

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Specific Commitments¹ of ASEAN Member States (AMS) on Telecommunications 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 | Additional Commitments |
|--------------------------|--|--|--|--|
| Brunei Darussalam | 1. Local service (a) Public switched voice telephone services | 1) Subject to commercial arrangements with licensed operator(s). 2) Unbound 3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department. | 1) Unbound 2) Unbound 3) None except as indicated in the horizontal section. | The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period. The period of exclusivity for |

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.

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|-----|--|--|--|---|
| | | 4) Unbound except as indicated in the horizontal section. | 4) None except as indicated in the horizontal section. | <p>the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.</p> <p>Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.</p> |
| | 2. International service (a) Public switched voice telephone services | 1) Subject to commercial arrangements with licensed operator(s). 2) Unbound | 1) Unbound 2) 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 | Additional Commitments |
|-----|---|--|--|------------------------|
| | | <p>3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. International public switched voice telephone services are exclusively provided by JTB (government department) and DSTCom (private company).</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>3) None except as indicated in the horizontal section.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |
| | <p>3. Mobile services</p> <p>(a) Public cellular mobile telephone service</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. International public switched voice telephone services are exclusively provided by JTB</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None except as indicated in the horizontal section.</p> | |

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|-----|--|--|---|--|
| | | (government department) and DSTCom (private company). 4) Unbound except as indicated in the horizontal section. | 4) Unbound except as indicated in the horizontal section. | |
| | (c) Circuit-switched data transmission services (CPC 7523**) | 1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control. 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| | (d) Telex services (CPC 7523**) | 1) None 2) None 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act | 1) None 2) None 3) None, except as indicated in the horizontal section. | The period of exclusivity for these services will be extended for up to one year 2016. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of the period. |
| | (e) Telegraph services (CPC 7522**) | These services are being provided exclusively by TelBru Sdn Bhd. | | |

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|-----|--|--|---|------------------------|
| | | 4) Unbound except as indicated in the horizontal section. | 4) Unbound except as indicated in the horizontal section. | |
| | (f) Facsimile services (CPC 7521** + CPC 7529**) | 1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control. 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| | (h) Electronic mail (CPC 7523**) | 1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control. 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section. | |
| | (j) On-line information and database retrieval (CPC 7523**) | 1) None except service provider must use Public Telecom Network under Government | 1) None | |

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|-----|--|---|--|------------------------|
| | | <p>National Telecom Authority Control.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |
| | (k) Electronic data interchange (EDI) (CPC 7523**) | <p>1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |
| | (l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**) | <p>1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in</p> | |

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| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---|---|---|------------------------|
| | | in the horizontal section. | the horizontal section. | |
| | (m) Voice mail services (CPC 7523**) | 1) None except service providers must use Public Telecom Network under Government National Authority. 2) Unbound 3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Companies' Act. 4) Unbound except as indicated in the horizontal section. | 1) Unbound 2) Unbound 3) None except as indicated in the horizontal section. 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

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|-----------------|---|---|---|--|
| Cambodia | 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. | | | |
| | (a) Voice telephone services (CPC 7521) | 1) None 2) None | 1) None 2) None | Cambodia undertakes obligations contained in the Reference Paper attached. |
| | (b) Packet-switched data transmission services (CPC 7523**) | 3) None, except subject to requirement for local share holding of up to 49% | 3) None | |
| | (c) Circuit-switched data transmission services (CPC 7523**) | 4) Unbound, except as indicated in the horizontal section | 4) Unbound, except as indicated in the horizontal section | |
| | (d) Telex services (CPC 7523**) | | | |
| | (e) Telegraph services (CPC 7522) | | | |
| | (f) Facsimile services (CPC 7521**+ 7529**) | | | |

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|-----|--|--|--|------------------------|
| | (g) Private leased circuit services (CPC 7522**+7523**) | | | |
| | (h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (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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| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---|--|--|---|
| | (m) Code and protocol conversion (n) (n) On-line information and/or data processing (including transaction processing) (CPC 843**) | | | |
| | (o) 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. |

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

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|-----------|----------------------|------------------------------|-----------------------------------|
| 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 | 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>(e) Telegraph services</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 with foreign equity participation limited to 60%.</p> <p>4) Unbound, except as indicated in the horizontal section.</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> <p>4) Unbound, except as indicated in the horizontal section.</p> |

