

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

**Specific Commitments<sup>1</sup> of ASEAN Member States (AMS) on  
Transport Services**

Modes of supply<sup>2</sup>: 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	<b>A. Maritime Transport Services</b>		
	a) Passenger Transportation (CPC 7211)	1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) None, except as indicated in the horizontal section.
	b) Freight Transportation (CPC 7212)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound

<sup>1</sup> 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](http://www.tid.gov.hk/english/ita/fta/hkasean/text_agreement.html).

<sup>2</sup> 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
		4) None, except as indicated in the horizontal section.	4) None, except as indicated in the horizontal section.
	<b>C. Air Transport Services</b>		
	c) Rental of aircraft with crew (CPC 734)	1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity.  2) None  3) Unbound except:  (a) Only through a representative office; or  (b) Only by appointment of a General Sales Agent: who is a Bruneian controlled company; and  (c) Permanent address in Brunei Darussalam with respect to (a).  4) Unbound except with respect to (b), one technical post subject to:  - Local availability test;	1) None  2) None  3) Unbound  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
		<ul style="list-style-type: none"> <li>- Designation of a specified number of Brunei trainees.</li> </ul>	
	(d) Maintenance and repair of aircraft (CPC 8868**)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) None, except as indicated in the horizontal section.</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> <li>4) None, except as indicated in the horizontal section.</li> </ul>

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
<b>Cambodia</b>	<b>A. Maritime Transport Services</b>			
	International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	<p>Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii) of the GATS, no measures shall be applied which deny reasonable and non-discriminatory access to the following services:</p> <ol style="list-style-type: none"> <li>1. Towing and tug assistance;</li> <li>2. Provisioning, fuelling and watering;</li> <li>3. Garbage collecting and ballast waste disposal;</li> <li>4. Emergency repair facilities;</li> </ol>

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
				5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification services
	<b>C. Air Transport Services</b>			
	- Aircraft repair and maintenance services (CPC 8868)	1) None 2) None	1) None 2) None	
	- Selling and marketing of air transport services	3) None	3) None	
	- Computer Reservation	4) Unbound, 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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	System Services (CRS)			
	<b>F. Road Services</b>			
	(a) Passenger transportation (CPC 7121 + 7122)	1) None 2) None	1) None 2) None	
	(b) Freight transportation (CPC 7123)	3) None	3) None	
	(c) Rental of commercial vehicles with operator (CPC 7124)	4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	
	(d) Maintenance and repair of road transport equipment (CPC 6112+8867)	1) None 2) None 3) None	1) None 2) None 3) None	
	(e) Supporting services for road transport services (CPC 744)	4) Unbound, 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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<b>G. Pipeline Transport Services</b>			
	(a) Transport of fuels (CPC 7131)	1) Services must be provided through a contract of concession granted by the State on case-by- cases basis	1) None	
	(b) Transport of other goods (CPC 7139)	2) None	2) None	
		3) Services must be provided through a contract of concession granted by the State on case-by-cases basis	3) None	
		4) Unbound, except as indicated in the horizontal section	4) Unbound, except as indicated in the horizontal section	

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

<b>AMS</b>	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>
<b>Indonesia</b>	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
Lao PDR	<b>C. Air Transport Services</b>		
	(d) Maintenance and repair of aircraft (part of CPC 8868)	1) None. 2) None. 3) Foreign equity participation limited to 51%. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.
	- Selling and marketing of air transport services  - Computer reservation system (CRS) 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.

