

## **Annex II-B** **Schedule of Malaysia**

### **Explanatory Notes**

1. This List sets out, pursuant to Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), the specific sectors, subsectors, or activities, for which Malaysia may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
  - (a) Article 8.3 (National Treatment) or Article 11.4 (National Treatment);
  - (b) Article 8.5 (Market Access);
  - (c) Article 8.4 (Most-Favoured-Nation Treatment) or Article 11.5 (Most-Favoured-Nation Treatment);
  - (d) Article 8.6 (Local Presence);
  - (e) Article 11.10 (Performance Requirements); or
  - (f) Article 11.11 (Senior Management and Board of Directors).
2. Each entry in this List sets out the following elements:
  - (a) **Sector** refers to the sector for which the entry is made;
  - (b) **Subsector**, where referenced, refers to the specific subsector for which the entry is made;
  - (c) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), do not apply to the sectors, subsectors, or activities, listed in the entry;
  - (d) **Description** sets out the scope of the sectors, subsectors, or activities, covered by the entry; and
  - (e) **Existing Measures** where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, subsectors, or activities covered by the entry.

3. In accordance with Article 8.7 (Non-Conforming Measures) and Article 11.13 (Non-Conforming Measures), the Articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the sectors, subsectors, and activities, identified in the Description element of that entry.

4. With respect to the entries in this List on Most-Favoured-Nation Treatment relating to bilateral or multilateral international agreements, the absence of language regarding the scope of the reservation for differential treatment resulting from an amendment of those bilateral or multilateral international agreements in force or signed prior to the date of entry into force of this Agreement is without prejudice to Malaysia's interpretation of the scope of that reservation.

5. For the purposes of this List, "CPC", where referenced, refers to the activity covered by the non-conforming measure, according to the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). The use of "##" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

6. The Schedules of Korea shall not be used to interpret Malaysia's commitments or obligations under Chapter 8 (Cross-Border Trade in Services), Chapter 11 (Investment), or other Chapters of this Agreement.

7. For greater certainty, the specific commitments applying to the temporary entry and stay of the business persons are set out in the Annex 9-A (Specific commitments).

1	Sector	:	Land and real estate
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Acquisitions or dealings of land or activities on land by non-citizens and juridical persons owned by foreign nationals must be approved by the relevant state authority, subject to such conditions and restrictions as may be imposed by that authority.</p>
	Existing Measures	:	<p><i>Federal Constitution</i></p> <p><i>Land Acquisition Act 1960</i> [Act 486]</p> <p><i>Land Conservation Act 1960</i> [Act 385]</p> <p><i>National Land Code</i> [Act 828]</p> <p><i>Federal Lands Commissioner Act 1957 (Revised 1988)</i> [Act 349]</p> <p><i>National Land Code (Penang and Malacca Titles) Act 1963</i> [Act 518]</p> <p><i>Strata Titles Act 1985</i> [Act 318]</p> <p><i>Strata Management Act 2013</i> [Act 757]</p>

	<p><i>Land (Group Settlement Areas) Act 1960</i> [Act 530]</p> <p><i>Malay Reservations Enactment 1933</i> [F.M.S. Cap 142]</p> <p><i>Malay Reservations Enactment 1930</i> [Enactment 29]</p> <p><i>Kelantan Malay Reservations Enactment 1930</i> [No.18 of 1930]</p> <p><i>Kelantan Land Settlement Act 1955</i> (Revised 1991) [Act 460]</p> <p><i>The Reservations Enactment 1353</i> [No. 7 of 1353]</p> <p><i>Perlis Land Settlement Enactment 1966</i> [No. 16 of 1966]</p> <p><i>Johore Malay Reservation Enactment 1936</i> [No. 1 of 1936]</p> <p><i>Terengganu Malay Reservation Enactment 1360</i> [No. 17 of 1360]</p> <p><i>Terengganu Settlement Enactment 1356</i> [No. 65 of 1356]</p> <p><i>Malay Reservations (Selangor)</i> (Amendment) Enactment No.15/1961</p> <p><i>Malay Reservations (Selangor)</i> (Amendment) Enactment No.7/1985</p> <p><i>Customary Land Enactment 1926</i> [Cap 215]</p> <p><i>Customary Tenure (Lengkongan Land)</i> Enactment 1960 [No. 4 of 1960]</p> <p><i>Undang of Rembau (Lands) Enactment 1949</i> [No. 2 of 1949]</p>
--	---

	<p><i>Land Ordinance [Sabah Cap 68]</i></p> <p><i>Sabah Land Acquisition Ordinance [Sabah Cap 69]</i></p> <p><i>Sarawak Land Code 1958 [Chapter 81]</i></p> <p><i>Pahang Land Rules 1992</i></p> <p><i>Perak Land Rules 1966</i></p> <p><i>Penang Land Rules 2021</i></p> <p><i>Kedah Enactment No 63 (Malay Reservations)</i></p> <p><i>Perlis Malay Reservations Enactment 1935</i></p> <p><i>Selangor Land Rules 2003</i></p> <p><i>Sabah Land Ordinance [Sabah Cap 68]</i></p> <p><i>Sarawak Land Code 1958 [Sarawak Cap 81]</i></p> <p><i>Malacca Land Rules 1966 [M.P.U. 3/1966]</i></p> <p><i>Negeri Sembilan Land Rules 2002</i></p> <p><i>Negeri Sembilan Strata Title Rules 2016</i></p> <p><i>Land (Group Settlement Areas) Rules 1990 – for Negeri Sembilan</i></p> <p><i>Johor Land Enactment 1934</i></p> <p><i>Local Government Act 1976 [Act 171]</i></p> <p><i>Town and Country Planning Act 1976 [Act 172]</i></p> <p><i>Housing Development (Control and Licensing) Act [Act 118]</i></p>
--	--

	<p><i>Federal Territory (Planning) Act 1982</i> [Act 267]</p> <p><i>Federal Capital Act 1960</i> [Act 190]</p> <p><i>Street, Drainage and Building Act 1974</i> [Act 133]</p> <p><i>Building and Common Property</i> <i>(Maintenance and Management) Act 2007</i> [Act 663]</p> <p>Administrative Guidelines</p>
--	--