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|-----|--|---|---|
| | <p>(CPC 7522)</p> <p>(f) Facsimile services (CPC 7521**+ 7529**)</p> <p>(g) Private leased circuit services (CPC 7522**+7523**)</p> <p>(o) Other:</p> <p>- Terrestrial-based mobile phone services</p> | | |
| | <p>Value-added telecommunication services</p> <p>(h) Electronic-mail (CPC 7523**)</p> <p>(i) Voice mail (CPC 7523**)</p> <p>(j) Online information and data base retrieval (CPC 7523**)</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

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|--|---|------------------------------|-----------------------------------|
| | <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and/or data processing (including transaction processing) (CPC 843**)</p> | | |
| <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).</p> | | | |

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| Malaysia | <p><u>Basic Telecommunication</u></p> <p>Based on domestic regulations, Malaysia has reclassified its communications services sector on the basis of provision of Network Service Provider (NSP), provision of Application Service Provider (ASP) Basic local, inter- exchange and international services; supplied over public telecommunications transport networks using any network technology, facilities regardless of whether the means of delivery services are wired or wireless are mapped into the aforementioned</p> | <p>1) None</p> <p>2) None</p> <p>3) With respect to Network Facilities Provider (NFP) and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I).</p> <p>With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through acquisition of shares of an existing licensed ASP(I) operator/corporations.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> | <p>Pro-competition regulatory principle in respect of interconnection (Refer to Annex I)</p> |

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| | <p>three categories.</p> <p><i>Individual licence</i></p> <p>1. <i>NFP(I)</i>¹</p> <p>2. <i>NSP(I)</i>²</p> <p>3. <i>ASP(I)</i>³</p> <hr/> <p><u>Explanatory Note for Individual Licence Categories</u></p> <p>¹ Network facilities provider (NFP) individual licence enables the provision of network facilities services such as earth stations, fixed links and cables, public payphone facilities, radio communications transmitters and links, satellite hubs and towers, duct and pits used in conjunction with other network facilities.</p> <p>² Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access</p> | <ul style="list-style-type: none"> - For NFP(I) and NSP(I) foreign shareholding of up to 30 per cent in these services providers is allowed - For ASP(I), foreign shareholding of up to 49 per cent in these services providers is allowed. <p>[The management control of such companies shall be in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30 per cent <i>with not one single country holding more than 5 per cent of the equity at any one time.</i>]</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 | Additional Commitments |
|-----|---|--|--|------------------------|
| | <p>services and mobile satellite services.</p> <p>³ Application Service Provider (ASP) individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except for the categories of natural persons referred to under market access.</p> | |
| | <p>Value-Added Services</p> <p>Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed NFP(I) and NSP(I) operators and are also mapped into the three categories below:</p> <p>Class License</p> <p>1. NFP(c)⁴</p> | <p>1) None</p> <p>2) None</p> <p>3) With respect to NFP and NSP components of the service, only through an acquisition of shares of existing licensed NFP(C), NSP(C).</p> <p>With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> | |

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

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|-----|--|--|-----------------------------------|------------------------|
| | <p>2. NSP(C)⁵</p> <p>3. ASP(C)⁶</p> <hr/> <p>⁴ NFP class license enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.</p> <p>⁵ NSP class license enables the provision of niched customer access or niched connection</p> | <p>acquisition of shares of an existing licensed ASP(C) operator/corporations.</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 | Additional Commitments |
|-----|---|------------------------------|-----------------------------------|------------------------|
| | <p>services such as public mobile radio work services, one or two way radio paging network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.</p> <p>⁶ ASP class license enables the provision of application services such as audio text hosting services provided on an opt-in basis, directory services, messaging services.</p> | | | |

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

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| | <p><u>Explanatory Note</u></p> <p>1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.</p> <p>2) Definitions as per Communications and Multimedia Act 1998</p> <p>a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.</p> <p>Network facilities provider means a person who is an owner of any network facilities.</p> <p>b. Network services means a service for carrying communications by means of guided and/unguided electromagnetic radiation.</p> <p>Network service provider means a person who provides network services.</p> <p>c. Application service means a service provided by means of, but not solely by means of, one or more network services. Application service provider means a person who provides an application service.</p> <p>3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001</p> <p>a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.</p> <p>Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.</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 | Additional Commitments |
|-----|----------------------|------------------------------|-----------------------------------|---|
| | | | | <p>b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.</p> <p>Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.</p> <p>c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.</p> <p>Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations</p> |