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
Malaysia	<p><b>A. Maritime Transport Services</b></p> <p>International maritime transportation services excluding cabotage and government cargo</p> <p>Passenger transportation (CPC 7211)</p> <p>Freight transportation (CPC 7212)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 percent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 percent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>a) Pilotage</p> <p>b) Towing and tug assistance</p> <p>c) Provisioning, fuelling and watering</p> <p>d) Garbage collection and ballast waste disposal</p> <p>e) Port Captain's services</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>a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia;</p> <p>b) Majority shareholding to be held by Malaysians;</p> <p>c) Majority of the board of directors to be Malaysians; and</p> <p>d) Principal place of business to be in Malaysia.</p> <p>4) Unbound, except as</p>	<p>a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia;</p> <p>b) Majority shareholding to be held by Malaysians;</p> <p>c) Majority of the board of directors to be Malaysians; and</p> <p>d) Principal place of business to be in Malaysia.</p> <p>4) Unbound, except for the</p>	<p>f) Navigation aids</p> <p>g) Shore-based operational services essential to ship operations, including communications, water and electrical supplies</p> <p>h) Emergency repair facilities</p> <p>i) Anchorage, berth and berthing services</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
		indicated in the horizontal section	categories of natural persons referred to under market access.	
	Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103)  Excludes cabotage and offshore trades	1) None  2) None  3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent  4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	1) None  2) None  3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent  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	Additional Commitments
	<p><b>SUPPORTING SERVICES FOR MARITIME TRANSPORT</b></p> <p>Vessel salvage and refloating services except on inland waters (CPC 74540)</p> <p><i>(Vessels salvage services provided on ocean and seas. Such services consist of Recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)</i></p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</p> <p>4) Unbound, except as indicated in the horizontal section</p>	

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Maritime agency services</p> <p>Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required (CPC 748*)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent</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	Additional Commitments
	<p>Maritime freight forwarding services</p> <p>Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information (CPC 7480)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licences.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licences.</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
Myanmar	<b>A. Maritime Transport Services</b>		
	International Passenger Transport Services (excluding Cabotage) (CPC 7211)	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	1) None 2) None 3) None 4) Unbound
	International Freight Transport Services (excluding Cabotage) (CPC 7212)	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) As indicated in the Horizontal Commitments	1) None 2) None 3) None 4) Unbound
	Maritime Cargo Handling Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	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
	Maritime Storage and Warehousing Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	1) None 2) None 3) None 4) Unbound
	Maritime Freight Forwarding Services	1) None 2) None 3) Joint Venture with a Myanmar Citizen or enterprise up to 70% equity is permitted 4) Unbound	1) None 2) None 3) None 4) Unbound
<b>C. Air Transport Services</b>			
	Aircraft Repair and Maintenance Services	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal

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
		Commitments	Commitments
	Selling and Marketing of Air Transport Services	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
	Computer Reservation System Services	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

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><b>The Philippines</b></p>	<p>All Subsectors</p>	<p>3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.</p> <p>4) Only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five (5) years upon entry.</p> <p>Each employed alien should have at least two (2) Filipino understudies.</p> <p>3), 4) Limitations listed in the horizontal section shall also apply.</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
	<b>A. Maritime Transport Services</b>		
	International Transport (passenger and freight), except a) cabotage transport, and b) government-owned cargoes <sup>9</sup>	1) None 2) None 3) None	1) None 2) None 3) None
	<sup>9</sup> Subject to the Cargo Reservation Law which requires that cargoes owned by government-owned or controlled corporations shall be shipped on board Philippine flag vessels.	4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	4) None
	Leasing/rental of vessels without crew	1) None 2) None 3) Bareboat charter of lease contract subject to approval by the Maritime Industry Authority (MARINA) 4) Unbound	1) None 2) None 3) None 4) None
	Maintenance and repair of vessels	1) Unbound* 2) Any repairs, conversion or dry docking	1) Unbound* 2) None

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>of Philippine-owned or registered vessels are required to be done at domestic ship repair yards registered with the Maritime Industry Authority (MARINA)</p> <p>3) None</p> <p>4) None</p>	<p>3) None</p> <p>4) None</p>
	Shipbuilding	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to seventy percent (70%) foreign equity is allowed. Needs accreditation of the Maritime Industry Authority (MARINA)</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) Unbound*</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
	<b>C. Air Transport Services</b>		
	Leasing/rental of aircraft without crew	1) None 2) None 3) Lease contract subject to approval by the Civil Aeronautics Board 4) None	1) None 2) None 3) None 4) None
	Maintenance and repair of aircraft	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None
	General Sales and Cargo Sales Agency	1) Commercial presence required 2) None 3) None	1) None 2) None 3) None

