

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|---|
| BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| Legal Services (CPC86190*) covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia | (1) None (2) None (3) None for corporations 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 bookkeeping services (CPC 862) | (1) None (2) None (3) None | (1) None (2) None (3) None | (4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language. |

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| Taxation Services (CPC 863 / 8630) | (1) None (2) None (3) None | (1) None (2) None (3) None | (4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language. |
| Architectural services (CPC 8671) | (1) None (2) None (3) a) Architectural services may be supplied only by natural person; 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) None (2) None (3) None | (4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language. |

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| Other Architectural Services (CPC 86719**) Covering preparation of promotional materials and presentation; and preparation of as-built drawing only. | (1) None (2) None (3) None | (1) None (2) None (3) None | |
| 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) None (2) None (3) None | (4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. Other requirements as per in ASEAN Chartered Professional Engineer (ACPE) Registry. |

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| Integrated engineering services (CPC 8673) covering: (CPC 867231, 86732, 86733, 86739) | (1) None | (1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia | (4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. |
| | (2) None | (2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia | |
| | (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. The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract | (3) None | |

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| 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. (CPC 86741) | (1) None (2) None (3) Unbound | (1) None (2) None (3) Unbound | (4) Qualifying examination to determine the competency and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language. |
| Landscape architectural services (CPC 86742) | (1) None (2) None (3) Only through a locally registered partnership with Malaysian Registered Landscape Architects or Malaysian controlled corporations or both and aggregate foreign shareholding in the JV corporation shall not exceed 40 per cent. | (1) None (2) None (3) None | (4) Qualifying examination to determine the competency and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language. |

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| 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 (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian Registered Landscape Architects or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Other Professional Services Geographical Indication (GI) Agent (covering filing, prosecution and renewal of patent only) | (1) Unbound (2) None (3) Foreign equity participation should not exceed 70%. | (1) Unbound (2) None (3) None | |

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| <p>B. Computer and Related Services</p> <p>a. Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>b. Software implementation service (CPC 842)</p> <p>c. Data processing services (CPC 843)</p> <p>d. Data base services (CPC 844 / 84400)</p> <p>e. Other</p> <ul style="list-style-type: none"> • Maintenance and Repair Services of office machinery and equipment including Computers (CPC 845) • Data preparation services from clients not involving data processing services (CPC 84910) • Other computer services not elsewhere classified (CPC 84990**): <ul style="list-style-type: none"> - covering training services for staff of clients; data recovery services; and development of creative content. | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | <p>(3) Horizontal Limitation does not apply to these sub-sectors</p> |

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| <p>C. Research and Development Services</p> <p>Research and development services on natural sciences and engineering (CPC 851** except CPC 85105 medical sciences and pharmacy and does not include research and development on Malaysia's natural resources, biodiversity and genetic materials)</p> <p>Limited to industrial activities covering all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include:</p> <ul style="list-style-type: none"> (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion. | <p>(1) None</p> <p>(2) None</p> <p>(3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 70 per cent.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| <p>Research and development services on medical sciences and pharmacy (CPC 85105**)</p> <p>Research and experimental development on medical sciences and pharmacy limited to clinical trials and study which evolves any investigation in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmaco-dynamic effects of an investigational product(s), and/or to identify any adverse reactions to an investigational products(s), and/or to study absorption, distribution, metabolism, and excretion of an investigational product(s) with the object of ascertaining its safety and/or efficacy.</p> <p>(This will also include pre-clinical contract research organization and contract manufacturing organization)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None-</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| C. Research and Development Services Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204) | (1) 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 51 per cent | (1) None (2) None (3) None | |
| Research and experimental development services on economics (CPC 85202) | (1) 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 51 per cent | (1) None (2) None (3) None | |

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| <p>Interdisciplinary research and development services (CPC 8530**)</p> <p>Covering industrial activities covering all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include:</p> <ul style="list-style-type: none"> (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion. | <p>(1) None</p> <p>(2) None</p> <p>(3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 70 per cent</p> <p>For interdisciplinary research and development services involving Malaysia's natural resources, biodiversity and genetic materials the aggregate foreign equity shall not exceed 49 per cent.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| <p>D. Real Estate Services</p> <p>Renting or leasing services involving own or leased residential property</p> <p>Renting or leasing services of residential properties by owners or leaseholders to others. Examples include houses, flats, apartment buildings, multiple use buildings which are primarily residential and residential mobile home sites.</p> <p><u>Exclusions:</u> Lodging services provided by operating hotels, motels, rooming houses, school dormitories, camping sites and other lodging places are classified in group 641 (Hotel and other lodging services)</p> <p>(CPC 82101)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None except that the acquisition, disposal or dealing of land or any interest in land, property and real estate shall not be undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None except that the acquisition, disposal or dealing of land or any interest in land, property and real estate shall not be undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> | |