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

ANNEX I

| Principles | Procedural Requirements |
|--|--|
| 1. Competition Safeguards | <p>The regulatory body must take measures to:</p> <ul style="list-style-type: none"> - Maintain fair competition among network operators; - Safeguards the interest of consumers; |
| 2. Universal Service | <ul style="list-style-type: none"> - Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences; |
| 3. Public availability of licensing criteria | <ul style="list-style-type: none"> - 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 | <p>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;</p> |
| 5. Interconnection arrangements | <p>To ensure that the following principles pertaining to interconnection arrangements are adhered to:</p> <p>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;</p> <ul style="list-style-type: none"> - 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 |

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|--|--|
| | <p>market power to limit access to essential facilities only for interconnection;</p> <ul style="list-style-type: none">- 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. |
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| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment |
|----------------|--|--|---|
| Myanmar | Telex Services (CPC 7523**) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments |
| | Telegraph Services (CPC 7522) | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments |
| | Electronic Mail services (CPC 7523**) | 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments |
| | Voice Mail Services | 1) Subject to comply with the | 1) Unbound |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment |
|-----|--|---|--|
| | (CPC 7523**) | <p>provisions of existing rules and regulations. Subject to Utilization of National Gateway only</p> <p>2) None</p> <p>3) As indicated in the Horizontal Commitments</p> <p>4) As indicated in the Horizontal Commitments</p> | <p>2) None</p> <p>3) As indicated in the Horizontal Commitments</p> <p>4) As indicated in the Horizontal Commitments</p> |
| | On Line information and data base retrieval (CPC 7523**) | <p>1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only</p> <p>2) None</p> <p>3) As indicated in the Horizontal Commitments</p> <p>4) As indicated in the Horizontal Commitments</p> | <p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the Horizontal Commitments</p> <p>4) As indicated in the Horizontal Commitments</p> |
| | Electronic Data Interchange (EDI) Services (CPC 7523**) | <p>1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway</p> | <p>1) Unbound</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment |
|-----|--|--|---|
| | | <ul style="list-style-type: none"> only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ul style="list-style-type: none"> 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments |
| | Code and protocol conversion (CPC 7523**) | <ul style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments | <ul style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments |
| | On Line information and /or data base processing (CPC 843**) | <ul style="list-style-type: none"> 1) Subject to comply with the provisions of existing rules and regulations. Subject to Utilization of National Gateway only 2) None 3) As indicated in the Horizontal | <ul style="list-style-type: none"> 1) Unbound 2) None 3) As indicated in the Horizontal Commitments |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment |
|-----|----------------------|---|--|
| | | Commitments 4) As indicated in the Horizontal Commitments | 4) As indicated in the Horizontal Commitments |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-------------------------------|--|--|---|---|
| <p>The Philippines</p> | <p>The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV).</p> <p>a. Voice telephone services (CPC 7521)</p> <ul style="list-style-type: none"> • Local services • Toll services • Domestic • International <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data (CPC 7523**)</p> <p>d. Telex Services</p> | <p>1) Unbound⁵</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>A. Franchise from Congress of the Philippines</p> <p>B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p>C. Foreign equity is permitted up to 40 percent.</p> <p>D. Resale of private leased line is not allowed⁶.</p> <p>E. Private leased circuit</p> | <p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>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.</p> <p>B. All executives and managers must be citizens of the Philippines.</p> | <p>The Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|-----------------------------------|------------------------|
| | <p>(CPC 7523**) e. Telegraph Services (CPC 7522) f. Facsimile services (CPC 7521**+7529**) g. Private Leased Circuit Services (CPC 7522**+7523) <ul style="list-style-type: none"> • Cellular Mobile Telephone Service (CPC 75213) • Satellite services </p> | <p>services shall not be connected to a public network (PSTN).</p> <p>F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized.</p> <p>G. Subject to the availability and efficient utilization of radio frequencies.</p> <p>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>I. Philippine satellite</p> | | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | | <p>operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>4) Service suppliers must be Filipino citizens.</p> <hr/> <p>⁵ Shall be reviewed in the future in accordance with the developments of its laws and regulations.</p> <p>⁶ Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased</p> | <p>4) Service suppliers must be Filipino citizens.</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | <p>Data and message transmission services</p> <ul style="list-style-type: none"> • Data network services (CPC 75231) • Electronic message and information services (CPC 75232) | <p>lines.