

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
II. SPECIFIC COMMITMENTS			
BUSINESS SERVICES			
A. Professional Services			
Legal service, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam) (CPC 861)	(1) None (2) None (3) Foreign lawyers organisation ¹ are permitted to establish commercial presence in Viet Nam in the following forms: a) Branches of foreign lawyers organisations; b) Subsidiaries of foreign lawyers organisations; c) Foreign law firms ² ; d) Partnership between foreign lawyer organisations and Vietnam's law partnerships. Commercial presences of foreign lawyer's organisations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.	(1) None (2) None (3) None	

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

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

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Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Taxation Services (CPC 863)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Architectural Services. (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Engineering Services. (CPC 8672)	(1) None	(1) None	
Integrated engineering services (CPC 8673)	(2) None	(2) None	
	(3) None	(3) None, except: The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorisation of the Government of Viet Nam ³ .	

³ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV *bis* of the GATS.

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Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None (3) None	(1) None (2) None (3) None In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service ⁴ .	

⁴ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV *bis* of the GATS.

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Computer and Related Services (CPC 841 – 845 + 849)	(1) None (2) None (3) None, branching is allowed.	(1) None (2) None (3) None	
C. Research & Development Services R&D services on natural sciences (CPC 851)	(1) None (2) None (3) None	(1) None (2) None (3) None	
R&D services on social sciences and humanities (CPC 852) Interdisciplinary R&D services (CPC 853)	(1) None (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established	(1) None (2) None (3) None	

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D. Real Estate Services	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Renting or leasing services involving own or leased residential property (CPC 82101) ⁵	(2) None	(2) None	
Renting or leasing services involving own or leased non-residential property (CPC 82102)	(3) None	(3) None	
Residential property management services on a fee or contract basis ⁶ (CPC 82201)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Non-Residential property management services on a fee or contract basis ⁷ (CPC 82202)			

⁵ Including houses, flats, apartments buildings which are used for residential purposes and others that are not prohibited by laws and should be complied with the signed contract.

⁶ Including activities, whereby an organization or a person involved in residential property service business is authorized by the owner and/or user of the residential properties (including single dwelling houses, town houses, multi-unit apartment buildings, or multiple use buildings which are primarily residential.) through a contract, to conduct the maintenance, operation and exploitation (including sale, renting, leasing or appraising...) of residential properties

⁷ Including activities, whereby an organization or a person involved in non-residential property service business is authorized by the owner and/or user of the non-residential properties (including single dwelling houses, town houses, multi-unit apartment buildings, or multiple use buildings which are primarily non-residential.) through a contract, to conduct the maintenance, operation and exploitation (including sale, renting, leasing or appraising...) of non-residential properties

Property management services concerning agricultural, forest and similar properties on a fee or contract basis are excluded.

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E. Rental/Leasing Services without Operator Leasing and rental services relating to other machinery and equipment (CPC 83109) (Excluding mining and oil field equipment; commercial radio, television and communication equipment)	(1) None (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 70% shall be permitted	(1) None (2) None (3) None, except as indicated in the market access column	The equipment to be brought into Vietnam must comply with relevant regulations of Vietnam on management of import and export, standards, technical requirement, national security, national telecommunications infrastructure and comply with the provisions of relevant laws on telecommunications licensing as well as licenses on use of frequencies and radio equipment
Leasing or rental services concerning furniture and other household appliances (CPC 83203)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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E. Rental / Leasing Services without Operator Relating to ships (CPC 83103)	(1) None. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established.	(1) None (2) None (3) None, except as indicated in the market access column	
F. Other Business Services Advertising Services (except advertising services for cigarettes) (CPC 871)	(1) None (2) None (3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorised to do advertising services. There shall be no limitation on foreign capital contribution in the joint ventures.	(1) None (2) None (3) None	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
Market research services (CPC 864, excluding CPC 86402)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Management Consulting Services (CPC 865)	(1) None (2) None (3) None. branching is allowed.	(1) None (2) None (3) None	
Production management consulting services (CPC 86505)	(1) None, except for mining, oil, and gas related fields (2) None (3) joint-venture or business co-operation contract, except for mining, gas, oil, and related fields	(1) None, except for mining, oil, and gas related fields (2) None (3) None	
Services related to management consulting (CPC 866, except CPC 86602 and arbitration and conciliation services for commercial disputes between business (CPC 86602**))	(1) None (2) None (3) None, branching is allowed	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam	

