

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th 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>BUSINESS SERVICES</p> <p>Mode 1 'None, except...' due to bona fide regulatory reasons: Health and Safety reasons: Foreign professionals who intend to practice in Brunei Darussalam should submit plans of the proposed developments through licensed practicing companies/partnerships/architects in Brunei Darussalam to provide for an entity or a body that will be liable for the development.</p>			
<p>A. Professional Services</p> <p>Auditing services (CPC 862)</p>	<p>(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:</p> <p><u>A. For accounts kept in English</u> Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants</p> <p><u>B. For accounts kept in language other than English</u> (a) Associate membership of one of the Bodies set out in A(a) above; and (b) Evidence of competency in the language concerned.</p>	

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

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	<p>(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <p>Maximum number of partners in an audit firms is twenty.</p> <ul style="list-style-type: none"> - A partnership may consist of only individuals, local companies and/or branches of foreign companies. - Principal or only place of residence within Brunei Darussalam. <p>(4) Unbound, except as indicated under horizontal measures.</p>	<p>(3) Must prove commitment to recruit and develop more local human resources.</p> <p>(4) Unbound, except as indicated under horizontal measures.</p>	

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Architectural Services (CPC 8671)	<p>(1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam. *</p> <p>(2) None</p> <p>(3) a. The company should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers</p> <p style="padding-left: 20px;">b. Not less than 50% equity should be held by Brunei Citizens.</p> <p style="padding-left: 20px;">c. The company should be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practicing architects should have recognised academic and professional qualifications and registered as “qualified persons” with the Ministry of Development.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	

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Engineering Services (CPC 8672)	<p>(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam.*</p> <p>(2) None</p> <p>(3) The company should comply with the Company Registration Act and Registration of Professional Act</p> <p>(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	

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Integrated Engineering Services (CPC 8673) - for Transportation Infrastructure Turnkey Projects (CPC 86731) - for Water Supply and Sanitation Works Turnkey Projects (CPC 86732) - for the Construction of Manufacturing Turnkey Projects (CPC 86733) - for Other Turnkey Projects (CPC 86739)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam. *	(1) None	
	(2) None	(2) None	
	(3) The company should comply with the Company Registration Act and Registration of Professional Act Foreign equity participation is opened up to 55% max.	(3) Unbound	
	(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(4) Unbound	

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Urban planning and landscape architectural services CPC 8674	(1) None, other than plans should be submitted through licensed practicing Urban Planners in Brunei Darussalam (2) None (3) a. The company registered should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers b. Foreign equity participation is opened up to 50%. c. The company should be registered with the Ministry of Development (4) In addition to those indicated in the horizontal section, the licensed practicing Urban Planners should have recognized academic and professional qualifications.	(1) None (2) None (3) Unbound (4) Unbound	

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B. Computer and Related Services Consultancy Services related to the Installation of Computer Hardware (CPC 841) Software Implementation Services (CPC 842) Data Processing Services (CPC 843)	(1) None	(1) None	
	(2) None	(2) None	
	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber	(3) None	
	(4) Unbound, except Director and needed Technical Experts	(4) Unbound, except as indicated in the horizontal section	
Database Services (CPC 844)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.	(3) None	
	(4) Unbound, except as indicated under horizontal measures	(4) Unbound, except as indicated under horizontal measures	

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Maintenance and repair services of office machinery and equipment including computers (CPC 845)	(1) None (2) None	(1) None (2) None	
Other computer Services (CPC 849)	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber (4) Unbound, except Director and needed Technical Experts	(3) None (4) Unbound, except as indicated in the horizontal section	

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C. Research and Development Services R&D services on natural sciences and engineering (CPC 851/8510)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
R&D services on social sciences and humanities (CPC 852/8520)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Interdisciplinary R&D services (CPC 853/8530)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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<p>E. Rental and Leasing Services without Operator</p> <p>Rental/leasing services relating to aircraft without operators (CPC 83104)</p>	<p>(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.</p> <p>(2) None</p> <p>(3) Unbound, except: a. Only through a representative office; b. Only by appointment of a General Sales Agent, that is Bruneian controlled company; and c. Permanent address in Brunei Darussalam is required with respect to (a).</p> <p>(4) Unbound, except with respect to (b), one technical post subject to local availability test, designation of a specified number of Brunei trainees.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met: (a) Residency (b) Registration.</p>	