2	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure affecting the:</p> <ul style="list-style-type: none"> <li>(a) full or partial devolvement to the private sector of services provided in the exercise of governmental authority;</li> <li>(b) divestment of its equity interests in, or the assets of, a juridical person that is wholly or partially owned by the Government of Malaysia; and</li> <li>(c) privatisation of government-owned entities or assets.</li> </ul> <p>The description above pertains only to the initial transfer or disposal of such interest, and for subsequent transfers or disposals that are for strategic sectors announced through the Malaysia Plan.</p>

		For greater certainty, where Malaysia transfers any interest in an existing state enterprise to another state enterprise, such transfer shall not be considered to be an initial transfer. Where the transfer or disposal of an interest in an existing state enterprise is undertaken either partially or sequentially, the right shall apply separately to each phase.
	Existing Measures	<p>: <i>Minister of Finance (Incorporation) Act 1957</i> [Act 375]</p> <p>Privatisation Master Plan</p> <p>Guidelines on Privatisation</p> <p><i>Companies Act 2016</i> [Act 777]</p> <p>Bursa Listing Requirements</p>

3	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to Bumiputera, Bumiputera status companies, trust companies, and institutions, to meet development and social economic policy objectives.</p>
	Existing Measures	:	<p><i>Federal Constitution</i></p> <p>Policies and Ministerial Statements</p> <p>Treasury Instructions</p> <p>Treasury Circulars</p> <p><i>Aboriginal Peoples Act 1954</i> [Act 134]</p> <p>New Economic Policy (NEP)</p>

4	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4)
	Description	:	<u>Cross-Border Trade in Services and Investment</u>  Malaysia reserves the right to adopt or maintain any measure relating to national and state unit trusts.
	Existing Measures	:	-

5	Sector	:	Mining and quarrying
	Subsector	:	Oil and Gas
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Petroliam Nasional Berhad (PETRONAS) and its successor are vested with the entire ownership in, and the exclusive rights, powers, liberties, and privileges, which shall be irrevocable, in exploring, exploiting, winning, and obtaining petroleum, whether onshore or offshore of Malaysia.</p> <p>PETRONAS and its successor reserve the right to adopt or maintain any measure relating to the oil and gas upstream industry including related activities.</p>
	Existing Measures	:	<p><i>Petroleum Development Act 1974 [Act 144]</i></p> <p>Other Implementing Measures</p>

6	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.<sup>1</sup></p> <p>Malaysia reserves the right to adopt or maintain any measure that accords differential treatment to Member States of ASEAN under any ASEAN agreement open to participation by any Member State of ASEAN, in force or signed after the date of entry into force of this Agreement.</p> <p>With regard to the sectors listed below, Malaysia reserves the right to adopt or maintain any measure that accords rights, preferences, and differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement:</p> <ul style="list-style-type: none"> <li>(a) Aviation matters;</li> <li>(b) Maritime and port matters;</li> <li>(c) Broadcasting matters;</li> <li>(d) Space transportation matters;</li> </ul>

<sup>1</sup> For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement.

		(e)	Fisheries matters; and
		(f)	Digital trade matters.
Existing Measures	:	-	

7	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	Most-Favoured-Nation Treatment (Article 8.4)
	Description	:	<p><u>Cross-Border Trade in Services</u></p> <p>Liberalisation of measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign juridical persons and their home countries. The objective is to maximise economic benefits of foreign participation in the Malaysian economy. This non-conforming measure applies to all countries for an indefinite duration.</p>
	Existing Measures	:	-

8	Sector	:	Manufacture, assembly, marketing and distribution of explosives, weapons, ammunitions, as well as military-related equipment or devices, and similar products
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure affecting the arms and explosives sector.</p>
	Existing Measures	:	<p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p> <p><i>Explosives Act 1957</i> [Act 207]</p> <p><i>Arms Act 1960</i> [Act 206]</p> <p><i>Strategic Trade Act</i> [Act 708]</p>

9	Sector	:	Gaming, betting and gambling services including manufacturing, supply and suppliers of equipment, wholesale and retail of gambling services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to the provision of gaming, betting and gambling services including manufacturing, supply and suppliers of equipment, wholesale and retail of gambling services.</p> <p>For greater clarity, “gaming” means the playing of any game of chance or of mixed chance and skill for money or money’s worth and includes the playing or operation of any gaming machine.</p>
	Existing Measures	:	<p><i>Lotteries Act 1952 [Act 288]</i></p> <p><i>Common Gaming Houses Act 1953 [Act 289]</i></p>

	<p><i>Pool Betting Act 1967 (Revised 2018)</i> [Act 809]</p> <p><i>Betting Act 1953</i> [Act 495]</p> <p><i>Racing (Totalisator Board) Act 1961</i> [Act 494]</p> <p><i>Racing Club (Public Sweepstakes) Act 1965</i> [Act 404]</p> <p><i>Customs (Prohibition of Imports) Order 2017</i> [P.U. (A) 103/2017]</p> <p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p>
--	---

10	Sector	:	<p>Application of atomic energy for:</p> <ul style="list-style-type: none"> <li>(a) nuclear power generation including nuclear fuel cycle;</li> <li>(b) electric power generation and fuel cycle; and</li> <li>(c) electric power plants based on fossil fuel or materials.</li> </ul>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to application of atomic energy for:</p> <ul style="list-style-type: none"> <li>(a) nuclear power generation including nuclear fuel cycle;</li> <li>(b) electric power generation and fuel cycle; and</li> <li>(c) electric power plants based on fossil fuel or materials.</li> </ul>

Existing Measures	:	<p><i>Atomic Energy Licensing Act 1984</i> [Act 304]</p> <p><i>Electricity Supply Act 1990</i> [Act 447]</p> <p><i>Electricity Supply Enactment 2024 (Sabah)</i></p> <p><i>Sarawak Electricity Supply Enactment</i></p>
-------------------	---	---

11	Sector	:	Cultural services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u><a href="#">Cross-Border Trade in Services and Investment</a></u></p> <p>Malaysia reserves the right to review the following products following their importation, publication and distribution in the Malaysian market to ensure their consistency with Malaysia's decency standards:</p> <p class="list-item-l1">(a) books, magazines, periodicals, newspapers, works of art, and films imported into Malaysia; and</p> <p class="list-item-l1">(b) programming licensed for broadcast on television, cable, and satellite stations.</p> <p>In addition, prior approval is required for arts, performances or foreign filming by a foreign artist and/or crew, where such activities shall comply with the Unit for Application for Foreign Filming and Performance by Foreign Artistes (PUSPAL) Guidelines.</p>