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<p>Technical testing and analysis services (CPC 8676 covering CPC 86761-9) (Including services related to composition testing, quality inspection)</p>	<p>(1) None , except for mining, oil, and gas related field</p> <p>(2) None</p> <p>(3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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Alarm monitoring services for manufacturing factory (Part of CPC 87303)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Related scientific and technical consulting services. ⁸ (Covering CPC 86751-86753)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the government of Viet Nam under the terms outline in Viet Nam's applicable laws. (2) None (3) None	(1) None, except as indicated in the market access column (2) None (3) None , except as indicated in the market access column	
Leasing and rental services relating to aircraft without operator (CPC 83104)	(1) None (2) None (3) None	(1) None (2) None (3) None	

⁸ The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

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Maintenance and repair equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Building-cleaning services (CPC 874) - Disinfecting and exterminating services (CPC 87401) - Window cleaning services (CPC 87402) only in industrial zones and export processing zones	(1) None (2) None (3) None	(1) None (2) None (3) None	
Portrait Photography services (CPC 87501)	(1) None (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture	(1) None (2) None (3) None	

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Special Photography services except aerial photography (CPC 87504)	(1) None. (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture	(1) None (2) None (3) None	
Packaging services (CPC 876)	(1) None (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 70% shall be permitted	(1) None (2) None (3) None, except as indicated in the market access column	
Printing, publishing (CPC 88442) for package only	(1) None. (2) None (3) None, except joint ventures with the foreign capital contribution not exceeding 70% shall be permitted.	(1) None (2) None (3) None, except as indicated in the market access column	

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<p>Convention Services (CPC 87909*)</p> <p>(Topics and content of conferences and seminars must be approval by competent authorities)</p>	<p>(1) None.</p> <p>(2) None</p> <p>(3) Foreign services suppliers are permitted to provide services in the form of joint venture with Vietnamese suppliers.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None.</p> <p>Topics and contents of the conventions must be approval by competent authorities.</p>	
<p>Translation and interpretation services (CPC 87905)</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>	
<p>Leasing or rental services concerning private cars without operator (CPC 83101)</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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<p>Telecommunication Services Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).</p>			
<p>Basic Telecommunications</p> <p>a. Voice telephone services including local, long distance and international (CPC 7521)</p> <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data transmission services (CPC 7523**)</p> <p>d. Telegraph services (CPC 7522)</p> <p>e. Telex services (CPC 7523**)</p> <p>f. Facsimile services (CPC 7521**+7529**)</p> <p>g. Private leased circuit services (CPC 7522**+7523**)</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <p>- Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use <i>satellite</i>-earth stations;</p>	<p>(1) None</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>

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(0*) Other services - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting ¹² - Radio based services includes: - Mobile telephone (terrestrial and satellite) - Mobile data (terrestrial and satellite) - Paging - PCS - Trunking - Internet Exchange Service (IXP) ¹³	- Since 11 January 2010: multinational companies ¹⁴ , which are licensed to use satellite-earth stations. (2) None (3) None, except: <i>Non facilities-based services:</i> Since 11 January 2007 joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. <i>Facilities-based services:</i> joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. 51% gives management control of the joint venture.	(2) None (3) None	

¹² Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

¹³ Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

¹⁴ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO Member; and e) is licensed to use satellite services in at least one WTO Member.

