

**ASEAN – HONG KONG, CHINA
FREE TRADE AGREEMENT**

CHAPTER 8 TRADE IN SERVICES

ANNEX 8-1

SCHEDULES OF SPECIFIC COMMITMENTS

SCHEDULE OF LAO PDR

- a) The classification of services in this initial offer is based on the Services Sectoral Classification list (MTN.GNS/W/120 dated 10 July 1991) and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC), unless otherwise specified.
- b) The scheduling of commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L 92, dated 28 March 2001). The guidelines shall not however be construed as being legally binding.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS (APPLICABLE TO ALL SECTORS INCLUDED IN THIS SCHEDULE)			
Land ownership		3), 4) Non-Lao PDR natural and juridical persons are not allowed to own land but may own premises and lease land up to 75 years.	
Subsidies and investment incentives		1), 2), 3), 4) Unbound with respect to subsidies, investment incentives and other state support measures, eligibility for which may be limited to particular regions, categories of persons, or enterprises.	
Commercial presence	3) To establish a commercial presence, a services provider must be incorporated in specific legal form in accordance with laws and regulations of Lao PDR.	3) Foreign investors shall provide adequate training opportunities to Lao PDR nationals. 3) Tax measures, generally pertaining to small and medium enterprises may result in a difference of treatment in favour of Lao PDR services and service suppliers.	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Movement of natural persons providing services</p>	<p>4) Unbound, except for measures affecting the temporary entry and stay of natural persons who are qualified under one of the following categories, and in all cases, the total number of foreign natural persons in the following categories shall not exceed 20% of the total staff:</p> <p>A. <u>Business visitors</u>:</p> <p>Natural persons who:</p> <ul style="list-style-type: none"> - Enter Lao PDR to be engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier; - Stay in Lao PDR without receiving remuneration from sources within Lao PDR; and - Do not engage in making direct sales to the general public or 		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>supplying services.</p> <p>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.</p> <p>B. <u>Intra-Corporate Transferees</u>:</p> <p>Natural persons who have been employed by a juridical person of another Party outside Lao PDR for a period of not less than 1 year immediately preceding the request for transfer to Lao PDR, who seek temporary entry to provide services through commercial establishment of that juridical person in Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories:</p> <p>(a) <u>Executives</u>: Natural persons within an organization who primarily direct the management of the organization, exercise</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization; and</p> <p>(b) <u>Managers</u>: Natural persons who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity's products, services, research, equipment, techniques, or management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees;</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals¹, nor do they include employees who primarily perform tasks necessary for the supply of the service.</p> <p>(c) <u>Specialists</u>: Natural persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management and where</p>		

¹ Natural persons with professional qualifications for performing work within the scope of a particular profession, where these are required by the laws and regulations of Lao PDR.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>there are shortages of Lao PDR nationals with requisite skills.</p> <p>For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for 1 year which may be renewed every 6 months for up to 3 years as long as conditions indicated for each category are satisfied.</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
(b) Accounting, auditing and bookkeeping services (CPC 862)	1) None. 2) None. 3) Unbound until 2 nd February 2020. Thereafter, a joint venture with a Lao PDR national accountant who is a full member of the Lao Institute of Certified Public Accountants (LICPA) is required ² . 4) Unbound.	1) None. 2) None. 3) The majority of directors must be certified accountants who are Lao nationals. 4) Unbound.	
(c) Taxation consulting services (part of CPC 863)	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.	

² For all phased in commitments in this schedule, it is understood that limitations indicated in sectoral headnotes and/or the horizontal commitments section will apply at phase in.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Architectural services (CPC 8671)	1) None.	1) The service must be authenticated by an architect or engineer who has appropriate practicing certificate working in a juridical entity established in Lao PDR.	
(e) Engineering services (CPC 8672)			
(f) Integrated engineering services (CPC 8673)	2) None.	2) The service must be authenticated by an architect or engineer who has appropriate practicing certificate working in a juridical entity established in Lao PDR.	
(g) Urban planning and landscape architectural services (CPC 8674)	3) Foreign equity participation limited to 51% until 2 nd February 2018. Thereafter: none.	3) None.	
	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Computer and Related Services			
Computer and Related Services (CPC 84)	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.	
C. Research and Development			
(a) R&D services on natural sciences (CPC 851)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.	
F. Other Business Services			
(a) Advertising services: - Planning, creating and placement services of advertising (CPC 87120)	1) None. 2) None. 3) Foreign equity participation limited to 49%.	1) None. 2) None. 3) Unbound.	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
(c) Management consulting services (CPC 865)	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.	
(e) Technical testing and analysis services (CPC 8676)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section.	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Services incidental to mining (CPC 5115)	1) Unbound ³ . 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) Unbound ⁴ . 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section.	
(m) Related scientific and technical consulting services (CPC 86751 and 86752 only)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) The majority of directors must be engineers who are Lao PDR nationals. 4) Unbound, except as indicated in the horizontal section.	

