1) None (2) None (3) None except: (a) branches are not allowed; and (b) within 2 years form the date of establishment, 100% foreign owned enterprises shall only provide services to foreign owned enterprises in Viet Nam (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

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CONSTRUCTION AND ENGINEERING RELATED 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)	(3) a) Joint Operation Foreign construction contractors are granted contractor's license per project.	(3) Unbound except as indicated in the Horizontal Measures	
Assembly and Erection of Prefabricated Constructions (CPC 514)	To be considered for getting a contractor's license, foreign construction contractor is required to have the contract awarded through bidding or tender selection in Vietnam and to have commitment to work with Vietnamese construction contractor(s) either in the form a joint-operation or sub- contractor (s)		
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)			
Building Completion and Finishing Work (CPC 517)			
Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)			

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	<p>b) Joint venture</p> <p>To establish a joint venture company by fulfilling the requirements as specified in the Horizontal Measures and law on Foreign Investment in Vietnam.</p> <p>c) Company with 100% foreign owned capital</p> <p>Companies with 100% foreign owned capital supply services only to enterprises with foreign direct investment capital and foreign funded projects and international bid projects in Vietnam</p> <p>(4) Foreign construction contractor can bring into Vietnam only management, technical personnel and foremen that Vietnam cannot provide.</p> <p>Others as indicated in the Horizontal Measures.</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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ENVIRONMENTAL SERVICES			
<p>Except for services considered as public utilities at national or local level which may be subject to public monopolies or exclusive rights granted to private operators</p> <p>a. Sewage services (CPC 9401)</p> <p>b. Solid waste disposal services (import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law) (CPC 9402)</p> <p>c. Cleaning services of exhaust gases (CPC 9404)</p> <p>d. Noise abatement services (CPC 9405)</p>	<p>(1) Unbound due to technical feasibility (except related consulting services)</p> <p>(2) None</p> <p>(3) Foreign services suppliers are permitted to invest only in form of joint ventures Foreign equity participation in joint-venture is 30%.</p> <p>For the purpose of ensuring public welfare, foreign invested enterprises are restricted from collecting wastes directly from households. They are permitted to provide services only at collection points as specified by central/local authorities</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	

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Environmental impact assessment services (CPC 9409)	(1) None (2) None (3) None, except that foreign ownership is limited to 51% during the 4 years after 2007. After that: None. (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Section	