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	<p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p>		

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Basic telecommunication services (o*) Other services - Virtual Private Network (VPN) ¹⁵	(1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP

¹⁵ Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organisation, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

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	<p>licensed to use satellite-earth stations;</p> <ul style="list-style-type: none"> - Since 11 January 2010: multinational companies¹⁹, which are licensed to use satellite-earth stations. 		service suppliers licensed in Viet Nam.
	<p>(2) None</p> <p>(3) None, except: <i>Non facilities-based services:</i> joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. <i>Facilities-based services:</i> joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p>	<p>(2) None</p> <p>(3) None</p>	

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<p>Value added services:</p> <p>h. Electronic mail (CPC 7523**)</p> <p>i. Voice mail (CPC 7523**)</p> <p>j. On-line information and database retrieval (CPC 7523**)</p> <p>k. Electronic data interchange (EDI) (CPC 7523**)</p> <p>l. Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC7523**)</p> <p>m. Code and protocol conversion</p> <p>n. On-line information and data processing (incl. transaction processing) (CPC 843)</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Since 11 January 2007: multinational companies, which are licensed to use satellite-earth stations. 	<p>(1) None</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>

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	<p>(2) None</p> <p>(3) None, except: <i>Non facilities-based services:</i> business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. 51% gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p>	<p>(2) None</p> <p>(3) None</p>	

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	<p>(3) <i>Non facilities-based services:</i> Since 11 January 2007: joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p>	(3) None	

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D. Audiovisual Services			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.	(1) Unbound. (2) Unbound. (3) None	
Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture.	(1) Unbound. (2) None (3) None	

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(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital. Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.	(1) Unbound. (2) None (3) None	
(e) Sound recording	(1) Unbound. (2) None (3) Unbound.	(1) Unbound. (2) None (3) Unbound.	

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CONSTRUCTION AND ENGINEERING RELATED SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) None, except: since 11 January 2010, branching is allowed.	(3) None, except that the chief of the branch has to be a resident in Viet Nam.	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)			
Building Completion and Finishing Work (CPC 517)			
Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES Measures applicable to all sub-sectors in Distribution Services: Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs ¹⁷ , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121) B. Wholesale trade services (CPC 622, 61111, 6113, 6121) C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) ¹⁸	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use. (2) None (3) None Since 11 January 2010 foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) ¹⁹	(1) Unbound, except as indicated in Mode 1, market access column. (2) None (3) None	

¹⁷ For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

¹⁸ For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

¹⁹ Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
D. Franchising services (CPC 8929)	(1) None (2) None (3) None Since 11 January 2010, branching is allowed.	(1) None (2) None (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
EDUCATIONAL SERVICES Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
A. Primary education services (CPC 921)	(1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None	
B. Secondary education services (CPC 922)	(1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None	
C. Higher education services (CPC 923) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	(1) None (2) None (3) None	(1) None (2) None (3) None	

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
ENVIRONMENTAL SERVICES			
Access to certain geographic areas may be restricted for national security reasons ²⁰			
Sewage services (CPC 9401)	(1) Unbound due to technical feasibility (except related consulting services)	(1) None	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
	(2) None	(2) None	
	(3) None	(3) None	

²⁰ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
Refuse disposal services (CPC 9402) ²¹	(1) Unbound due to technical feasibility (except related consulting services)	(1) None	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
	(2) None	(2) None	
	(3) None.	(3) None	
Sanitation and similar services (CPC 9403)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

²¹ Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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For the 10th 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
Nature and landscape protection services (CPC 9406)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Other services - Cleaning services of exhaust gases (CPC 94040) and - noise abatement services (CPC 94050)	(1) Unbound due to technical feasibility (except related consulting services) (2) None (3) None	(1) None (2) None (3) None	
Environmental impact assessment services (CPC 9409)	(1) None (2) None (3) None, except that foreign ownership is limited to 51% until 11 January 2011. After that: None.	(1) None (2) None (3) None	

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
D. Sporting and other recreational services Gym and Fitness Services (CPC 96413**)	(1) None (2) None (3) Foreign services suppliers are permitted to provide services in the form of joint venture with Vietnamese suppliers The capital contribution of the foreign side shall not exceed 70% of the legal capital of the joint venture	(1) None (2) None (3) None, Foreign suppliers and their trainers and guides must qualify and match the requested conditions for gym and fitness services (related to medical and health issues)	
E. Other - Electronic games business (CPC 964**)	(1) Unbound (2) None (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorised to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures.	(1) Unbound (2) None (3) None	