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Relating to other machinery and equipment (CPC 83106-83109)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Rental/Leasing services concerning personal and household goods (CPC 8320)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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F. Other Business Services			
Sale or leasing services of advertising space or time (CPC 8711)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Planning, creating and placement services of advertising (CPC 8712)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Other advertising services (Advertising consultancy services) (CPC 8719)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Marketing research and public opinion polling services (CPC864/8640)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Management consulting service (CPC 865/8650)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Services related to management consulting (including management services n.e.c) (CPC 866/8660)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Building-cleaning services (CPC 874)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Photographic services (CPC 875/8750)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Packaging services (CPC 876/8760)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Printing, publishing services (CPC 88442)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Duplicating services (CPC 87904)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Specialty design services (CPC 87907)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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<p>COMMUNICATIONS SERVICES Telecommunication Services</p> <p>Note: * For the subsectors of (a) Public Non-Fixed and (b) Public Payphone services, this is in accordance with the new licensing regime under the new Telecommunications Order 2001 which requires new entrance/players wishing to provide such service domestically are required to apply for a license from the relevant Authority (i.e. The Authority for Info-Communication Technology and Industry (AITI) and if further required may also be subject to terms and conditions set by the authority including among others the need to have commercial arrangements with licensed operator(s).</p>			
Circuit - switched data transmission services (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
Packet- switched data transmission services (7523**)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations; Foreign equity participation should not exceed 51% (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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Telex services (CPC7523**) Telegraph services (CPC7522**)	(1) None (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
Facsimile services (7521** + 7529**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Electronic mail (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Voice Mail (7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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On-line information and database retrieval (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Electronic data interchange (EDI) (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Enhanced/value-added facsimile services, including store and forward and retrieve (7523**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Public Non-Fixed*	(1) None, except subject to commercial arrangements with licensed operator(s).* (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001. This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.
Local Services Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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Public payphone services*	(1) None, except subject to commercial arrangements with licensed operator(s) * (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.
International Service: Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	

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Mobile Services: Public Cellular Mobile Telephone Service.	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
Prepaid Telecommunications Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.

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CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC513)	(3) The company has to be registered with the Registrar of Attorney General office and Ministry of Development, for companies and Business name and Contracting License respectively. Foreign Citizen registered may hold up to maximum 55% equity	(3) Unbound	
Assembly and Erection of Prefabricated Constructions (CPC514)			
Special Trade Construction (CPC515)			
Installation Work (CPC516)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	
Building Completion and Finishing Work (CPC517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			

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EDUCATION SERVICES			
Primary Education For International School Only CPC921	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Secondary Education For International School Only CPC922	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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Adult Education Courses with the maximum duration of 3 months (Private education) (CPC 924)	(1) None (2) None (3) - through joint venture with foreign equity participation shall not exceed 49% - foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Adult Education Services For Skill Centre Only CPC924	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre CPC929	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th 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
HEALTHCARE SERVICES			
Medical and Dental Services (CPC9312)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Services provided by midwives, nurses, physiotherapists and para- medical personnel CPC 93191	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hospital services (CPC9311/93110) (excluding Laboratory and X-Ray Services)	(1) Unbound due to lack of technical feasibility (2) None (3) None *only through specific requirements and domestic rules and regulations of the country (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Laboratory Services (CPC9311X)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
X-Ray services (CPC9311X)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) None (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Restaurants (CPC 642,643)	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) Unbound (4) Unbound	
Other Tourism Services - Youth Hostel - Golf Courses - Marina Facilities	(1) None (2) None (3) It must be a joint venture project with local enterprise (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Theme Parks	(1) None (2) None (3) It must be a joint venture project with local enterprise (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services			
Passenger transportation (CPC7211)	(1) None (2) None (3) Foreign equity participation shall not exceed 49% (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth, and berthing services
Freight transportation (CPC7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 49% b) The supply of international maritime transport of energy goods: unbound (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th 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 CPC7454*	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
D. Space Transport (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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For the 7th 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
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
H. Services Auxiliary to All Modes of Transport Maritime Cargo Handling Services CPC741	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

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For the 7th 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
Storage and warehousing services CPC 742	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Maritime Freight Forwarding Services CPC748	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

REFERENCE PAPER

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

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

2. Interconnection

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

2.2 Interconnection to be ensured

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

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

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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