³ Unbound due to lack of technical feasibility.

⁴ Unbound due to lack of technical feasibility.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment): - Repair of energy equipment (part of CPC 88620)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. (4) Unbound, except as indicated in the horizontal section.	
(t) Specialty design services (CPC 87907)	1) None. 2) None. 3) Foreign equity participation limited to 49%. 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services			
<p>Courier services (CPC 7512) consisting of express delivery services⁵, except for the following services:</p> <p>(a) the collection, transport and delivery of domestic and cross-border addressed mail to Post Office (PO) boxes in the following categories:</p> <p style="margin-left: 40px;">(i) addressed letters weighing not more than 200 grams;</p> <p style="margin-left: 40px;">(ii) small items or packages weighing up to 2 kg;</p> <p>(b) the collection, transport and delivery to PO boxes of domestic and international postal parcels weighing up to 20 kg;</p> <p>(c) the provision of PO boxes; and</p>	<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>	

⁵ Express delivery services include the collection, transport and delivery of documents, printed matter, parcels and/or other goods on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) issuing of postage stamps.			
C. Telecommunication Services			
Commitments are taken consistent 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) of the WTO.			
<p>The following services (a-o) can be supplied only on a facilities basis, and for public use services:</p> <p>Basic telecommunication services</p> <p>(a) Voice telephone services (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) Telex services (CPC 7523**)</p>	<p>1) Wire-based services, Terrestrial-based mobile services and Satellite-based services: Service must be offered through commercial arrangements with an entity established in Lao PDR and licensed to provide international telecommunication services.</p> <p>2) None.</p> <p>3) Only through acquisition of existing operators and foreign equity participation limited to 49%. After 2nd February 2018, Commercial presence for new Investments will be allowed</p>	<p>1) Wire-based services, Terrestrial-based mobile services and Satellite-based services: Service must be offered through commercial arrangements with an entity established in Lao PDR and licensed to provide international telecommunication services.</p> <p>2) None.</p> <p>3) None.</p>	

** The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance (e.g. voice mail is only a component of CPC item 7523).

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services (CPC 7522**+7523**) (o) Other: - Terrestrial-based mobile phone services	with foreign equity participation limited to 60%. 4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
Value-added telecommunication services (h) Electronic-mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) Online information and data base retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**)	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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)			
(m) Code and protocol conversion			
(n) On-line information and/or data processing (including transaction processing) (CPC 843**)			
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512)	1) Unbound. 2) None.	1) Unbound. 2) None.	
B. General construction work for civil engineering (CPC 513)	3) Foreign equity participation limited to 70%.	3) None.	
C. Installation and assembly work (CPC 514+516)	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
D. Building completion and finishing work (CPC 517)			
E. Other:			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 511+515+518)			
<p>4. DISTRIBUTION SERVICES</p> <p>The distribution of goods under the Controlled List of the Ministry of Industry of Commerce - arms, ammunition, explosives and explosive substances, highly toxic chemicals, narcotics, cultural items, books, newspapers and magazines, precious metals and stones, medicines and medical equipment, endangered species, gambling machines, money printing machines, processed oil and crude oil, alcohols, tobacco products, rice - is excluded from commitments.</p>			
<p>B. Wholesale trade services (part of CPC 61111, 6113, 6121)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Unbound until 2nd February 2020. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests⁶.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Unbound.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	

⁶ The main criteria include the number of existing service suppliers in a particular geographical area, the stability of market and geographical scale.

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Retailing services (part of CPC 61112, 6113, 6121)	1) Unbound. 2) Unbound. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section.	1) Unbound. 2) Unbound. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section	
D. Franchising (part of CPC 8929) ⁷	1) None. 2) None. 3) Unbound until 2 nd February 2020. Thereafter, foreign equity participation limited to 49%. Subject to meeting economic need tests ⁸ . 4) Unbound, except for executives and managers as per conditions in the horizontal section.	1) None. 2) None. 3) Unbound. 4) Unbound, except for executives and managers as per conditions in the horizontal section.	

⁷ As related to the provision of a distribution service which is subject to a specific commitment under Section II.4 of this Schedule.