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HEALTHCARE SERVICES			
Veterinary Services (CPC 932/9320)	(1) None (2) None (3) Natural persons may provide these services personally under supervision of veterinary authority of Viet Nam (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Section	
Medical and Dental Services (CPC 9312) covering: - General medical services (CPC 93121) - Specialised medical services (CPC 93122) - Dental services (CPC 93123)	(1) None (2) None	(1) None (2) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign invested hospital, joint venture with Vietnamese partners or through business cooperation contract</p> <p>- Limitation of patient-beds number:</p> <ul style="list-style-type: none"> ▪ Specialised hospitals should have at least from 21 patient-beds upwards; ▪ General hospital should have at least from 31 patient-beds upwards <p>- The ratio of foreigner medical practitioners (Medical Doctors) at the foreign investment medical establishments is not over 3% of total of its staff.</p> <p>- Foreigners who would like to provide healthcare services in Vietnam should follow existing laws and regulations of Vietnam (including the terms of language) and should be issued license by Ministry of Health</p> <p>(4) Unbound, except as indicated in the Horizontal Section</p>	<p>(3) None</p> <p>(4) Unbound, except as indicated in the Horizontal Section</p>	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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Hospital Services (CPC 9311/93110)	(1) None (2) None (3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign invested hospital, joint venture with Vietnamese partners or through business cooperation contract - Limitation of patient-beds number: <ul style="list-style-type: none"> ▪ Specialised hospitals should have at least from 21 patient-beds upwards; General hospital should have at least from 31 patient-beds upwards	(1) None (2) None (3) None	
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VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>- The ratio of foreigner medical practitioners (Medical Doctors) at the foreign investment medical establishments is not over 3% of total of its staff.</p> <p>- Foreigners who would like to provide healthcare services in Vietnam should follow existing laws and regulations of Vietnam (including the terms of language) and should be issued license by Ministry of Health</p> <p>(4) Unbound, except as indicated in the Horizontal Section</p>	<p>(4) Unbound, except as indicated in the Horizontal Section</p>	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None except the services provided should be in parallel with the investment in the hotel construction. The hotel must be 3 star or above level in accordance with Vietnam's hotel rating standards foreign equity participation in joint-venture is not less than 30%	(3) None	
	(4) Unbound except as indicated the Horizontal Section	(4) Unbound except as indicated the Horizontal section	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Food serving services (CPC 642)	(1) None (2) None (3) None except the services provided should be in parallel with the investment in the hotel construction. The hotel must be 3 star or above level in accordance with Vietnam's hotel rating standards foreign equity participation in joint-venture is not less than 30%. (4) Unbound except as indicated the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated the Horizontal Measures	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) None except the services provided should be in parallel with the investment in the hotel construction. The hotel must be 3 star or above level in accordance with Vietnam's hotel rating standards foreign equity participation in joint-venture is not less than 30%. (4) Unbound except as indicated the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated the Horizontal Measures	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel agencies and tour operator services (CPC 7471)	<p>(1) None</p> <p>(2) None</p> <p>(3) Foreign service supplying companies are permitted to provide services in the form of joint venture with Vietnamese partners.</p> <p>The capital contributions of the foreign side shall not exceed 49% of the legal capital of the joint venture. 3 years after the date of entry into force of the commitment this limitation shall be 51%.</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Tourist guides in joint ventures shall be Vietnamese citizens.</p> <p>Service supplying companies with foreign invested capital can only do inbound services</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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TRANSPORT SERVICES			
<p>A. Maritime Transport Services</p> <p>International Passenger Transportation less Cabotage (CPC 7211)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture shipping company allowable up to 49%.</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p> <p>Foreign seafarers may be employed working on board Vietnamese vessels in cases that Vietnamese seafarers are not competent to undertake and they must meet the requirements for foreign seafares working on board Vietnamese vessels as provided for by the Vietnamese Maritime Code.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Freight Transportation less Cabotage. (CPC 7212)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture shipping company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures Foreign seafarers may be employed working on board Vietnamese vessels in cases that Vietnamese seafarers are not competent to undertake and they must meet the requirements for foreign seafarers working on board Vietnamese vessels as provided for by the Vietnamese Maritime Code	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Ship broking services	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Agency Services (CPC 7454*)	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Maritime Freight forwarding services (CPC 748)	(1) Unbound (2) None (3) Commercial may be in the presence of the joint venture. Maximum share of foreign equity in the JV company allowable up to 49% (4) Unbound except as indicated in the Horizontal Section	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Section	

VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Supporting Services for Maritime Transport Maintenance and repair of vessels (CPC 8868*)	(1) Unbound (due to lack of technical feasibility) (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (due to lack of technical feasibility) (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Maritime cargo handling services (CPC 741)	(1) Unbound (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	

Note: * indicates that the services specify is constitutes only a part of the total range of activities covered by CPC concordance

Definition

“Business Cooperation Contract” A Business Cooperation Contract is one of Foreign Investment Form in Vietnam, that is regulated by Law n Foreign Investment in Vietnam and come in to effect on 12 Nov. 1996.

According to the Law on Investment in Vietnam, “Business Cooperation Contract means a written document signed by two or more parties for the purpose of carrying on investment activities without creating a legal entity”.

Article 7 of Decree No. 12/CP dated 18/2/1997 detailing and implementing the Law on Investment in Vietnam says that :

1. A Business Cooperation Contract is a written document signed by two or more parties (hereinafter referred to as the business cooperation parties) which stipulates the responsibilities of, and the sharing of business results between, the parties for the purposes of commencing businesses investment in Vietnam without creating a legal entity.

Commercial contract, contract for the delivery of raw material in return for finished products, equipment purchasing contracts with long-term payment plans, and other contract which do not provide for sharing of profits or business results are beyond the scope of the regulations of this Decree.

2. A Business Cooperation Contract shall be signed by the duly authorised representatives of the business cooperation parties.

"Ship Broking Services" is the work of a shipbroker who undertakes for remuneration to act, on the individual authority of his principal, as an intermediary in concluding contracts of carriage, of marine insurance, of charter, of sale and purchase of vessel, towage contracts, recruitment agreement and contracts of other activities pertaining to maritime shipping activities"

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-subsidisation;
- (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 licenses.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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