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| <p>E. Rental/Leasing Services without Operator</p> <p>Relating to ships exclude cabotage and offshore trades (CPC 83103)</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> | |
| <p>Rental of cargo Vessels without crew (Bareboat Charter) for international shipping (CPC 83103)</p> <p>Rental and leasing services of all types of self-propelled seagoing vessels with operator, such as passenger vessels (except pleasure bath, tanker, bulk dry cargo vessels, cargo and freight vessels)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| Leasing or rental services concerning goods transport without operator (CPC 83102) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107) | (1) None (2) None (3) None except only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporation acting or both. Aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent | (1) None (2) None (3) None | |

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| Leasing or rental services concerning other machinery and equipment without operator (CPC 83109) | (1) None (2) None (3) Foreign shareholding shall not exceed 51 per cent. | (1) None (2) None (3) None | |
| Leasing or rental services concerning personal and household goods (CPC 832) | (1) None (2) None (3) Foreign shareholding shall not exceed 51 per cent. | (1) None (2) None (3) None | |
| F. Other Business Services Advertising services (CPC 8711, 8712, 8719) | (1) 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 51 per cent Advertisement through electronic media subject to guidelines on local content | (1) None (2) None (3) None | |

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| Market research services (CPC 86401) | (1) None (2) None (3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both with foreign equity up to 51 per cent | (1) None (2) None (3) None | |
| Public opinion polling services (CPC 86402) | (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 equity shall not exceed 51 percent. | (1) None (2) None (3) None | |

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| <p>Management Consulting Services</p> <p>a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p> <p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p> <p>c) covering advisory and guidance in the field of pharmacy as follows:</p> <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; and - Vaccine production (CPC 8650*) <p>d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)</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 Bumiputera shareholding in the joint-venture corporation is at least 51 per cent</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| Project management services other than for construction (CPC 86601) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Technical Testing and Analysis Services (CPC 8676) | (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 equity shall not exceed 70 per cent. | (1) None (2) None (3) None | |

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| Services incidental to energy distribution (CPC 887) Consulting services related to the advisory, guidance and operational assistance concerning management of the transmission of non-conventional energy, power plant and network. | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Executive search services (CPC 87201) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Alarm monitoring system services (CPC 87303) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

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| Subsurface surveying services Covering Offshore 3-D Seismic Site Surveys - 3-D Seismic Site Surveys Offshore in Support of Resource Exploration and Development (CPC 86752) Surface surveying services Covering Building Surveying Services only in the provision of the survey of buildings in the investigation and assessment of the construction, condition and dilapidation of building(s), including diagnosis of building defects, costs of repair and guidance on remedial works for the Commercial and Industrial sub-sector of the Property (Real Estate) Sector (CPC86753 | (1) Unbound* (2) None (3) Unbound | (1) Unbound* (2) None (3) Unbound | |
| Surface surveying services Covering Quantity Surveying (Cost Engineering) Specialist Services in the provision of Arbitration/litigation, Tax Depreciation, Pre/Post Contract Audits, Technical Due Diligence, Resource analysis, Construct ability Analysis (CPC 86753) | (1) None (2) None (3) Unbound | (1) Unbound* (2) None (3) Unbound | |

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| Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8866) Covering medical, precision and optical instruments, watches and clocks | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Building cleaning services (CPC 8741) Covering disinfecting and exterminating services | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

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| Specialty photography except aerial photography (CPC 875*) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Packaging Services (CPC 8760) (excludes services that consists solely of printing information on packaging materials) | (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 51 percent. | (1) None (2) None (3) None | |

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| Printing and publishing Covering book binding services (CPC 88442 **) | (1) None (2) None (3) Foreign equity shall not exceed 51 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 or conventions and other similar events for convention centres with over 5,000 seating capacity) | (1) None (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 70%. | (1) None (2) None (3) None | |

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| Translation and interpretation services (CPC 87905) | (1) None (2) None (3) Joint venture corporation with Malaysian individuals or Malaysian – controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent foreign equity. | (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 | |

