

## CAMBODIA– SCHEDULE OF SPECIFIC COMMITMENTS

### For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
Legal services (CPC 861)	(1) None (2) None (3) In commercial association with Cambodian law firms <sup>1</sup> , and may not directly represent clients in courts. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Foreign legal consultancy on law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

<sup>1</sup> If legal services provided in foreign law (including home country and third country law) and international law, the commercial association with Cambodian law firms is not required. Commercial association is understood to include any commercial arrangement and does not imply a specific juridical form.

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Accounting, auditing, bookkeeping (CPC 86211, 86212, 86220)	(1) None, except must have commercial presence in Cambodia for auditing services. (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Taxation services (CPC 8630)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Architectural services (CPC 8671)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Engineering services (CPC 8672)  Integrated engineering services (CPC 8673)  Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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<b>B. Computer and Related Services</b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None	(1) None (2) None	
(b) Software implementation services (CPC 842)	(3) None	(3) None	
(c) Data processing services (CPC 843)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
(d) Data base services (CPC 844)			
(e) Other (CPC 845+849)			

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<b>E. Rental/Leasing Services without Operators</b>			
Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Renting and leasing of studio recording equipment (CPC 83109**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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<b>F. Other Business Services</b>			
Advertising services (CPC 871)	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	
Market research services (CPC 86401)	(1) None	(1) None	
Management consulting services (CPC 865)	(2) None	(2) None	
Services related to man. Consulting (CPC 866)	(3) None	(3) None	
Technical testing and analysis services (CPC 8676)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	

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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Placement and supply services of Personnel (CPC 872) Engineering related scientific and technical consulting services (CPC 8675) Packaging services (CPC 876)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Convention Centre	(1) None (2) None (3) None, foreigners may own 100% capital share for investing in convention centre with more than 3000 people's capacity (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) Services must be provided with Cambodian Partners (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	



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<b>COMMUNICATION SERVICES</b>			
Courier services (CPC 7512)	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	
<b>Telecommunication Services</b>			
Voice telephone services (CPC 7521)	(1) None	(1) None	Cambodia undertakes obligations contained in the Reference Paper attached.
Packet-switched data transmission services (CPC 7523**)	(2) None	(2) None	
Circuit-switched data transmission services (CPC 7523**)	(3) None, except subject to requirement for local share holding of up to 49%.	(3) None	
Telex services (CPC 7523**)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
Telegraph services (CPC 7522)			
Facsimile services (CPC 7521**+ 7529**)			
Private leased circuit services (CPC 7522**+7523**)			

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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
E-mail (CPC 7523**) Voice-mail (CPC 7523**) On-line information and data base-retrieval (CPC 7523**) Electronic Data Interchange (CPC 7523**) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) Code and protocol conversion On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Paging services (CPC 75291)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Internet services provision, excluding voice telephony and facsimile	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Other services: - Mobile services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
General Construction Work for Buildings (CPC 512)	(1) Unbound*	(1) Unbound*	
General Construction Work for Civil Engineering (CPC 513)	(2) None	(2) None	
Installation and Assembly Work (CPC 514, CPC 516)	(3) None	(3) None	
Building Completion and Finishing Work (CPC 517)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
Other (CPC 511, 515, 518)			

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<b>DISTRIBUTION SERVICES</b>			
Commission agents' services (CPC 621)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Wholesale trade services - Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244) - Wholesale trade services of motor vehicles (CPC 61111) - Sales of parts of motor vehicles (CPC 6113) - Sales of motorcycles and related parts (CPC 6121)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Retailing services</p> <p>For supermarkets and large department stores only<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>- Food and non-food retailing services (CPC 631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211).</li> <li>- Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234)</li> <li>- Retail sales of motor vehicles (CPC 61112)</li> <li>- Sales of parts of motor vehicles (CPC 6113)</li> <li>- Sales of motorcycles and related parts (CPC 6121)</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	

<sup>2</sup> Large supermarkets and department stores are those of floor space no less than 2,000 m<sup>2</sup>.