		<p>Malaysia reserves the right to adopt or maintain any measure relating to differential treatment to countries under future bilateral or multilateral international agreement<sup>2</sup> with respect to cultural industries.</p> <p>For the purposes of this entry, cultural industries mean persons engaged in any of the following activities:</p> <ul style="list-style-type: none"> <li>(a) publication, distribution, or sale of books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;</li> <li>(b) production, distribution, sale, or display of recordings of movies or videos;</li> <li>(c) production, distribution, sale, or display of music recordings in audio or video format;</li> <li>(d) production, distribution, or sale of printed music scores or scores readable by machines; or</li> <li>(e) radio broadcasts aimed at the public in general, as well as all radio, television, and cable television related activities, satellite programming services, and broadcasting networks.</li> </ul>
Existing Measures	:	<p><i>Printing Presses and Publishing Act 1984</i> [Act 301]</p> <p><i>Akta Perbadanan Kemajuan Filem</i> <i>Nasional Malaysia 1981</i> [Act 244]</p>

<sup>2</sup> For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement.

	<p><i>Akta Perbadanan Kemajuan Kraftangan Malaysia 1979 [Act 222]</i></p> <p><i>Film Censorship Act 2002 [Act 620]</i></p> <p>Dasar Industri Kreatif Negara (DIKN) 2010</p> <p>Unit for Application for Foreign Filming and Performance by Foreign Artistes (PUSPAL) Guidelines</p>
--	---

12	Sector	:	Manufacturing, wholesale, and distribution services <sup>3</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to the manufacture of, and the wholesale and distribution services for:</p> <ul style="list-style-type: none"> <li>(a) rice;</li> <li>(b) sugar;</li> <li>(c) flour;</li> <li>(d) liquor and alcoholic beverages;</li> <li>(e) tobacco, manufactured tobacco substitutes, and cigarettes products, including e-cigarettes, similar apparatus or devices, and components and liquids used for</li> </ul>

<sup>3</sup> Any such measure shall be implemented in a manner consistent with entry 38 in this Annex.

		<p>e-cigarettes, similar apparatus or devices;</p> <p>(f) fabrics;</p> <p>(g) glass and glassware products;</p> <p>(h) biodiesel;</p> <p>(i) machinery and mechanical appliances or part thereof, including power generating machinery and machinery for a specific industry;</p> <p>(j) base metals and articles of base metal industry or products; and</p> <p>(k) cement and cement products.</p>
	Existing Measures	<p>: <i>Excise Act 1976</i> [Act 176]</p> <p><i>Free Zones Act 1990</i> [Act 438]</p> <p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p> <p>Policy and Ministerial Statements</p>

13	Sector	:	Sewage and refuse disposal, sanitation, and other environmental protection services <sup>4</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to the collection, treatment, and disposal of hazardous waste and other environmental protection services including production, marketing, supplying, and distribution of any products derived from by-products of sewage and sludge treatment, holistic wastewater management (including sullage, water run-off), trade effluent or industrial waste (organic and non-organic), water recycling, and resource recovery.</p>
	Existing Measures	:	<p><i>Environmental Quality Act 1974 [Act 127]</i></p> <p><i>Water Services Industry Act 2006 [Act 655]</i></p> <p>Green Technology Master Plan Malaysia 2017-2030</p>

<sup>4</sup> Any such measure shall be implemented in a manner consistent with entry 38 in this Annex.

14	Sector	:	Air transport services <sup>5</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p>Cross-Border Trade in Services and Investment</p> <p>Malaysia reserves the right to adopt and maintain any measure affecting:</p> <ul style="list-style-type: none"> <li>(a) aircraft repair and maintenance services;</li> <li>(b) selling and marketing of air transport services;</li> <li>(c) computer reservation system (CRS) services;</li> <li>(d) aircraft leasing without crew;</li> <li>(e) aircraft leasing with crew;</li> <li>(f) air-freight forwarding services;</li> </ul>

<sup>5</sup> Any such measure shall be implemented in a manner consistent with entry 38 in this Annex.

		<ul style="list-style-type: none"> <li>(g) cargo handling;</li> <li>(h) aircraft catering services;</li> <li>(i) refuelling services;</li> <li>(j) aircraft line maintenance;</li> <li>(k) ramp handling;</li> <li>(l) baggage handling;</li> <li>(m) passenger handling; and</li> <li>(n) air transport services covering passenger and freight transportation frequencies and routing by air.</li> </ul>
Existing Measures	:	Administrative Guidelines

15	Sector	:	Passenger road transportation services covering taxi services and scheduled passenger road transportation
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to passenger and scheduled passenger road transportation services covering urban and suburban regular transportation, railway, taxi services; and bus, taxi, and rail station services, and any electronic application related transportation services.</p>
	Existing Measures	:	-

16	Sector	:	Legal services covering mediation and Shari'a law
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to mediation and Shari'a law.</p>
	Existing Measures	:	-

17	Sector	:	Social services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose:</p> <ul style="list-style-type: none"> <li>(a) income security or insurance;</li> <li>(b) social security or insurance;</li> <li>(c) social welfare;</li> <li>(d) public education;</li> <li>(e) public training;</li> <li>(f) health; and</li> <li>(g) child care.</li> </ul>

Existing Measures	:	-
-------------------	---	---

18	Sector	:	Veterinary services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure with respect to veterinary services excluding services delivered to equine animals in equestrians or turf clubs.</p>
	Existing Measures	:	<p><i>Veterinary Surgeons Act 1974 [Act 147]</i></p> <p>Administrative Guidelines</p>

19	Sector	:	Private Healthcare services <sup>6</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> <li>(a) allied health services;</li> <li>(b) pathology laboratories;</li> <li>(c) dental clinics;</li> <li>(d) general dental practitioners;</li> <li>(e) general medical practitioners;</li> <li>(f) general nurses including midwifery;</li> <li>(g) medical clinics;</li> <li>(h) private psychiatric hospitals;</li> </ul>

<sup>6</sup> Any such measure shall be implemented in a manner consistent with entry 9 in Annex I.