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
		4) None	4) None
<b>E. Rail Transport Services</b>			
	Passenger and freight transport	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None
	Maintenance and repair of rail transport equipment	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound
<b>F. Road Transport Services</b>			
	Passenger and freight transport	1) Unbound* 2) None 3) Provisional authority/certificate of public convenience must be secured from the Land Transportation	1) Unbound* 2) None 3) None

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>Franchising and Regulatory Board (LTFRB)</p> <p>New entrants are subject to economic needs test, as follows:</p> <p>a. the need to provide protection to investments of operators in unserved areas/developmental routes; and</p> <p>b. the route measured capacity test for number of vehicles.</p> <p>4) None</p>	<p>4) None</p>
	Maintenance and repair of road vehicles	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>
	<b>H. Services auxiliary to all modes of transport</b>		
	Cargo handling services	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</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
		3) None	3) None
		4) None	4) None
	Freight forwarding services	1) Unbound*	1) Unbound*
		2) None	2) None
		3) None	3) None
		4) None	4) None
	Storage and warehouse services	1) Unbound*	1) Unbound*
		2) None	2) None
		3) None	3) None
		4) None	4) None
	Container yard and depot services within ports	1) Unbound*	1) Unbound*
		2) None	2) None
		3) None	3) None

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
		4) None	4) None
Unbound*: means unbound due to lack of technical feasibility.			

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
Singapore	<b>A. Maritime Transport Services</b>  International freight transportation excluding cabotage transport (CPC 7212 **)	1) None 2) None 3) None, except on the registration of Singapore flag ships as specified in the Merchant Ships Act. 4) Unbound except as indicated in the horizontal section; unbound for intra-corporate transfers of ships of ships crews	1) None 2) None 3) None 4) Unbound	When the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c) (ii) of General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they will be made available to international maritime transport suppliers on reasonable and non-discriminating terms and conditions: <ul style="list-style-type: none"> <li>- pilotage;</li> <li>- towing and tug assistance;</li> <li>- provisioning fuelling and watering;</li> </ul>

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
				<ul style="list-style-type: none"> <li>- garbage collecting and ballast; waste disposal</li> <li>- port captain's services;</li> <li>- navigation aids emergency;</li> <li>- repair facilities;</li> <li>- anchorage; and</li> </ul> <p>other shore-based operational services essential to ship operations, including communications, water and electrical suppliers.</p>
	Maritime Auxiliary Services:	1) None	1) None	
	Shipping agency services	2) None	2) None	
		3) None	3) None	

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
		4) Unbound except as indicated in the horizontal Section	4) Unbound	
	Maritime Auxiliary Services:  Shipping brokerage Services	1) None  2) None  3) None  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	Additional Commitments
Thailand	<b>A. Maritime Transport Services</b>			
	(a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	1) None 2) None 3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of Thailand  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in 3.1 of the horizontal section.  4) (a) Ships' crews: Unbound	1) None 2) None 3) (a) Unbound  (b) As indicated in the horizontal section  4) (a) Unbound	The following services at the port provided by the government or government enterprise are made available, to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: <ol style="list-style-type: none"> <li>1. Pilotage<sup>2</sup></li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port captain's service</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, water and electrical supplies</li> </ol>