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| <p>Operational Headquarters (OHQ) Services</p> <p>covering general management and administration, business planning, procurement of raw materials, technical support, 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</p> <p>(CPC 87909)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None except OHQ must operate in Malaysia and fulfil criteria as set out in the Guidelines on Setting up Operational Headquarters in Malaysia.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |
| <p>International Procurement Centre (IPC)</p> <p>(IPC refers to a locally incorporated company which carries on the business in Malaysia to undertake procurement and sales of raw materials, components and finished products for its group of related and unrelated companies in Malaysia and abroad)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None except that an IPC must be locally incorporated, conducts its business in Malaysia and fulfils the criteria of an IPC</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

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| Regional Distribution Centre (RDC) (An RDC is a collection and consolidation centre for finished goods, components and spare parts produced by its own companies for its own brand to be distributed to dealers, importers or subsidiaries or other unrelated companies within or outside the country. Among the activities are bulk breaking, re-packaging and labelling) | (1) None (2) None (3) None except that an RDC must be locally incorporated, conducts its business in Malaysia and fulfils the criteria of an RDC | (1) None (2) None (3) None | |

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| COMMUNICATIONS SERVICES | | | |
| Courier services (CPC 7512) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent. | (1) None (2) None (3) None | |
| 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**, CPC 7529**) 5. Private leased circuit service (CPC 7522** & CPC 7523**) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent in these service providers is allowed | (1) None (2) None (3) None | Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I) |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|----------------------------------|--|---|-------------------------------|
| Telex services (CPC 7523) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent 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 Foreign shareholding of up to 70 per cent is allowed | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|-------------------------------|
| Data and message transmission services Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed. | (1) None (2) None (3) None | |
| Basic Telecommunications Paging services (CPC 75291) | (1) None (2) None (3) Foreign shareholding-of up to 70 per cent is allowed | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|----------------------------------|---|
| 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 12. Video transport services | (1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed | (1) None (2) None (3) None | Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I) |
| Mobile telephone service (CPC 75213) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|---|-------------------------------|
| Mobile data services (CPC 7523) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed | (1) None (2) None (3) None | |
| Interconnection services (CPC 7525 and CPC 76250) Integrated telecommunication services (CPC 7526, CPC 75260) | (1) None (2) None (3) Foreign shareholding of up to 70 per cent is allowed | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113) Motion picture or video tape production services (CPC 96112) Other services in connection with motion picture or video tape production and distribution (CPC 96114) | (1) 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 shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Motion picture projection services (CPC 96121) Video tape projection services (CPC 96122) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|-------------------------------|
| Broadcasting services covering transmission from foreign broadcast station of foreign broadcast matter from foreign territory through television or radio (CPC 7524*) | (1) None (2) None (3) Unbound* | (1) None (2) None (3) Unbound* | |
| Sound Recording services. Covering production, distribution and public display of sound recordings, but excluding all broadcasting and audiovisual services and materials that are broadcasting-related. | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|-------------------------------------|------------------------|
| DISTRIBUTION SERVICES | | | |
| Commission agents' services (CPC 621*) Only for textiles, clothing and footwear | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Wholesale, and Retail Trade Businesses (CPC 6111, 6113, 6121, 6130, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 631, 632) | (1) None (2) None (3) Aggregate foreign equity is allowed up to 51 per cent. Minimum foreign capital investment in respective formats of businesses is as per the Guidelines on Foreign Participation in Distributive Trade Services. | (1) None (2) None (3) Unbound | |
| Franchising (CPC 8929) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| EDUCATION SERVICES | | | |
| Primary education services (CPC 921) Covering international schools only General secondary education services (CPC 9221) Covering international schools only | (1) Unbound* (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent. | (1) Unbound* (2) None (3) None | |
| Technical and vocational secondary education services (CPC 9223) Covering private education services only Technical and vocational secondary school-type education services for handicapped students (CPC 9224) Covering private education services only | (1) Unbound* (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent. | (1) Unbound* (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

