

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Specific Commitments¹ of ASEAN Member States (AMS) on Postal Services and Courier Services

Modes of supply²: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Brunei Darussalam	No commitment	Not applicable	Not applicable

¹ As extracted from the Schedules of Specific Commitments of ASEAN Member States. The full schedules can be found in Trade and Industry Department's website at http://www.tid.gov.hk/english/ita/fta/hkasean/text_agreement.html.

² See explanatory note at Annex.

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Cambodia	B. Courier services		
	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

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Indonesia	No commitment	Not applicable	Not applicable

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Laos PDR	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>(i) addressed letters weighing not more than 200 grams;</p> <p>(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>

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	<p>(d) issuing of postage stamps.</p> <hr/> <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.</p>		

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Malaysia	No commitment	Not applicable	Not applicable

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Myanmar	No commitment	Not applicable	Not applicable

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
The Philippines	<p>A./B. Postal/Courier Services</p> <p>a. Domestic Mail Services</p> <ul style="list-style-type: none"> 1) Ordinary Mail 2) Registered Mail¹ 3) Express Mail 4) Domestic Parcel 5) Business Reply² 6) Printed Matters <p>b. International Mail Services</p> <ul style="list-style-type: none"> 1) Ordinary Mail 2) Registered Mail³ 3) Express Mail 4) Printed Matters 5) International Parcels <p>c. Money Order Service (Domestic and International)⁴</p> <hr style="width: 10%; margin-left: 0;"/> <p>¹ Postal services that are only offered by the Philippine Postal Corporation (PPC)</p>	<p>1) Commercial presence is required</p> <p>2) None</p> <p>3) Entry is subject to the following requirements:</p> <ul style="list-style-type: none"> A. Foreign equity is permitted up to 40 percent; and B. Philippine Government authority to operate private express and/or messengerial delivery services. <p>4) Provision of postal/courier services is reserved only to Filipino citizens.</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements:</p> <ul style="list-style-type: none"> A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity; and B. All executives and managers must be citizens of the Philippines. <p>4) Provision of postal/courier services is reserved only to Filipino citizens.</p>

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	² Postal services that are only offered by the Philippine Postal Corporation (PPC) ³ Postal services that are only offered by the Philippine Postal Corporation (PPC)		

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Singapore	B. Courier Services		
	Courier Services in respect of documents and parcels, excluding letters and postcards	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal Section	1) None 2) None 3) None 4) Unbound

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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Thailand	No commitment	Not applicable	Not applicable

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

ASEAN MSS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Viet Nam	<p>B. Courier Services</p> <p>B. Courier Services (CPC 7512**)</p> <p>*Express delivery services¹², i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication¹³, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> - Hybrid mail service; - Direct mail. <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> - 10 times the tariff for 	<p>1) None.¹⁴</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> <hr/> <p>¹⁴ The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.</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>Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.</p>

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

ASEAN MSS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>the handling of a standard domestic letter in the first weight level for domestic shipments;</p> <ul style="list-style-type: none"> - US\$9 for international shipments; <p>provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels¹⁵ and other goods.</p> <ul style="list-style-type: none"> - * Handling of non-addressed items. <p>_____</p> <p>¹² Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to</p>			

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	<p>addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.</p> <p>¹³ Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.</p> <p>¹⁵ Books, catalogues are included hereunder.</p>			

EXPLANATIONS OF THE FOUR MODES OF SUPPLY FOR TRADE IN SERVICES

Cross Border Supply (Mode 1)

The cross border mode of supply refers to the supply of service from the area of an FTA party into the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 1, a service supplier of the other Party of the FTA (i.e. Party B) can supply the service within the area of Party B to service consumers in the area of Party A, without being physically present in the area of Party A. An example is the supply of consultancy service through telecommunications, fax or mail etc.

Consumption Abroad (Mode 2)

The consumption abroad mode of supply refers to the supply of service in the area of an FTA party to the service consumer of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 2, a service supplier of Party B can, within the area of Party B, provide the service to consumers of Party A who are present in the area of Party B. An example is the supply of hotel services.

Commercial Presence (Mode 3)

The commercial presence mode of supply refers to the supply of service by a service supplier of an FTA party, through commercial presence in the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 3, a service supplier of Party B can provide the service within the area of Party A through commercial presence in the area of Party A. This covers the presence of juridical persons (e.g. corporations, joint ventures, partnership, sole proprietorship, trust, association) as well as representative offices, branches etc.

Movement of Natural Person (Mode 4)

The movement of natural person mode of supply refers to the supply of service by a service supplier of an FTA party, through the presence of their natural persons in the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 4, a service supplier of Party B can provide the service within the area of Party A through the presence of natural persons of Party B. This covers natural persons who are themselves service suppliers, as well as natural persons who are employees of service suppliers (e.g. accountants of accounting firms).