	<ul style="list-style-type: none"> <li>(i) private ambulatory care centres;</li> <li>(j) private nursing homes;</li> <li>(k) private psychiatric nursing homes;</li> <li>(l) private maternity homes;</li> <li>(m) private blood banks;</li> <li>(n) private haemodialysis centres;</li> <li>(o) private hospices;</li> <li>(p) private community mental health centres; and</li> <li>(q) any other private healthcare facilities, services, or health related services as the Minister of Health may specify.</li> </ul>
Existing Measures	<p>:</p> <p><i>Medical Act 1971</i> [Act 50]</p> <p><i>Medical Regulations 2017</i> [P.U. (A) 188/2017]</p> <p><i>Dental Act 2018</i> [Act 804]</p> <p><i>Dental Regulations 2021</i> [P.U.(A) 443/2021]</p> <p><i>Private Healthcare Facilities and Services Act 1998</i> [Act 586]</p> <p><i>Private Healthcare Facilities and Services (Private Hospitals and Other Private Healthcare Facilities) Regulations 2006</i> [P.U.(A) 138/2006]</p> <p><i>Private Healthcare Facilities and Services (Private Medical Clinics or Private Dental Clinics) Regulations 2006</i> [P.U. (A) 137/2006]</p>

	<p><i>Allied Health Professions Act 2016 [Act 774]</i></p> <p><i>Nurses Act 1950 [Act 14]</i></p> <p><i>Nurses Registration Regulations 1985 [P.U. (A) 494/85]</i></p> <p><i>Midwives Act 1966 [Act 436]</i></p> <p><i>Midwives Regulations 1990 [P.U. (A) 181/90]</i></p> <p>Administrative Guidelines</p>
--	---

20	Sector	:	Traditional and complementary medicine services <sup>7</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure with respect to traditional and complementary medicine services.</p>
	Existing Measures	:	<p><i>Traditional and Complementary Medicine Act 2016 [Act 775]</i></p> <p>Administrative Guidelines</p>

<sup>7</sup> Any such measure shall be implemented in a manner consistent with entry 9 in Annex I.

21	Sector	:	Distribution services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to distribution services covering hypermarkets, superstores, departmental stores, specialty stores, and convenience stores.</p>
	Existing Measures	:	<p>Guidelines on Foreign Participation in the Distribution Trade Services in Malaysia 2020</p> <p>Guidelines on Convenience Stores with Foreign Interest</p>

22	Sector	:	Utilities in relation to gas supply, power generation, power distribution, power transmission, renewable energy, energy services, energy efficiency services, water services, and sewerage services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u><a href="#">Cross-Border Trade in Services and Investment</a></u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to utilities in relation to gas supply, power generation, power distribution, power transmission, renewable energy, energy services, energy efficiency services, solar panels, water services, and sewerage services.</p>
	Existing Measures	:	<p><i>Water Services Industry Act 2006</i> [Act 655]</p> <p><i>Waters Act 1920</i> [Act 418]</p> <p>State Waters Laws</p> <p><i>Electricity Supply Act 1990</i> [Act 447]</p>

	<p><i>Gas Supply Act 1993 [Act 501]</i></p> <p><i>Renewable Energy Act 2011 [Act 725]</i></p> <p><i>Electricity Ordinance Sarawak [Cap. 50]</i> <i>Environmental Quality Act 1974 [Act 127]</i></p> <p><i>Electricity Supply Enactment 2024</i></p> <p><i>Renewable Energy Enactment 2024</i></p> <p><i>Gas Supply Enactment 2023</i></p> <p><i>Ocean Thermal Energy Conversion Enactment 2024</i></p> <p><i>Green Technology Master Plan Malaysia 2017-2030</i></p>
--	--

23	Sector	:	Armed escort services and armed guard services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to armed escort services and armed guard services.</p>
	Existing Measures	:	-

24	Sector	:	Education services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to:</p> <ul style="list-style-type: none"> <li>(a) preschools;</li> <li>(b) primary and secondary school education services covering the Malaysian National Curriculums;</li> <li>(c) religious schools;</li> <li>(d) distance learning;</li> <li>(e) tuition centres;</li> <li>(f) military training education; and</li> <li>(g) higher education services covering public higher education institutions, nursing education, polytechnics, community</li> </ul>

			colleges, military studies, and religious studies.
Existing Measures	:	-	

25	Sector	:	Research services <sup>8</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to research services.</p> <p>Any such measure shall not decrease the level of foreign ownership permitted in the research industry related to research and experimental services in agricultural science covering agriculture, biodiversity, food, agro-based industries, fisheries, social science, and humanities, excluding research and experimental services in law, linguistics, and languages.</p>
	Existing Measures	:	-

<sup>8</sup> Any such measure shall be implemented in a manner consistent with entry 38 in this Annex.

26	Sector	:	Postal services including courier and express delivery services <sup>9</sup>
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to postal services, including courier and express delivery services.</p>
	Existing Measures	:	<p><i>Postal Services Act 2012 [Act 741]</i></p> <p><i>Postal Services (Licensing) Regulations 2015</i></p> <p><i>Licensing Guidebook for Non-Universal Service License Application</i></p>

<sup>9</sup> Any such measure shall be implemented in a manner consistent with entry 38 in this Annex.

27	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4)
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Where the constitution of a company imposes a prescribed foreign shareholding limit, the company may restrict certain entitlements with respect to shares that have exceeded the prescribed limit <sup>10</sup> (excess shares).</p>
	Existing Measures	:	<p><i>Companies Act 2016</i> [Act 777]</p> <p><i>Securities Industry (Central Depositories) Act 1991</i> [Act 453]</p> <p><i>Securities Industry (Central Depositories) (Foreign Ownership) Regulations 1996</i> [P.U.(A) 513/96]</p>

<sup>10</sup> For example, a company may still grant certain entitlements i.e. dividend payment to the foreigner holding the excess shares but such foreigner may not be entitled to vote. For the purposes of this entry, the term “foreigner” can be found in the *Securities Industry (Central Depositories) (Foreign Ownership) Regulations 1996* [P.U.(A) 513/96].