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

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|-------------------------------|
| <p>Other Higher Education Services provided by privately funded higher education institutions excluding private higher education institutions with Government of Malaysia equity or that receive assistance from Government of Malaysia</p> <p>(CPC 92390)</p> | <p>(1) Unbound, except for requirement for commercial presence</p> <p>(2) None</p> | <p>(1) 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 equity or citizens/permanent residents</p> <p>(2) Unbound</p> | |
| <p>Adult education services provided by privately funded education institutions excluding private education institutions with Government of Malaysia equity or that receive assistance from Government of Malaysia</p> <p>(CPC 924)</p> | <p>(3) Only through a joint venture with foreign equity not exceeding 51 per cent and subject to the requirement of a needs test if necessary</p> | <p>(3) 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 equity or citizens/permanent residents.</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|-------------------------------|
| Other education services (CPC 929 / 9290 / 92900) | (1) Unbound* (2) None (3) Only through a joint venture with foreign equity not exceeding 51 per cent. | (1) Unbound* (2) None (3) None | |
| ENVIRONMENTAL SERVICES | | | |
| Wastewater Management (CPC 9401) Covers only removal, treatment and disposal of industrial effluents. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, provincial, district or municipalities or contracted out by them) | (1) None (2) None (3) Only through a locally incorporated, joint-venture with Malaysian individuals or Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 51 per cent. | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <p>Refuse disposal services (CPC 9402*)</p> <p>Covering private industrial waste management services covering treatment and disposal services</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Only through approval of National Solid waste Management Technical Evaluation Committee and approved licence from National Solid Waste Management Department.</p> <p>The aggregate foreign equity shall not exceed 51 per cent.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |
| <p>Refuse disposal services (CPC 9402*)</p> <p>Covering solid waste disposal services, only for:</p> <ul style="list-style-type: none"> - integrated biomass treatment facility services - the services provider must be equipped with high technology specifically built for biomass solid waste disposal services and fulfil all environmental safety requirements. The product will be used as a new material for energy purposes. | <p>(1) None</p> <p>(2) None</p> <p>(3) Foreign equity shall not exceed 51 per cent.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|-------------------------------|
| <p>Protection of Ambient Air Climate (CPC 9404 –corresponds to Cleaning Services of Exhaust Gases) Covers only services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district or municipalities or contracted out by them)</p> | <p>(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 shareholdings shall not exceed 51 per cent</p> | <p>(1) None (2) None (3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>Noise Abatement Services (CPC 9405)</p> <p>Covers only monitoring programmes, and installation of noise reduction and screen 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, district or municipalities or contracted out by them)</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 aggregate foreign shareholdings shall not exceed 51 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 clean-up and remediation. (part of CPC 94060)</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district or municipalities or contracted out by them)</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 aggregate foreign shareholdings shall not exceed 51 per cent</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|--|
| HEALTHCARE SERVICES | | | |
| Specialised medical 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) Specialised medical services may be supplied only by a natural person | (1) None (2) None (3) None | 4) The qualifying examination to determine the competence and ability to supply the service will be conducted in English language. |
| Dental Services (CPC 93123) Covering orthognathic surgery, cranio-facial surgery, oral oncology, forensic odontology and special needs dentistry. | (1) None (2) None (3) Foreign equity shall not exceed 70 per cent | (1) None (2) None (3) As in market access limitations. | |
| 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 and aggregate share of foreign interest shall not exceed 70 per cent, | (1) None (2) None (3) Unbound | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Specialised Nursing Services (CPC 93191) - Intensive Care Nursing - Coronary Care Nursing - Peri-Operative Nursing - Neonatal Nursing - Pediatric Nursing - Emergency and Trauma Care - Oncology Nursing - Gerontology - Renal Nursing - Orthopedic Nursing - Ophthalmology Nursing | (1) None (2) None (3) Services may be supplied by a natural person. The setting up of individual or joint group practices is not permitted. | (1) None (2) None (3) Unbound | |
| Private hospital services (CPC 93110*) | (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 corporations shall not exceed 70 per cent | (1) None (2) None (3) Establishment of feeder outpatient clinics is not permitted | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|-------------------------------|
| Other human health services (CPC 93199) covering pharmacy services in the manufacturing sector only | (1) None (2) None (3) Foreign equity shall not exceed 70 per cent. | (1) None (2) None (3) None | |
| Welfare services delivered through residential institutions to old person and the handicapped (CPC 93311) Vocational rehabilitation services for the handicapped (CPC 93324) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Food serving services (CPC 642) Beverage serving services for consumption on the premises (CPC 643) | (1) None (2) None (3) Joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent foreign equity. | (1) None (2) None (3) None | |
| Travel Agencies and Tour Operators Services (CPC 7471) (For inbound travel only) | (1) None (2) None (3) Through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent. | (1) None (2) None (3) None | |
| Tourist Guide Services (CPC 7472) | (1) None (2) None (3) Unbound* | (1) None (2) None (3) Unbound* | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|-------------------------------|
| RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| Other entertainment services (CPC 96191, , 96194) | (1) Unbound* (2) None (3) Entertainment services may be supplied only by a natural person | (1) Unbound* (2) None (3) None | |
| Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 96192) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent. | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>Theme Park</p> <p>(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, edutainment, adventure and excitement. The concept of the park can either be outdoor or indoor or a combination of both)</p> | <p>(1) None</p> <p>(2) None</p> <p>(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 70 per cent.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |
| <p>Library Services</p> <p>(CPC 96311)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Foreign equity shall not exceed 51 per cent</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|-------------------------------|
| Sports events management services (CPC 96411, 96412) | (1) None (2) None (3) None except only through a Malaysian-controlled corporation acting as the local sponsor | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