⁸ The main criteria include the number of existing service suppliers in a particular geographical area, the stability of market and geographical scale.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES⁹ Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.			
A. Wastewater management (part of CPC 9401)	1) Unbound, except related consulting services.	1) Unbound, except related consulting services.	
B. Waste management (part of CPC 9402 and 9403)	2) None. 3) None.	2) None. 3) None.	
C. Protection of ambient air and climate (part of CPC 9404)	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
D. Remediation and cleanup of soil and water (part of CPC 9406)			
E. Noise and vibration abatement (part of CPC 9405)			

⁹ Environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>Access by foreign services suppliers and the provision of new financial services within the scope of the commitments below and that have not yet been provided by the private sector in Lao PDR at the date of accession to the WTO, may be subject to measures adopted for prudential reasons.</p> <p>Direct branching is not allowed. Financial institutions in Lao PDR must adopt a specific legal form.</p> <p>All the commitments are subject to entry requirements, domestic laws, rules and regulations and the terms and conditions of the Bank of Lao PDR, the Ministry of Finance and/or any other competent authority in Lao PDR, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services and do not impair the commitments undertaken herewith.</p>			
<p>A. All insurance and insurance-related services</p> <p>Insurance companies are restricted from offering both Life and Non-life insurance services. Excluded from the scope of these commitments are compulsory insurance, including but not limited to motor vehicle insurance, collective accident insurance for workers, depositors' protection fund and social security fund.</p>			
<p>(i) Direct insurance</p> <p style="padding-left: 20px;">(A) Life insurance</p>	<p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	<p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) None.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	

LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(B) Non-life insurance	<p>1) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p style="padding-left: 20px;">(ii) goods in international transit.</p> <p>2) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being</p>	<p>1) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p style="padding-left: 20px;">(ii) goods in international transit.</p> <p>2) Unbound except for insurance services in international transportation, including of risks relating to:</p> <p style="padding-left: 20px;">(i) international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p>(ii) goods in international transit.</p> <p>3) Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	<p>being transported, the vehicle transporting the goods and any liability arising there-from; and</p> <p>(ii) goods in international transit.</p> <p>3) Unbound.</p> <p>4) Unbound, except for executives and managers as per conditions in the horizontal section.</p>	
<p>B. Banking and other financial services (excluding insurance)</p> <p>Commitment is with respect to commercial banking only and limited to financial institutions licensed to provide banking services. Foreign juridical person must incorporate as either a joint stock or limited liability company, but may not incorporate as a sole ownership limited liability company.</p>			
<p>(v) Acceptance of deposits and other repayable funds from the public</p> <p>(vi) Lending of all types, including, <i>inter alia</i>, consumer credit, mortgage credit, factoring and</p>	<p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) For (v) to (x): Unbound until 2nd February 2018. Thereafter, foreign equity participation limited to 51%.</p>	<p>1) Unbound.</p> <p>2) Unbound.</p> <p>3) None.</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
financing of commercial transactions (vii) Financial leasing (viii) All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts (ix) Guarantees and commitments (x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: (A) money market instruments (including cheques, bills, certificates of deposits); (B) foreign exchange; (C) derivative products, including, but not limited to, futures and options; (D) exchange rate and interest rate	4) Unbound, except for executives and managers as per conditions in the horizontal section.	4) Unbound, except for executives and managers as per conditions in the horizontal section.	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
instruments, including products such as swaps, forward rate agreements; (E) transferable securities; (F) other negotiable instruments and financial assets, including bullion.			
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and restaurants (including catering) (part of CPC 641 (excluding guesthouses ¹⁰ and 6419), CPC 642, and CPC 643)	1) None. 2) None. 3) For lodging services: limited to establishments with three stars rating or higher. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.	

¹⁰ Defined as "furnished accommodation with up to 14 bedrooms, mainly provided in private apartments or homes on a temporary lodging, and with a two stars rating or lower".

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Travel agencies and tour operators services (CPC 7471)	1) None. 2) None. 3) Foreign equity participation limited to 70%. 4) Unbound, except for executives and managers as per conditions in the horizontal section.	1) None. 2) None. 3) Foreign service supplying enterprises can only do inbound services. 4) Unbound, except for executives and managers as per conditions in the horizontal section.	
11. TRANSPORT SERVICES			
C. Air Transport Services			
(d) Maintenance and repair of aircraft (part of CPC 8868)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - Selling and marketing of air transport services - Computer reservation system (CRS) services 	<ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. 	<ul style="list-style-type: none"> 1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section. 	