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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	(1) 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 collecting and ballast waste disposal; 5. Port Captain's/Harbour Master'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;
Passenger Transportation less Cabotage (CPC 7211)	(2) None	(2) None	
	(3) a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen. b) Other forms of commercial presence for the supply of international maritime transport services ²⁴ : Since 11 January 2007, foreign shipping companies can establish joint ventures with 51%	(3) None	

²⁴ "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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>foreign ownership., Since 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Since 11 January 2007, foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below:</p> <ol style="list-style-type: none">1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;2. Acting on behalf of the cargo owners;3. Provision of required business information;4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels		<p>10. Access to maritime agency services.²³</p>

²³ With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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>for the supply of integrated transport services.</p> <p>Since 11 January 2012, activities from (6) to (7) shall be allowed.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>The number of joint ventures by foreign shipping companies will be limited to 5 companies since 11 January 2007. Three additional companies will be allowed every two years thereafter. Since 11 January 2012, no limitation on the number of joint ventures.</p>		

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
Freight transportation less cabotage (CPC 7212)	<p>(1) None.</p> <p>(2) None</p> <p>(3) a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:</p> <p style="padding-left: 20px;">foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 70% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p> <p>b) Other forms of commercial presence for the supply of international maritime transport services²⁶: Since 11 January 2007, foreign shipping companies can establish joint ventures with 51% foreign ownership., Since 11</p>	<p>(1) None</p> <p>(2) None</p> <p>(3)</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master'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;

²⁶ "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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>January 2012, foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Since 11 January 2007, foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below:</p> <ol style="list-style-type: none"> 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and 5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels 		<p>10. Access to maritime agency services.²⁵</p>

²⁵ With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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>for the supply of integrated transport services.</p> <p>Since 11 January 2012, activities from (6) to (7) shall be allowed.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>The number of joint ventures by foreign shipping companies will be limited to 5 companies since 11 January 2007. Three additional companies will be allowed every two years thereafter. Since 11 January 2012, no limitation on the number of joint ventures.</p>		

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th 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
Rental of vessels with crew (CPC 7213)	(1) None. (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 70% shall be permitted	(1) None (2) None (3) None, except as indicated in the market access column	
Maintenance and repair of vessels (CPC 8868*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 70%	(1) None (2) None (3) None	

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For the 10th 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
Supporting Services for Maritime Transport Customs Clearance Services ²⁷	(1) Unbound.* (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. After 5 years, joint ventures can be established with no foreign ownership limitation.	(1) Unbound.* (2) None (3) None	
Maritime Agency Services (CPC 7454*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49%	(1) None (2) None (3) Unbound	

²⁷ "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

* A commitment on this mode of delivery is not feasible.

* A commitment on this mode of delivery is not feasible.

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For the 10th 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
Container Station and Depot Services ²⁸	(1) None (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014, none.	(1) None (2) None (3) None	

²⁸ "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

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For the 10th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport	(1) None	(1) None	
Passenger transport (CPC 7221)	(2) None	(2) None	
Freight transport (CPC 7222)	(3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 51% of total legal capital.	(3) None	
Maintenance and repair of vessels (CPC 8868*)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 51% of total legal capital.	(3) None	

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For the 10th 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
E. Rail Transport Services			
Passenger transportation (CPC 7111)	(1) None (2) None (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 70% of the total legal capital.	(1) None (2) None (3) None	
Freight transportation (CPC 7112)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pushing and towing services (CPC 7113)	(1) None. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established.	(1) None (2) None (3) None, except as indicated in the market access column	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 70% of total legal capital.	(1) None (2) None (3) None	
Supporting services for rail transport services (CPC 743)	(1) None. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established.	(1) None (2) None (3) None, except as indicated in the market access column	