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
		(b) Other personnel: As indicated in the horizontal section	(b) As indicated in the horizontal section	<p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services</p> <p>10. Inland transports services (internal waterways transport services, rail transport services and road transport services)</p> <hr/> <p><sup>2</sup> A Thai captain of a Thai ship which sails regularly in certain compulsory pilotage area may be permitted to pilot the ship in the area.</p>
	(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound for establishment of enterprise for the purpose of operating a fleet under the national flag of</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p>	<p>1) See Note to the Schedule below</p> <p>3) (b) See Note to the Schedule below</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>Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in 3.1 of the horizontal section</p> <p>4) (a) Ships' crew: Unbound</p>	<p>(b) None other than:</p> <p>(i) Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies</p> <p>(ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax</p> <p>4) (a) Unbound</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
		(b) Other personnel: As indicated in the horizontal section	(b) As indicated in the horizontal section	
	(f) International towing (CPC 7214)	1) None 2) None 3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand  (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in 3.1 of the horizontal section	1) None 2) None 3) (a) Unbound  (b) 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	Additional Commitments
		4) (a) Ships' crews: Unbound  (b) Other personnel: As indicated in the horizontal section	4) (a) Unbound  (b) As indicated in the horizontal section	
	(f) Supporting services for maritime transport (CPC 745**) <p>Shore reception facilities (collection of waste/oily water from ships)</p>	1) Unbound  2) None  3) As indicated in 3.1 of the horizontal section  4) As indicated in the horizontal section	1) Unbound  2) None  3) As indicated in the horizontal section  4) As indicated in the horizontal section	
<b>E. Rail Transport Services</b>				
	(d) Maintenance and repair of rail transport equipment (CPC 8868)	1) Unbound  2) None  3) As indicated in 3.1 of the	1) None  2) None  3) As indicated in the horizontal	

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
		horizontal section 4) (a) As indicated in the horizontal section  (b) Unbound for civil engineer	section 4) As indicated in the horizontal section	
	(e) Supporting Services for rail transport services (CPC 743**) <p>Passenger and freight car cleaning services</p> <p>Security services at railway station</p>	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section	
	<b>F. Road Transport Services</b>			
	F. <u>Road Transport Services</u> (Other non-	1) Unbound 2) None	1) Unbound 2) None	

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>scheduled passenger transportation)</p> <p>(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)</p>	<p>3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality</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>(c) Rental services of passenger cars with operator (CPC 71222)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality</p> <p>4) As indicated in the</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) As indicated in the horizontal section</p> <p>4) As indicated in the horizontal</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
		horizontal section	section	
	(c) Rental services of buses and coaches with operator (CPC 71223)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section and not less than half of the board of directors of the company must have Thai nationality 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section	
<b>H. Services Auxiliary to All Modes of Transport</b>				
	(b) Storage and warehousing services (CPC 742)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section	1) Unbound 2) None 3) 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	Additional Commitments
		4) As indicated in the horizontal section	4) 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	Additional Commitments
<b>Viet Nam</b>	<b>A. Maritime Transport Services</b>			
	(a) Passenger transportation less cabotage (CPC 7211)	1) Unbound, except international freight transportation: None.  2) None.	1) Unbound, except international freight transportation: None  2) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage;  2. Towing and tug assistance;  3. Provisioning, fuelling and watering  4. Garbage collecting and ballast waste disposal;  5. Port Captain's/Harbour Master's services;
	(b) Freight transportation less cabotage (CPC 7212)	3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:  Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be	3) None	