</p> <ol style="list-style-type: none"> 1) Unbound⁷ 2) None 3) Entry is subject to the following requirements and conditions: <ol style="list-style-type: none"> a. Franchise from Congress of the Philippines b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c. Foreign equity is permitted up to 40 percent. d. Resale of private leased lines is not allowed⁸. | <ol style="list-style-type: none"> 1) None 2) None 3) Entry is subject to the following requirements and conditions: <ol 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. B. All executives and managers must be citizens of the Philippines. | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | | <p>e. Private leased circuit services shall not be connected to a public network (PSTN).</p> <p>f. Call back, dial back and other similar schemes, which result in the same operation, are not authorized.</p> <p>g. Subject to the availability and efficient utilization of radio frequencies.</p> <p>h. Only duly enfranchised and certified telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> | | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | | <p>i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>4) Service suppliers must be Filipino citizens.</p> <hr/> <p>⁷ Shall be reviewed in the future in accordance with the developments of its laws and regulations.</p> <p>⁸ Enfranchised public</p> | <p>4) Service suppliers must be Filipino citizens.</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|-----------------------------------|------------------------|
| | | telecommunications entities (PTE) may be authorized to sell/resell private leased lines. | | |
| | <p data-bbox="376 405 1456 435">Philippine Reference Paper on Regulatory Principles in Telecommunications Services</p> <p data-bbox="376 504 2072 632">The commitments in telecommunication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.</p> <p data-bbox="376 703 750 730">1. <u>Competitive Safeguard</u></p> <p data-bbox="465 799 2072 874">Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.</p> <p data-bbox="376 946 672 973">2. <u>Interconnection</u></p> <p data-bbox="465 1042 2042 1117">In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.</p> <p data-bbox="465 1185 2083 1260">Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.</p> <p data-bbox="465 1329 2042 1356">A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which</p> | | | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | | <p>has been made publicly known to an independent domestic body, which may be a regulatory body 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.</p> <p>3. <u>UniversalService</u></p> <p>Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner. Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.</p> <p>4. <u>Public available of licensing criteria</u></p> <p>Where a license is required, the following shall be made publicly available:</p> <ul style="list-style-type: none"> (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license; (b) the terms and conditions of individual licenses <p>The reasons for the denial of a license will be made known to the applicant upon request.</p> <p>5. <u>Independentregulators</u></p> <p>The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of</p> | | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | | | | <p>and the procedures used by regulators shall be impartial with respect to all market participants.</p> <p>The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.</p> <p>A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.</p> <p>6. <u>Allocation and use of scarce resources</u></p> <p>Any procedures for the allocation and use of scarce resources, which are 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.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| Singapore | <p>General Conditions statement</p> <p>Commitments undertaken in this schedule are subject to the following conditions:</p> <p>The number of licences may be limited due to scarce resources, such as rights of way and availability of frequency spectrum. This excludes services regulated under the Broadcasting Act.</p> | | | |
| | <p>1. Basic Telecommunication Services (facilities-based):</p> <p>(a) Public Switched Services¹ (local and international)</p> <p>(b) Leased Circuit Services (local and international)</p> <p>_____</p> <p>¹ This includes voice, data and facsimile services.</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>As indicated in REFERENCE PAPER appended.</p> |
| | <p>2. Mobile Services²</p> <p>(a) Public Mobile Data</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> | <p>1) None</p> | <p>As indicated in REFERENCE PAPER appended.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | <p>Service (PMDS)</p> <p>(b) Public Trunked Radio Service (PTRS)</p> <p>(c) Public Radio Paging Service (PRPS)</p> <p>(d) Public Cellular Mobile Telephone Service (PCMTS)</p> <hr/> <p>² Mobile Services excludes Public Mobile Broadband Multimedia Services and Public Fixed-Wireless Broadband Multimedia Services</p> | <p>2) None</p> <p>3) A cumulative total of 73.99% foreign shareholding, based on 49% direct investment and 24.99% indirect investment is allowed.</p> <p>4) Unbound except as indicated in the horizontal Section</p> | <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound except as indicated in the horizontal Section</p> | |
| | <p>Resale basis:</p> <p>(a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched</p> | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) As in mode 1</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
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| | <p>network)</p> <p>(b) Leased Circuit Services (local and international) (without connection to the public switched network)</p> <p>(c) Public Cellular Mobile Telephone Services</p> <p>(d) Public Radio Paging Services</p> | <p>4) Unbound except as indicated in the horizontal Section</p> | <p>horizontal Section</p> <p>4) Unbound except as indicated in the horizontal Section</p> | |
| | <p>4. Value-added Network (VAN) services</p> <p>The services covered are:</p> <ul style="list-style-type: none"> - electronic-mail - voice-mail - on-line information and data base retrieval | <p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) As in mode 1</p> <p>4) Unbound except as indicated</p> | <p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal Section</p> <p>4) Unbound</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---|------------------------------|-----------------------------------|------------------------|
| | <ul style="list-style-type: none"> - electronic data interchange - on-line information and/or data processing | in the horizontal Section. | | |