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For the 10th 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. Road Transport Services</p> <p>Passenger transportation (CPC 7121+7122)</p>	<p>(1) Unbound.</p> <p>(2) None</p> <p>(3) Since 11 January 2007, foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. Since 11 January 2014, subject to the needs of the market, joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. 100% of joint-venture's drivers shall be Vietnamese citizen.</p>	<p>(1) Unbound.</p> <p>(2) None</p> <p>(3) None</p>	
<p>Freight transportation (CPC 7123)</p>	<p>(1) None.</p> <p>(2) None</p> <p>(3) Foreign service suppliers are permitted to provide freight transport services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 70% of total legal capital. 100% of joint-venture's drivers shall be Vietnamese citizen.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the market access column</p>	

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For the 10th 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
Maintenance and repair of road transport equipment (CPC 6112 + 8867)	(1) None. (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established.	(1) None (2) None (3) None, except as indicated in the market access column	
H. Services Auxiliary to All Modes of Transport Maritime cargo handling services (CPC 741)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49%	(1) None (2) None (3) Unbound	
Container handling services, except services provided at airports (part of CPC 7411)	(1) None (2) None (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.	(1) None (2) None (3) None	
Container handling services (CPC 7411) ²⁹	(1) Unbound (due to lack of technical feasibility) (2) None	(1) None (2) None	

²⁹ Public utility concession or licensing procedures may apply in case of occupation of the public domain.

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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
	(3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established.	(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
Rail handling services (part of CPC 741)	(1) None (2) None (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established.	(1) None (2) None (3) None, except as indicated in the market access column	
Storage and warehouse services (CPC 742)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Freight transport agency services (CPC 748) ³⁰ (Excluding Road Transport)	(1) None (2) None (3) None	(1) None (2) None (3) None	

³⁰ Including freight forwarding services. These services mean the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

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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
Ship broking services	(1) Unbound (2) None (3) Unbound	(1) Unbound (2) None (3) Unbound	
Other (part of CPC 749) ³¹	(1) None. (2) None (3) None	(1) None (2) None (3) None	

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

³¹ Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

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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
OTHER SERVICES NOT INCLUDED ELSEWHERE			
Laundry collection services (CPC 97001)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Dry cleaning services (CPC 97013)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Pressing services (CPC 97014)	(1) None (2) None (3) None	(1) None (2) None (3) None	

VIET NAM – SCHEDULE OF COMMITMENTS

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Definition

“Business Cooperation Contract” A Business Cooperation Contract is one of Foreign Investment Form in Vietnam, that is regulated by Investment Law in Vietnam and come into effect on 29 Nov. 2005

According to the Investment Law in Vietnam, “Business cooperation contract (hereinafter called BCC for short) means a form of investment signed between investors for business cooperation with profit-sharing or product-sharing, without creating a legal entity”.

Article 9 of Decree No. 1082006/ND-CP dated 22/9/2006 providing guidelines of a number articles of Law on Investment says that :

1. In the case of investment in the form of a business co-operation contract signed between one or more foreign investors with one or more domestic investors (hereinafter referred to as *the co-operating parties*), the business co-operation contract must stipulate the interests and responsibilities of, and the sharing of business results as between each investor.
2. A business co-operation contract in the sector of prospecting, exploration for and mining petroleum and a number of other natural resources in the form of a product sharing contract shall be performed in accordance with relevant laws and the *Law on Investment*.
3. A business co-operation contract signed between domestic investors to conduct investment and business shall be in accordance with the law on economic contracts and relevant laws.
4. During the process of business, the co-operating parties may agree to establish a coordination board to perform the business co-operation contract. The functions, duties and powers of the co-ordination board shall be as agreed by the co-operating parties. The coordination board shall not be the leadership body of the co-operating parties.
5. The foreign co-operating party shall be permitted to establish an operating office in Vietnam to act as its representative during the performance of the business co-operation contract. The operating office of a foreign co-operating party shall have a seal, may open bank accounts, recruit employees, sign contracts and conduct all business activities within the scope of the rights and obligations stipulated in the Investment Certificate and business co-operation contract.

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

VIET NAM – SCHEDULE OF COMMITMENTS

For the 10th Package of Commitments under ASEAN Framework Agreement on Services

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:
 - (i) control over essential facilities; or
 - (ii) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

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

2.2 Interconnection to be ensured

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

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

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- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

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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.