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>permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>26</sup>;</p> <p>Foreign shipping companies can establish joint ventures with 51%</p>		<p>6. Navigation aids;</p> <p>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>8. Emergency repair facilities;</p> <p>9. Anchorage, berth and berthing services;</p> <p>10. Access to maritime agency services.<sup>27</sup></p> <p><sup>27</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency</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>foreign ownership. Foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> </ol>		<p>services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.</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>3. Provision of required business information;</p> <p>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</p> <p>Provision of maritime transport services including cabotage services by Vietnamese</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>flagged vessels for the supply of integrated transport services.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>4) Unbound, except as indicated</p>	<p>4) Unbound, except as indicated in</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>in the horizontal section.</p> <p>_____</p> <p><sup>26</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.</p>	<p>the horizontal section.</p>	
	<p><b>Maritime Auxiliary Services</b></p> <p>- Container handling services (CPC 7411)<sup>28</sup></p>	<p>1) Unbound.</p> <p>2) None.</p>	<p>1) Unbound.</p> <p>2) None.</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>_____</p> <p><sup>28</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain</p>	<p>3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
	<p>- Customs Clearance Services<sup>29</sup></p> <p>_____</p> <p><sup>29</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.</p>	<p>1) Unbound.*</p> <p>2) None.</p> <p>3) None, except that joint ventures can be established with no foreign ownership limitation.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) Unbound.*</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
	<p>- Container Station and Depot Services<sup>30</sup></p> <p>_____</p> <p><sup>30</sup> "Container station and</p>	<p>1) Unbound.*</p> <p>2) None.</p>	<p>1) Unbound.*</p> <p>2) None.</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
	depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.	3) None. 4) Unbound, except as indicated in the horizontal section.	3) None. 4) Unbound, except as indicated in the horizontal section.	
	<b>B. Internal Waterways Transport</b>			
	(a) Passenger transport (CPC 7221)  (b) Freight transport (CPC7222)	1) Unbound. 2) None. 3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. 4) Unbound, except as	1) Unbound. 2) None. 3) None. 4) Unbound, except as indicated	

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
		indicated in the horizontal section.	in the horizontal section.	
	<b>C. Air Transport Services</b>			
	(a) Sales and marketing air products services	1) None. 2) None. 3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.	
	(b) Computer reservation services	1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication	1) None.	

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>authority.</p> <p>2) None, except as indicated in Mode 1.</p> <p>3) None, except as indicated in Mode 1.</p> <p>4) Unbound, except as indicated in the horizontal</p>	<p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal</p>	
	(c) Maintenance and repair of aircraft (CPC 8868**)	<p>1) None.</p> <p>2) None.</p> <p>3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. 100% foreign-invested enterprises shall be allowed.</p> <p>4) Unbound, except as</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	Additional Commitments
		indicated in the horizontal section.		
	<b>E. Rail Transport Services</b>  (a) Passenger transportation (CPC 7111)  (b) Freight transportation (CPC 7112)	1) Unbound.  2) None.  3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital.  4) Unbound, except as indicated in the horizontal section.	1) Unbound.  2) None.  3) Unbound.  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	Additional Commitments
	<p><b>F. Road Transport Services</b></p> <p>(a) Passenger transportation (CPC 7121+7122)</p> <p>(b) Freight transportation (CPC 7123)</p>	<p>1) Unbound.</p> <p>2) None.</p> <p>3) None, except:</p> <p>Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%.</p> <p>Subject to the needs of the market<sup>31</sup>, joint-ventures with foreign capital contribution not exceeding 51% may be established to</p>	<p>1) Unbound.</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

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>provide freight transport services.</p> <p>One hundred % of joint-venture's drivers shall be Vietnamese citizen.</p> <p>4) Unbound, except as indicated in the horizontal section.</p> <hr/> <p><sup>31</sup>The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.</p>	<p>4) Unbound, except as indicated in the horizontal section.</p>	
	<b>H. Services Auxiliary to all Modes of Transport</b>			
	(a) Container handling services, except services provided at airports (part of CPC 7411)	<p>1) Unbound.</p> <p>2) None.</p>	<p>1) Unbound.</p> <p>2) None.</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>3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
	<p>(b) Storage and warehouse services (CPC 742)</p> <p>(c) Freight transport agency services (CPC 748)<sup>32</sup></p> <p><sup>32</sup>Including freight forwarding services. These services mean the activities consisting of organizing</p>	<p>1) Unbound.*</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) Unbound.</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	Additional Commitments
	and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.			
	<p>(d) Other (part of CPC 749)<sup>33</sup></p> <hr/> <p><sup>33</sup>Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.</p>	<p>1) Unbound, except freight brokerage services: None</p> <p>2) None.</p> <p>3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>1) Unbound, except freight brokerage services: None</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
Unbound*: means unbound due to lack of technical feasibility.				

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## 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).