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

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|---|
| TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | (1) None (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 51 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. | (1) None (2) None (3) None | 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 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 9) Anchorage, berth and berthing services |
| International maritime transportation services, excludes cabotage (CPC 7211) | (1) None (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 51 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. | (1) None (2) None (3) None | 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 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 9) Anchorage, berth and berthing services |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|----------------------------------|---|
| International maritime transportation services, excludes cabotage (CPC 7212) | (1) None (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 70 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met: a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. | (1) None (2) None (3) None | 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 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 9) Anchorage, berth and berthing services |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>F. Supporting services for maritime transport</p> <p>Vessel salvage and refloating services (not applicable in harbour)</p> <p>(CPC 74540)</p> <p>(Vessels salvage services provided on ocean and seas. Such services consist of recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None</p> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|-------------------------------|
| Passenger transportation (CPC 7111) | (1) None (2) None (3) Foreign equity participation should not exceed 70% | (1) None (2) None (3) None | |
| Freight transportation (CPC 7112) | (1) None (2) None (3) Foreign equity participation should not exceed 70%. | (1) None (2) None (3) None | |
| Pushing or towing services (CPC 7113) | (1) None (2) None (3) Foreign equity participation should not exceed 70%. | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|-------------------------------|
| F. Road transport services | (1) None | (1) None | |
| Freight Transportation | (2) None | (2) None | |
| Covering private carriers (Class C Licence) (CPC 7123) | (3) Foreign equity shall not exceed 70 per cent. | (3) None | |
| Maintenance and repair services not elsewhere classified of trailers and semi trailers on a fee or contract basis (CPC 88670*) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |
| Private services provided by car parks, parking lots and parking garages, whether or not roofed (CPC 74430) | (1) None (2) None (3) Foreign equity shall not exceed 51 per cent | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>H. Services Auxiliary to all modes of transport</p> <p>Maritime Cargo Handling Services (CPC 741 **)</p> <p>(Limited only for sea transport)</p> <p>Maritime Cargo Handling services limited to activities exercised by terminal operators but not including the direct activities of dockers, when this work force is organized independently of the stevedoring or operator companies. The activities covered include the organization and supervision of the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo and the reception/delivery and safekeeping of cargoes before shipment or after discharge.</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. 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> | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|----------------------------------|------------------------|
| Storage and warehousing services. Covering private bonded warehousing services only. (CPC 742) | (1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporations or both and aggregate foreign shareholding shall not exceed 51 per cent. | (1) None (2) None (3) None | |
| Maritime freight forwarding services (CPC 7480) (Consist of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information) | (1) None (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 Foreign equity allowable up to 70 per cent | (1) None (2) None (3) None | |

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Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|-------------------------------|
| Maritime agency services Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required (CPC 7454*) | (1) None (2) None (3) None | (1) None (2) None (3) None | |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

ANNEX I

Annex to Additional Commitments (Telecommunication Services)

| Principles | Procedural Requirements |
|--|--|
| 1. Competition safeguards | The regulatory body must take measure to: <ul style="list-style-type: none"> - Maintain fair competition among network operators. - Safeguard the interest of consumers. |
| 2. Universal Service Obligation | Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other underserved areas as stipulated in the licences |
| 3. Public availability of licensing criteria | To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators |
| 4. Independent regulator | To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act; |
| 5. Interconnection arrangements | To ensure that the following principles pertaining to interconnection arrangement are adhered to: <ul style="list-style-type: none"> - Interconnection and access between network operators shall be on an equitable and non-discriminatory basis; - Charges for interconnection facilities and services provided by network operators shall be fair and equitable; - The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks; - A domestic network operator in any of the market segments shall not abuse its market power to limit access to essential facilities only for interconnection; - The network operator that provides the access connection to the customer should be allowed to tell him (the customer); - No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share. |
| 6. Limitation on Market Access | Acquisition, Mergers and Take-overs The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following: <ul style="list-style-type: none"> - the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 9th Package of Commitments under ASEAN Framework Agreement on Services

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| | <p>group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM5 million in value;</p> <ul style="list-style-type: none">- any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and- control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements. <p>Approval may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p> |
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