28	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.3 and Article 11.4)  Market Access (Article 8.5)
	Description	:	<u>Cross-Border Trade in Services and Investment</u>  Malaysia reserves the right to adopt or maintain any measure with respect to securities to be listed or listed on a stock exchange, and any matter relating to the acquisition of interests or take-overs and mergers.
	Existing Measures	:	<i>Capital Market and Services Act 2007</i> [Act 671]  <i>Companies Act 2016</i> [Act 777]  The Malaysian Code on Take-overs and Mergers 2016  <i>Financial Services Act 2013</i> [Act 758]  <i>Islamic Financial Services Act 2013</i> [Act 759]

29	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u><a href="#">Cross-Border Trade in Services and Investment</a></u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to activities restricted to designated juridical persons<sup>11</sup> where such activities are liberalised to those other than the designated juridical persons, or in the event where such designated juridical persons no longer operate on a non-commercial basis.</p>
	Existing Measures	:	<p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p> <p>Policies and Ministerial Statements</p> <p>Administrative Guidelines</p>

<sup>11</sup> For illustrative purposes, examples of designated juridical persons include Padiberas Nasional Berhad (BERNAS) and Kualiti Alam Sdn. Bhd.

30	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure affecting the issuance of a licence or permit. This may include conditions imposed, numerical limitations, and non-issuance of licences.</p>
	Existing Measures	:	<p>Policies and Ministerial Statements</p> <p><i>Industrial Co-ordination Act 1975</i> [Act 156]</p> <p><i>Petroleum Development Act 1974</i> [Act 144]</p> <p>Administrative Guidelines</p>

31	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to the rights of statutory bodies<sup>12</sup>.</p>
	Existing Measures	:	<p>Policies and Ministerial Statements</p> <p>Administrative Guidelines</p>

<sup>12</sup> For illustrative purposes, examples of statutory bodies include the Employees Provident Fund and Lembaga Tabung Haji.

32	Sector	:	Mining and quarrying
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Investment</u></p> <p>Non-citizens and juridical persons owned by foreign nationals will need to seek the approval of the relevant state authority, and subject to such conditions and restrictions as may be imposed by the relevant state authority. Joint ventures with state or state-linked juridical persons may be required.</p>
	Existing Measures	:	<p><i>Mineral Development Act 1994 [Act 525]</i></p> <p><i>Mining Ordinance 1960</i></p> <p><i>Land Ordinance Cap. 68</i></p> <p>State Mineral Laws</p> <p>National Mineral Policy</p>

33	Sector	:	Agriculture
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Investment</u></p> <p>Non-citizens and juridical persons owned by foreign nationals will need to seek the approval of the relevant state authority, and are subject to such conditions and restrictions as may be imposed by the relevant state authority.</p>
	Existing Measures	:	<p><i>National Land Code</i> [Act 56 of 1965]</p> <p><i>Sarawak Land Code</i> 1958 [Cap 81]</p> <p><i>Sabah Land Ordinance</i> 1950 [Cap 68]</p> <p><i>Kelantan Agriculture Development Enactment</i> 2022</p> <p><i>Town and Country Planning Act</i> 1976 [Act 172]</p> <p><i>Plant Quarantine Act</i> 1976 [Act 167]</p> <p><i>Fisheries Act</i> 1985</p> <p><i>Trade Descriptions Act</i> 2011</p> <p><i>Food Act</i> 1983</p> <p>National Agricultural Policy</p>

	<p>Administrative Guidelines</p> <p>Customs Prohibition of Imports and Exports Orders</p>
--	---

34	Sector	:	Forestry
	Obligations Concerned	:	<p>National Treatment (Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Investment</u></p> <p>Non-citizens and juridical persons owned by foreign nationals will need to seek the approval of the relevant state authority, and are subject to such conditions and restrictions as may be imposed by the relevant state authority.</p> <p>Extraction and harvesting of timber are closed to foreign investors in Peninsular Malaysia and Sabah. However, for Sarawak, local involvement and majority local control are required. Forest areas opened for such activities are subject to an Annual Allowable Cut to enable the resources to be managed sustainably.</p> <p>Services incidental to extraction and harvesting of timber are closed to foreign investors in Peninsular Malaysia and Sabah. However, for Sarawak, the maximum foreign equity ownership allowed is 30 per cent.</p>
	Existing Measures	:	<p><i>National Forestry Act 1984</i> [Act 313]</p> <p><i>Sabah Forest Enactment 1968</i> [No. 2 of 1968]</p> <p><i>Sarawak Forest Ordinance 2015</i> [Cap. 71]</p>

		<p><i>Access to Biological Resources and Benefit Sharing Act 2017</i></p>
		<p><i>International Trade in Endangered Species Act 2008 [Act 686]</i></p>
		<p><i>Wildlife Conservation Act 2010 [Act 716]</i></p>
		<p>State Forestry Laws</p>
		<p>Administrative Guidelines</p>

35	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u><a href="#">Cross-Border Trade in Services and Investment</a></u></p> <p>Malaysia reserves the right to adopt or maintain any measure that it considers necessary for the protection of its essential security interests.</p>
	Existing Measures	:	<p><i>Strategic Trade Act 2010 [Act 708]</i>  <i>Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 [Act 613]</i>  <i>Chemical Weapons Convention Act 2005 [Act 641]</i></p> <p><i>Arms Act 1960 [Act 206]</i></p> <p><i>Explosive Act 1957 [Act 207]</i></p> <p><i>Chemical Weapons Convention Regulations 2007 [PU(A) 361/2007]</i></p> <p><i>Customs Prohibition of Imports and Exports Orders</i></p>

	<p><i>Immigration Act 1959/63 [Act 155]</i></p>
	<p><i>Employment (Restriction) Act 1968 (Revised 2017) [Act 796]</i></p>

36	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	Market Access (Article 8.5)
	Description	:	<p><u>Cross-Border Trade in Services</u></p> <p>Malaysia reserves the right to adopt or maintain any measure that is not inconsistent with Malaysia's obligations under Article XVI of GATS as set out in Malaysia's Schedule of Specific Commitments under the GATS (GATS/SC/52, GATS/SC/52/Suppl.1, GATS/SC/52/Suppl.2, and GATS/SC/52/Suppl.3), excluding Financial Services commitments.</p> <p>For purposes of this entry only, Malaysia's Schedule is subject to the following modifications:</p> <p class="list-item-l1">(a) for any sector and subsector with regard to which Malaysia's Annex I contain an entry (other than an entry with regard to "All Sectors") that does not list Market Access as one in the Obligations Concerned element, "None" is inscribed in the Market Access column for modes 1, 2, and 3, and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4;</p> <p class="list-item-l1">(b) for any sector and subsector with regard to which Malaysia's Annex I contain an entry (other than an entry with regard to "All Sectors") that lists a limitation to the Market Access obligation, that limitation is inscribed in the Market Access column with</p>

