

VIETNAM - 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	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) Commercial presence of foreign service providers may be in the following forms:</p> <ul style="list-style-type: none"> - Representative office, - Joint venture enterprise - Enterprise with 100% foreign owned capital, unless other wise provided; <p>Representative offices of foreign service providers are not allowed to perform business activities in Vietnam;</p> <p>The commercial presence of foreign service providers shall be subject to licensing by the competent State authority;</p> <p>The joint venture enterprise shall be established in the form of a limited liability company and shall be a legal entity in accordance with the law of Vietnam; the capital contribution of a foreign party or foreign parties to the legal capital of a joint venture enterprise shall not be less than thirty (30%) per cent of the legal capital, except in cases stipulated by the Government.</p>	<p>3) Foreign service providers in Vietnam shall be subject to the Laws applied specifically to them, including Laws on Taxes; shall be allowed to lease land; shall not be a mortgagee of land but they may be allowed to own immovable properties (other than land) during the term specified in the license;</p> <p>4) Foreigners who work in Vietnam shall obtain a valid labour permit; shall be subject to the specific income tax scheme; and shall not own immovable properties.</p> <p>A Foreign Investor who remits profits abroad shall pay taxes in accordance with the law.</p>	

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	<p>The duration of an enterprise with foreign owned capital and the duration of a business cooperation contract shall be stated in the Investment license for each project in accordance with regulations of the Government, but shall not exceed fifty (50) years. The Government may, on a project by project basis, grant a longer duration but the maximum duration shall not exceed seventy (70) years.</p> <p>3) Foreigners who work in Vietnam must comply with the provisions of the law on labour, the law on immigration;</p> <p>A foreigner who works in Vietnam must have high professional qualifications which can not be provided by Vietnamese employees; shall obtain a permit from the Ministry of labour, War Invalids and Social Affairs; shall be at least 18 years of age and in suitable health and shall not have any criminal record and his/her term of employment shall not exceed 3 years;</p>		

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	<p>Subject to the Law on Foreign Investment. The General Director or the First Deputy General Director of a joint venture enterprise shall be a Vietnamese citizen;</p> <p>Enterprises with foreign owned capital, parties to the business cooperation contract, based on the business demands, shall be entitled to recruit employees, with priority given to Vietnamese citizens; shall be allowed to employ foreigners only for job which requires technical and management qualifications which can not be provided by Vietnam with schemes for training Vietnamese employees for replacement.</p>		