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 the 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 a 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 (including 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 (including 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 Party 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 Party.

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.

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------|--|--|-----------------------------------|---|
| Thailand | <p><u>Commitments undertaken in this schedule are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a license from designated national authority(s). - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai Area. - The service provider shall operate for public use through existing facilities licensed by the designated national authority(s). - The designated national authority(s) may prohibit the license application or terminate the license of any telecommunication businesses which deemed to have any act of "business control" by a juridical person who is not of Thai national. - Basic necessary new telecommunication acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts. | | | |
| | <p>Public local, domestic long distance and international services:</p> <p>(a) Fixed-line voice telephone services</p> | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in | <p>1) None</p> <p>2) None</p> | <p>Thailand will introduce into its Schedule of Specific Commitments (SOC) on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|---|---|
| | | <p>Thailand operated by suppliers duly licensed;</p> <ul style="list-style-type: none"> - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) As indicated in the horizontal section</p> | <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |
| | <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services</p> <p>(f) Facsimile services (CPC 7521**+7529**)</p> | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed | <p>1) None</p> <p>2) None</p> | <p>Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|--|---|
| | | <p>through gateways in Thailand operated by suppliers duly licensed;</p> <ul style="list-style-type: none"> - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) As indicated in 3.2 of the horizontal section</p> <p>4) Unbound</p> | <p>3) As indicated in the horizontal section</p> <p>4) Unbound</p> | |
| | <p>(h) Electronic mail (CPC 7523**)</p> <p>(i) Voice mail (CPC 7523**)</p> | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in | <p>1) None</p> <p>2) None</p> | <p>Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|---|---|
| | | <p>Thailand operated by suppliers duly licensed;</p> <ul style="list-style-type: none"> - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) As indicated in 3.2 of the horizontal section</p> <p>4) Unbound</p> | <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |
| | <p>(j) On-line information and data base retrieval (CPC 7523**)</p> <p>(n) On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)</p> | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in | <p>1) None</p> <p>2) None</p> | <p>Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|---|------------------------|
| | | <p>Thailand operated by suppliers duly licensed;</p> <ul style="list-style-type: none"> - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p> | <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |
| | Data base access services (part of CPC 7523) | <p>1) Service providers must use networks operated by suppliers duly licensed</p> <p>2) None</p> | <p>1) None</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|--|------------------------|
| | | <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p> | <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |
| | <p>o) Other:</p> <p>Telecommunications terminal equipment leasing services (CPC 75410)</p> | <p>1) None, subject to commercial arrangement with licensed operators</p> <p>2) None</p> <p>3) (a) As indicated in 3.1 of the horizontal section</p> <p>(b) Must use networks operated by suppliers</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|---|------------------------|
| | | <p>duly licensed</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p> | <p>4) As indicated in the horizontal section</p> | |
| | <p>Telecommunications equipment sales services (part of CPC 75420)</p> | <p>1) None, subject to commercial arrangement with licensed operators</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for Civil engineer</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |
| | <p>Telecommunication Consulting Services (CPC 75440)</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in 3.2 of the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for Civil engineer</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|--|--|
| | Dedicated network services (CPC 75222) | <p>1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | Thailand will introduce into its SOC on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|--|------------------------|
| | | <p>the registered capital</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders</p> <p>(c) Must use networks operated by suppliers duly licensed</p> <p>4) As indicated in the horizontal section</p> | <p>4) As indicated in the horizontal section</p> | |
| | <p>Videotext</p> <p>Teleconference</p> | <p>1) a) Service providers must use networks operated by suppliers duly licensed</p> <p>b) Radio application service is subject to frequency availability</p> <p>2) None</p> <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40% of the registered capital and the number of foreign shareholders must not</p> | <p>1) None</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|----------------------|---|--|------------------------|
| | | <p>exceed 40% of the total number of shareholders of the company</p> <p>(b) Must use public telecommunication network under national telecommunication authorities</p> <p>(c) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p> | <p>4) As indicated in the horizontal section</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------|--|---|---|--|
| Viet Nam | <p>Commitments hereunder are made in accordance 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). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).</p> <p><u>Basic telecommunication services</u></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>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521** + 7529**)</p> <p>(g) Private leased circuit services</p> | <p>1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <p>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and</p> | <p>1) None.</p> <p>2) None.</p> <p>3) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|-----------------------------------|------------------------|
| | <p>(CPC 7522** + 7523**)</p> <p>(o*) Other services</p> <ul style="list-style-type: none"> - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting¹⁶ - Radio based services includes: <ul style="list-style-type: none"> + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP)¹⁸ | <p>television broadcasters, official international organization¹ representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p> <ul style="list-style-type: none"> - Multinational companies¹⁷, which are licensed to use satellite-earth stations. <p>2) None</p> <p>3) None, except:</p> <p><i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture with</p> | | |