			<p>regard to the appropriate mode of supply; and</p> <p>(c) for any sector and subsector listed in Appendix II-A, Malaysia's Schedule of Specific Commitments is modified as set out in Appendix II-A.</p>
	Existing Measures	:	-

37	Sector	:	Communication services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to spectrum allocations, universal service and numbering, and electronic addressing.</p>
	Existing Measures	:	<p><i>Communications and Multimedia Act 1998</i> [Act 588]</p> <p><i>Communications and Multimedia (Licensing) Regulations 2000</i> [P.U. (A) 129/2000]</p> <p><i>Communications and Multimedia (Spectrum) Regulations 2000</i> [P.U. (A) 128/2000]</p> <p>Spectrum Plan</p> <p>Numbering and Electronic Addressing Plan (NEAP)</p>

38	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to investments and services other than those recognised or should have been recognised by the Government of Malaysia owing to the circumstances existing at the date of entry into force of this Agreement for Malaysia.</p> <p>Malaysia reserves the right to adopt or maintain any measure relating to investments and services which was not technically feasible at the date of entry into force of this Agreement for Malaysia.</p>
	Existing Measures	:	-

39	Sector	:	All sectors
	Subsector	:	-
	Obligations Concerned	:	Performance Requirements (Article 11.10)
	Description	:	<p><u>Investment</u></p> <p>Malaysia reserves the right to adopt, maintain, impose requirements, or enforce a commitment or undertaking, in connection with transfer of technology, production process, or other proprietary knowledge.</p>
	Existing Measures	:	-

40	Sector	:	Credit reporting services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.4 and Article 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u><a href="#">Cross-Border Trade in Services and Investment</a></u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to credit reporting services.</p>
	Existing Measures	:	<p><i>Central Bank of Malaysia Act 2009</i> [Act 701]</p> <p><i>Credit Reporting Agencies Act 2010</i> [Act 710]</p> <p><i>Credit Reporting Agencies (Registration) Regulation 2014</i> [P.U. (A) 142/2014]</p> <p><i>Credit Reporting Agencies (Compounding of Offences) Regulations 2014</i> [P.U. (A) 275/2014]</p> <p>Administrative Guidelines</p>

41	Sector	:	Maritime cabotage and government cargo
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 11.4)</p> <p>Most-Favoured-Nation Treatment (Article 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Board of Directors (Article 11.11)</p>
	Description	:	<p><u>Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to maritime cabotage and government cargo.</p>
	Existing Measures	:	Administrative Guidelines

42	Sector	:	Advertising for liquor and alcoholic beverages, tobacco, manufactured tobacco substitutes, and cigarettes products, including e-cigarettes, similar apparatus or devices, and components and liquids used for e-cigarettes, similar apparatus or devices
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.3 and Article 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Malaysia reserves the right to adopt or maintain any measure relating to advertising of liquor and alcoholic beverages, tobacco, manufactured tobacco substitutes, and cigarettes products, including e-cigarettes, similar apparatus or devices, and components and liquids used for e-cigarettes, similar apparatus or devices.</p>
	Existing Measures	:	<p>Control of Smoking Products for Public Health Act 2024 (Act 852)</p> <p>Content Code 2022</p> <p>Administrative Guidelines</p>

## APPENDIX II-A

For the following sectors, Malaysia's commitments under Article XVI of GATS as set out in Malaysia's Schedule of Specific Commitments under the GATS (GATS/SC/52, GATS/SC/52/Suppl.1, GATS/SC/52/Suppl.2, and GATS/SC/52/Suppl.3) are improved as described below:

<b>Sector / Sub-sector</b>	<b>Market Access Improvement</b>
<b>BUSINESS SERVICES</b>	
<b>A. Professional Services</b>	
Accounting, Auditing and Bookkeeping Services (CPC 862**)	<p>Modify mode 3 with the following limitation:</p> <p><i>“Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and the aggregate foreign interests shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Taxation services (CPC 8630)	<p>Modify mode 3 with the following limitation:</p> <p><i>“Only through a locally registered partnership or private limited company with Malaysian authorised tax agents or firms and the aggregate foreign interests shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Architectural services (CPC 8671)	<p>Modify mode 3 with the following limitation:</p>

Sector / Sub-sector	Market Access Improvement
Engineering Services (CPC 8672)	<p><i>“For multi-disciplinary practices (Architecture, Engineering, or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign directorship is not allowed.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Urban Planning Services (CPC 86741)</p> <p>Limited only to development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with view to creating and maintaining systematic, coordinated urban planning</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2.</p> <p>Mode 3 is unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Veterinary Services (CPC 932)</p> <p>Limited only to services delivered to equine animals in equestrians or turf clubs</p>	<p>Insert new commitments with no limitations for mode 2. Mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate share of foreign interest shall not exceed 51 per cent.”</i></p> <p>Mode 1 unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>

Sector / Sub-sector	Market Access Improvement
Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742**)	<p>Modify mode 3 with the following limitation:</p> <p><i>“Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent”.</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>B. Computer and Related Services</b>	
Consultancy services related to the installation of computer hardware (CPC 841)	Insert new commitments with no limitations for mode 1, mode 2 and mode 3.
Software implementation service (CPC 842)	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
Data Processing Services (CPC 843)	
Data base services (CPC 844 / 84400)	
<b>C. Research and Development Services</b>	
Research and experimental development services on cultural sciences, sociology and psychology (CPC 85201)	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate foreign shareholding</i></p>

Sector / Sub-sector	Market Access Improvement
	<p><i>in the joint venture corporation shall not exceed 51 per cent.</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Research and experimental development services on economics (CPC 85202)	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Research and experimental development services on other social sciences and humanities (CPC 85209)	<p>Modify mode 3 with the following limitation:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>