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Franchising services (CPC 8929)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>EDUCATIONAL SERVICES</b>			
Higher education services (CPC 923)	(1) None	(1) None	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
Adult education (CPC 924)	(2) None	(2) None	
	(3) None	(3) None	
Other education services (CPC 929)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	



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<b>ENVIRONMENTAL SERVICES</b>			
Sewage services (CPC 9401)	(1) None	(1) None	
Refuse disposal services (CPC 9402)	(2) None	(2) None	
Sanitation and similar services (CPC 9403)	(3) None	(3) None	
Other services	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
- Cleaning of exhaust gases (CPC 9404)			
- Noise abatement services (CPC 9405)			
- Nature and landscape protection services (CPC 9406)			
- Other environmental services not included elsewhere (CPC 9409)			

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<b>HEALTHCARE SERVICES</b>			
Specialised medical services (CPC 93122)	(1) None	(1) None	
Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialised dental services	(2) None	(2) None	
	(3) Provision of services is permitted through a joint venture with Cambodian juridical persons	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
Hospital services Ownership and management of private hospitals and clinics only	(1) None	(1) None	
	(2) None	(2) None	
	(3) None, except at least one director for technical matters must be Cambodian	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	

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<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher <sup>3</sup> (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Restaurants (CPC 642, 643)	(1) None (2) None (3) Permit is granted taking into account characteristics of the area <sup>4</sup> (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

<sup>3</sup> 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.

<sup>4</sup> The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

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Travel agencies and tour operators services (CPC 7471)	(1) None (2) None (3) None, except foreign equity participation limited to 51% for travel agencies (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Tourist guides services (CPC 7472)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Other entertainment services n.e.c. (CPC 96199):  Cinema theatre services, including cinema projection services	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except as indicated in the horizontal section	
Golf Course (CPC 96413)	(1) None  (2) None  (3) None, foreigners may own 100% capital share.  (4) Unbound, except for resorts manager	(1) None  (2) None  (3) Unbound  (4) Unbound, except as indicated in the horizontal section	

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<b>TRANSPORT SERVICES</b>			
<b>Maritime Services</b>			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(1) Unbound (2) None (3) None, except Joint Venture is required and foreign equity participation is only permitted up to 49%. Cambodia Shipping Agency and Brokerage has exclusive rights to act as an agent for a branch or representative office. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) - Register at the Ministry of Commerce - License at the Ministry of Public works and Transport - License at the Ministry of Agriculture, Forestry and Fisheries (4) Unbound, except as indicated in the horizontal section.	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification services.

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<b>Road Transport Services</b>			
Passenger transportation (CPC 7121 + 7122)	(1) None	(1) None	
Freight transportation (CPC 7123)	(2) None	(2) None	
Rental of commercial vehicles with operator (CPC 7124)	(3) None	(3) None	
Maintenance and repair of road transport equipment (CPC 6112+8867)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
Supporting services for road transport services (CPC 744)			
<b>Pipeline Transport Services</b>			
Transport of fuels (CPC 7131)	(1) Services must be provided through a contract of concession granted by the State on case-by- cases basis.	(1) None	
Transport of other goods (CPC 7139)	(2) None	(2) None	
	(3) Services must be provided through a contract of concession granted by the State on case-by- cases basis.	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	

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<p><b>H. Services Auxiliary to All Modes of Transport</b></p> <p>Storage and Warehousing Services (CPC 742)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None, except Joint Venture is required and foreign equity participation is only permitted up to 49%. Cambodia Shipping Agency and Brokerage has exclusive rights to act as an agent for a branch or representative office.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	



## 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 relevant market for basic telecommunications services as a result of:

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

### 1. Competitive safeguards

#### 1.1. Prevention of anti-competitive practices in telecommunications

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

#### 1.2. Safeguards

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

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

### 2.3. Public availability of the procedures for interconnection negotiations

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

### 2.4. Transparency of interconnection arrangements

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

### 2.5. Interconnection: dispute settlement

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

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

## 3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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