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| | <p>¹⁶ Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.</p> <p>¹⁷ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO member; and e) is licensed to use satellite services in at least one WTO member.</p> <p>¹⁸ Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.</p> | <p>telecommunications service suppliers duly licensed in Viet Nam will be allowed.</p> <p>Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> <p>51% gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section</p> | |
| | <p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)¹⁹</p> | <p>1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in</p> | <p>1) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam</p> |

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|-----|--|---|-----------------------------------|---|
| | <p>¹⁹ Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic</p> | <p>Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; | | <p>is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.</p> |

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|-----|---|--|--|------------------------|
| | <p>of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).</p> | <ul style="list-style-type: none"> - Multinational companies¹⁷, which are licensed to use satellite- earth stations. 2) None. 3) None, except: <ul style="list-style-type: none"> <i>Non facilities-based services:</i> Joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures. <i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures. 4) Unbound, except as indicated in the horizontal section. | <ul style="list-style-type: none"> 2) None. 3) None. 4) Unbound, except as indicated in | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|--|--|
| | <p data-bbox="421 323 680 352"><u>Value-added services</u></p> <p data-bbox="421 395 674 459">(h) Electronic mail (CPC 7523 **)</p> <p data-bbox="421 502 663 566">(i) Voice mail (CPC 7523 **)</p> <p data-bbox="421 609 808 710">(j) On-line information and database retrieval (CPC 7523**)</p> <p data-bbox="421 753 808 853">(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p data-bbox="421 896 808 1070">(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p data-bbox="421 1114 808 1177">(m) Code and protocol conversion</p> <p data-bbox="488 1220 808 1361">On-line information and data processing (incl. transaction processing) (CPC 843**)</p> | <p data-bbox="846 323 1084 352">1) None, except:</p> <p data-bbox="913 395 1279 671"><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p data-bbox="913 715 1279 991"><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed Viet Nam, except satellite-based services offered to:</p> <ul data-bbox="913 1042 1279 1361" style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, | <p data-bbox="1384 288 1653 317">the horizontal section.</p> <p data-bbox="1317 323 1464 352">1) None.</p> | <p data-bbox="1798 323 2136 459">Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|----------------------|--|-----------------------------------|------------------------|
| | | <p>diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p> <p>- Multinational companies¹⁷, which are licensed to use satellite-earth stations.</p> <p>2) None.</p> <p>3) None, except:</p> <p><i>Non facilities-based services:</i> Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed.</p> | <p>2) None.</p> <p>3) None.</p> | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|--|---|--|
| | | <p>Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>Fifty-one % gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>4) Unbound, except as indicated in the horizontal section.</p> | |
| | <p><u>Value added services</u></p> <p>(o) Other</p> <p>- Internet Access Services IAS²⁰</p> <p>²⁰ Services providing internet access to the end users.</p> | <p>1) <i>Wire-based and mobile terrestrial services:</i> None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> | <p>1) None.</p> | <p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|----------------------|---|-----------------------------------|------------------------|
| | | <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies¹⁷, which are licensed to use satellite- earth stations. | | |

| AMS | Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|----------------------|---|---|------------------------|
| | | <p>2) None.</p> <p>3) <i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> | |

- End -

REFERENCE PAPER

I. 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 the 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 a 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 (including 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 (including 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 Party 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 Party.

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 licenses.

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.

Annex

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).