Sector / Sub-sector	Market Access Improvement
<p>Interdisciplinary research and development services (CPC 8530**)</p> <p>Covering industrial activities covering all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include:</p> <ul style="list-style-type: none"> <li>(a) quality control of products or routine testing of materials, devices, products or produce;</li> <li>(b) research in the social sciences or humanities;</li> <li>(c) routine data collection;</li> <li>(d) efficiency surveys or management studies; and</li> <li>(e) market research or sales promotion.</li> </ul>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign equity shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>E. Leasing or rental services without operator</b>	
<p>Leasing or rental services concerning goods transport without operator (CPC 83102)</p> <p>Leasing or rental services concerning furniture and other household appliances (CPC 83203)</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a representative office, regional office, or Malaysian-controlled corporation acting as an agent.”</i></p>

Sector / Sub-sector	Market Access Improvement
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
<b>F. Other Business Services</b>	
Advertising services (a) Sale or leasing services of advertising space or time (CPC 8711) (b) Planning, creating, and placement services or advertising (CPC 8712) (c) Other advertising services (CPC 8719)	Modify mode 3 with the following limitation: <i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 49 per cent.</i> <u><i>Advertisement through electronic media</i></u> <i>An advertisement must have at least 80 per cent local content and be made in Malaysia.”</i> Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
Project management services other than for construction (CPC 86601)	Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows: <i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint venture corporation is at least 51 per cent.”</i>

Sector / Sub-sector	Market Access Improvement
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
<p>Executive search services (CPC 87201**)</p> <p>Services consisting of the search for, selection and referral of executive personnel (senior administrators and managers) for employment by others. The services may be procured by the potential employer or by the prospective employee.</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint venture corporation is at least 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Subsurface surveying services</p> <p>Covering offshore 3-D seismic site surveys – 3-D seismic site surveys offshore in support of resource exploration and development (CPC 86752**)</p> <p>Surface surveying services</p> <p>Covering building surveying services only in the provision of the survey of buildings in the investigation and assessment of the construction, condition and dilapidation of buildings, including diagnosis of building defects, costs of repair and guidance on remedial works for the commercial and industrial subsector of the property (real estate) sector (CPC 86753**)</p>	<p>Insert new commitments with no limitations for mode 2.</p> <p>Mode 1 and mode 3 are unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>

Sector / Sub-sector	Market Access Improvement
<p>Surface surveying services</p> <p>Covering quantity surveying (cost engineering) specialist services in the provision of arbitration or litigation, tax depreciation, pre and post contract audits, technical due diligence, resource analysis, and constructability analysis (CPC 86753**)</p>	
<p>Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8866**)</p> <p>Covering medical, precision and optical instruments, watches, and clocks</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint venture corporation is at least 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Packaging Services (CPC 8760**)</p> <p>Excludes services that consist solely of printing information on packaging materials</p>	<p>Insert new commitments with no limitations for mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.”</i></p> <p>Mode 1 is unbound.</p>

Sector / Sub-sector	Market Access Improvement
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
<p>Convention Centre (CPC 87909**)</p> <p>(Convention and exhibition management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events)</p>	<p>Modify mode 3 with the following limitation:</p> <p><i>a. 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 30 per cent.</i></p> <p><i>b. For Convention Centres with over 3,000 seating capacity, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35 %.</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>COMMUNICATIONS SERVICES</b>	
<p>Courier services (CPC 7512**)</p> <p>Courier services in respect of documents and parcels, excluding letters and postcards</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.</i></p>

Sector / Sub-sector	Market Access Improvement
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
<b>DISTRIBUTION SERVICES</b>	
Commission agents' services (CPC 621**)  Only for textiles, clothing, and footwear	Insert new commitments with no limitations for mode 2, mode 3 is limited as follows:  <i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint venture corporation is at least 51 per cent.”</i>  Mode 1 is unbound.  Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
Sales of motor vehicles (CPC 6111)  Sales of parts and accessories of motor vehicles (CPC 6113)  Sales of motorcycles and snowmobiles and related parts and accessories (CPC 6121)  Retail sales of motor fuel (CPC 6130)	Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:  <i>“Entry is limited to:</i>  (a) <i>Equity Structure</i> <i>The aggregate foreign equity shall not exceed 30 per cent, while local shareholding in the joint venture corporation must comprise 30 per cent Bumiputera equity.</i>  (b) <i>Minimum Capital Requirement</i>

Sector / Sub-sector	Market Access Improvement
Wholesale trade services of pharmaceutical and medical goods and cosmetics (CPC 6225)	<i>Minimum foreign capital investment requirement in respective business type of formats are as per Guidelines.”</i>
Wholesale trade services of intermediate products, other than agricultural; wholesale trade services of waste and scrap and materials for recycling (CPC 6227)	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
Wholesale trade services of agricultural raw materials and live animals (CPC 6221)	Insert new commitments with no limitations for mode 1 and mode 2.  Mode 3 is limited as follows:
Wholesale trade services of household appliances, articles, and equipment (CPC 6224)	“ <i>Entry is limited to:</i>  (a) <i>Equity Structure</i> <i>The aggregate foreign equity shall not exceed 51 per cent, while local shareholding in the joint venture corporation must comprise 30 per cent Bumiputera equity.</i>
Wholesale trade services of machinery, equipment, and supplies (CPC 6228)	(b) <i>Minimum Capital Requirement</i> <i>Minimum foreign capital investment requirement in respective business type of formats are as per Guidelines.”</i>
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
<b>EDUCATION SERVICES</b>	

Sector / Sub-sector	Market Access Improvement
<p>Adult education services provided by privately funded education institutions excluding private education institutions with Government equity or that receive government assistance (CPC 924**)</p> <p>Other Higher Education Services Provided by privately funded higher education institutions excluding private higher education institutions with Government equity or that receive government assistance (CPC 92390**)</p>	<p>Insert new commitments with no limitations for mode 2, mode 1 is limited as follows:</p> <p><i>“Unbound except for requirements for commercial presence”</i></p> <p>Mode 3 is limited as follows:</p> <p><i>“Only through a joint-venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>ENVIRONMENTAL SERVICES</b>	
<p>Refuse disposal services</p> <p>Covering private industrial waste management services covering treatment and disposal services (CPC 9402**)</p>	<p>Insert new commitments with no limitations for mode 2, mode 3 is limited as follows:</p> <p><i>“Only through approval of the National Solid Waste Management Technical Evaluation Committee and approved license from the National Solid Waste Management Department. The aggregate foreign equity shall not exceed 51 per cent.”</i></p> <p>Mode 1 is unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Wastewater management	Insert new commitments with no limitations for mode 2, mode 3 is limited as follows:

Sector / Sub-sector	Market Access Improvement
<p>Covering only removal, treatment, and disposal of industrial effluents</p> <p>Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, provincial, district, or municipalities, or contracted out by them. (CPC 9401**)</p>	<p><i>“Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.”</i></p> <p>Mode 1 is unbound.</p>
<p>Refuse disposal services</p> <p>Covering solid waste disposal services, only for:</p> <ul style="list-style-type: none"> <li data-bbox="287 983 795 1057">(a) integrated biomass treatment facility services; and</li> <li data-bbox="287 1096 795 1423">(b) the services provider must be equipped with high technology specifically built for biomass solid waste disposal services and fulfil all environmental safety requirements. The product will be used as a new material for energy purposes.</li> </ul> <p>(CPC 9402**)</p>	<p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Protection of ambient air climate</p> <p>Covering only services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes</p> <p>Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district, or</p>	

Sector / Sub-sector	Market Access Improvement
<p>municipalities, or contracted out by them. (CPC 9404** – corresponds to cleaning services of exhaust gases)</p> <p>Noise abatement services</p> <p>Covering only monitoring programmes, and installation of noise reduction and screen in residential, commercial, and industrial premises</p> <p>Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district, or municipalities, or contracted out by them. (CPC 9405**)</p> <p>Nature and landscape protection services covering only contaminated soil clean-up and remediation</p> <p>Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state, district, or municipalities, or contracted out by them. (CPC 94060**)</p>	
<b>HEALTH RELATED AND SOCIAL SERVICES</b>	
<p>Ambulance services (CPC 93192**)</p> <p>Covering only services provided through a vehicle equipped for transporting patients to the hospital</p>	<p>Insert new commitments with no limitations for mode 2. Mode 1 and mode 3 are unbound. Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>

Sector / Sub-sector	Market Access Improvement
Private hospital services (CPC 93110**)	<p>Modify mode 3 with the following limitation:</p> <p><i>“Economic needs test; 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 corporations shall not exceed 40 per cent; and</i></p> <p><i>The joint-venture corporation shall operate a hospital with a minimum of 100 beds.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>TOURISM AND TRAVEL RELATED SERVICES</b>	
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641**, 642**, 643**)	<p>Modify existing commitments with no limitations for mode 1 and 2, mode 3 is limited as follows:</p> <p><i>“a. Entry for service activities under CPC 641, 642, 643 is permitted 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 30 per cent;</i></p> <p><i>b. For CPC 64110 covering 4 &amp; 5 star establishments, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-</i></p>

Sector / Sub-sector	Market Access Improvement
	<p><i>venture corporation shall not exceed 35 %.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Travel agencies and tour operators services for inbound travel only (CPC 7471**)</p>	<p>Modify mode 3 with the following limitation:</p> <p><i>“Joint venture with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 51 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>	
<p>Theme Parks (CPC 96194**)</p> <p>(A family based recreational area/amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)</p>	<p>Modify mode 3 with the following limitation:</p> <p><i>“Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 35%.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>

Sector / Sub-sector	Market Access Improvement
<p>Other sports and recreational sports services (CPC 96590**)</p> <p>Covering only internet and mobile gaming services</p> <p>For greater certainty, gaming services do not include gambling and betting.</p>	<p>Modify existing commitments with no limitations for mode 1 and mode 2.</p> <p>Mode 3 is unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>TRANSPORT SERVICES</b>	
<b>A. Maritime Transport Services</b>	
<p>International passenger/freight transportation services (Services excludes cabotage and government cargo)</p> <ul style="list-style-type: none"> <li>• Passenger transportation (CPC 7211)</li> <li>• Freight transportation (CPC 7212)</li> </ul>	<p>Modify mode 3 with the following limitation:</p> <p><i>“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 49 per cent (foreign equity).</i></p> <p><i>Malaysian registered vessels</i></p> <p><i>To register a vessel in Malaysia, the following conditions must be met:</i></p> <ol style="list-style-type: none"> <li>1) <i>Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia;</i></li> <li>2) <i>Majority shareholding to be held by Malaysians;</i></li> <li>3) <i>Majority of the board of directors to be Malaysians; and</i></li> </ol>

Sector / Sub-sector	Market Access Improvement
	<p><i>4) Principal place of business to be in Malaysia.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p>Rental of cargo vessels with crew for international shipping (CPC 7213)</p> <p>Rental of cargo Vessels without crew (Bareboat Charter) for international shipping (CPC 83103**) (Relating to ships exclude cabotage and offshore trades)</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“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 49 per cent (foreign equity).”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<p><b>f. Supporting services for maritime transport</b></p>	
<p>Vessel salvage and refloating services (CPC74540**) (except on inland waters)</p>	<p>Modify mode 3 with the following limitation:</p> <p><i>“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 49 per cent (foreign equity).”</i></p>

Sector / Sub-sector	Market Access Improvement
	Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).
Maritime agency services covering marketing and sales of maritime transport and related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 7454**)	<p>Modify mode 3 with the following limitation:</p> <p><i>“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 49 per cent”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
Maintenance and repair vessels (CPC 8868**)  (these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels)	<p>Insert new commitments with no limitations for mode 2, mode 1 is limited as follows:</p> <p><i>“Unbound (due to the lack of technical feasibility)”</i></p> <p>Mode 3 is limited as follows:</p> <p><i>“Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Foreign equity allowable up to maximum of 49 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9</p>

Sector / Sub-sector	Market Access Improvement
	(Temporary Entry for Business Persons).
<b>C. Air Transport Services</b>	
<p>Selling and marketing of air transport services (Opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. The activities do not include the pricing of air transport services nor the applicable conditions).</p> <p>Computer reservation system services (Services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued)</p> <p>Aircraft Repair and Maintenance Services (such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and does not include so-called line maintenance)</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2.</p> <p>Mode 3 is unbound.</p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>
<b>H. Services Auxiliary to All Modes of Transport</b>	
<p>Maritime freight forwarding services (Consist of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information)</p>	<p>Insert new commitments with no limitations for mode 1 and mode 2, mode 3 is limited as follows:</p> <p><i>“Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Foreign equity</i></p>

Sector / Sub-sector	Market Access Improvement
	<p><i>allowable up to maximum of 49 per cent.”</i></p> <p>Mode 4 is unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons).</p>