

MALAYSIA - SCHEDULE OF SPECIFIC COMMITMENTS

(For the Second Package of Commitments)

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

Sector or subsector	Limitation on market access	Limitation on national treatment	Additional commitments
<p>BUSINESS SERVICES</p> <p style="padding-left: 20px;">Wholesale, and Retail Trade Businesses</p> <p>(CPC: 6111, 6113, 6121, 6130, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 631, 632)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Entry is limited to:</p> <p>i) <u>Legal entity</u> The foreign company involved in wholesale and retail businesses must be incorporated locally under the Companies Act 1965;</p> <p>ii) <u>Equity Structure</u> The aggregate of foreign equity shall not exceed 30%, while local shareholding in the joint-venture corporation should be 70% out of which 30% must be for Bumiputras.</p> <p>iii) <u>Minimum Capital Requirement</u> Minimum capital investment in terms of company's shareholding funds should be:</p> <ul style="list-style-type: none"> •RM10 million for departmental stores/ hypermarkets. •RM5 million for supermarkets. •For other types of distributive business, the minimum capital requirement will be considered on the merit of each case with particular reference to their contribution to the socio-economic development of Malaysia. 	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p>	

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	<p>4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions:</p> <p>a) <u>Key Post</u></p> <p>The person applying for the post must hold or has held a management position in the company's wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit.</p> <p>b) <u>Time Post</u></p> <p>These posts are for executives or experts who must possess the necessary qualification and practical experience including holding equivalent or related position in the company's business for not less than 3 years and subject to the condition that Malaysians are trained to eventually take over the post concerned through an acceptable training programme.</p>	<p>4) Unbound</p>	

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Engineering Services (CPC: 8672)	1) None 2) None 3) Engineering services may be supplied only by a natural person except for MSC status providers. 4) Unbound except as indicated in the horizontal section and in respect of 2b), subject to temporary registration for a period of one year per temporary registration.	1) Engineering services must be authenticated by a registered professional engineers in Malaysia. 2) Engineering services must be authenticated by a registered professional engineers in Malaysia. 3) None 4) Unbound except for the categories of natural person referred to under market access.	

BEM : Board of Engineers Malaysia
 MSC : Multimedia Super Corridor

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<p>CONSTRUCTION</p> <p>Construction Works (CPC: 511, 512, 513, 514, 515, 516, 517)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) Through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporation or both and aggregate foreign share-holding in the joint venture corporation shall not exceed 40%.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for the categories of natural persons referred to under market access.</p>	

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<p>FINANCIAL SERVICES</p> <p>A. Banking and other financial services, excluding insurance</p> <p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy.</p>	<p>4) Temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p> <p>For banks, one (1) specialist or expert.</p> <p>For non-banks, one (1) senior manager and one (1) specialist or expert.</p> <p>For representative offices, three (3) foreign nationals subject to only one (1) foreign national for the two top posts and the other two (2) for managerial level posts. Entry shall be limited to a maximum period of five years.</p>	<p>4) For banks, unbound except as indicated in the finance sector horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

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Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carries out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).	4) One (1) specialist or expert per organization subject to the following conditions: (a) Such persons must possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's new service products and technology, research equipment and techniques or management. (b) Entry shall be limited to a maximum period of five years and renewable.	4) None	
INSURANCE SERVICES Direct insurance (non-life) Direct insurance (life)	4) Unbound except as indicated in the finance sector horizontal section.	4) Unbound except as indicated in the finance sector horizontal section.	

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<p>TELECOMMUNICATIONS</p> <p>Telecommunications Services of which enhanced value-added services must be provided from channels or lines obtained only from licensed network operator.</p> <p>a) Data and transmission services: Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion. (CPC: 7523)</p>	<p>1) None 2) None 3)</p> <ul style="list-style-type: none"> i. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporation; or ii. Only through acquisition of shares of an existing licensed VAS operator/ corporation; iii. Aggregate foreign shareholding shall not exceed 35 percent for 3(i) and 3(ii); and iv. The licence shall specify the type of services to be provided. <p>4) Unbound</p>	<p>1) None 2) None 3) None</p> <p>4) None</p>	

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b) Mobile data services (CPC: 7523)	1) None 2) None 3) i. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporation; or ii. Only through acquisition of shares of an existing licensed VAS operator/corporation; and iii. Aggregate foreign shareholding shall not exceed 35 percent for 3(i) and 3(ii). 4) Unbound	1) None 2) None 3) None 4) None	
c) Telex and telegraph services (CPC: 7523)	1) None 2) None 3) i. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or ii. Only through acquisition of shares of an existing licensed telex and telegraph operator/corporation; and iii. Aggregate foreign shareholding shall not exceed 35 percent for 3(I) and 3(ii). 4) Unbound	1) None 2) None 3) None 4) None	

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d) Basic Telecommunications			Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)
1. Voice service (wired or wireless)		1) None	
2. Packet-switched data transmission services, including frame-relay services	1) None 2) None 3)	2) None 3) None	
3. Circuit switched data transmission services	i. Only through acquisition of shares of existing licensed public telecommunications operators		
4. Facsimile Service			
5. Private leased circuit service			
6. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite)	ii. Foreign shareholding of up to 35 percent in these service providers is allowed.		
7. Satellite earth station	4) Unbound	4) Unbound	
8. International switching and other international gateway			
9. Mobile services analogue/digital cellular			
10. Paging services			
11. Trunked radio services			
12. Video transport services			

ANNEX I

Annex to Additional Commitments

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measure to: -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: -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.