

ANNEX II
SCHEDULE OF SPECIFIC COMMITMENTS FOR SERVICES

VIET NAM

EXPLANATORY NOTES

1. Letters indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120 dated 10 July 1991).
2. The alphabetical and numerical divisions are only indicative of the description of specific commitments, but shall not be construed as being a part of the specific commitments.
3. 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. “CPC codes” means the codes as used in 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).
4. For greater certainty, in accordance with Article 8.12 (Transition), Viet Nam reserves the rights to adopt or maintain any measure affecting the supply of services when making commitments with respect to Article 8.11 (Local Presence), Article 10.6 (Prohibition of Performance Requirements), and Article 10.7 (Senior Management and Board of Directors) under the transition process.
5. For greater certainty, consistent with paragraph 3 of Article 8.12 (Transition), nothing in this Agreement shall be construed to require Viet Nam to make Most-Favoured-Nation (MFN) commitments on sectors or subsectors other than those marked with “MFN” in this Schedule under the transition process.
6. Viet Nam reserves the right to adopt or maintain any measure with respect to all sectors not identified in this Schedule, including new services.
7. For greater certainty, notwithstanding subparagraph 3(e)(iv) through (vi) of Article 8.2 (Scope), Viet Nam reserves the right to adopt or maintain any measure relating to specialty air services, ground handling services, and airport operation services.
8. For greater certainty, Viet Nam does not recognise permanent residents as natural persons according to its laws and regulations.
9. For greater certainty, paragraphs 3 and 4 of Article 8.7 (Schedules of Specific Commitments), and subparagraph 1(a) of Article 8.6 (Most-Favoured-Nation Treatment) shall only apply to sectors or subsectors which have “FL” and “MFN” indicated, respectively.
10. The mode for the supply of a service referred to in subparagraph (r)(iv) of Article 8.1 (Definitions) shall not be subject to obligations under Article 8.6 (Most-Favoured-Nation Treatment), paragraphs 3 and 4 of Article 8.7 (Schedules of Specific Commitments), and Article 8.10 (Transparency List).

11. Unbound* means unbound due to lack of technical feasibility.

ANNEX II
SCHEDULE OF SPECIFIC COMMITMENTS FOR SERVICES
VIET NAM

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) Unless otherwise specified in each specific sector or subsector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business cooperation contract¹, joint venture enterprise, 100 per cent foreign-invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities².</p> <p>Unless otherwise indicated in each specific sector or subsector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership,</p>	<p>(3) Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidisation to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p>	

¹ "Business cooperation contract" (BCC) is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Viet Nam without creating a legal entity.

² Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek and promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>operation and juridical form, and scope of activities as set out in the respective licences or other form of approval establishing or authorising the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement.</p> <p>Depending on land use purpose for implementing investment projects that foreign-invested enterprise shall be permitted by Viet Nam to allocate land with land use fee, to lease land with full one-off rental payment for the entire lease period or an annual land rental payment. Term of land use is determined by the duration of the investment projects and stated in the investment licence; at the expiry of the term, if the foreign-invested enterprises are still in need of using land, Viet Nam will consider an extension in accordance with the permitted extension duration of implementing the investment projects.</p> <p>Foreign service suppliers are permitted to make capital</p>		

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30 per cent of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorised by Viet Nam's competent authority.</p> <p>For the other sectors and subsectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.</p>		
	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons						
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments			
II. SECTOR-SPECIFIC COMMITMENTS						
1. BUSINESS SERVICES						
A. Professional Services						
(a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	(1) None	(1) None				
	(2) None (3) Foreign lawyers organisations ³ are permitted to establish commercial presence in Viet Nam in the following forms: • branches of foreign lawyers organisations; • subsidiaries of foreign lawyers organisations; • foreign law firms ⁴ ; • partnerships between foreign lawyers organisations and Viet Nam's law partnerships. Commercial presences of foreign lawyers organisations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to	(2) None (3) None				

³ A "foreign lawyers organisation" is an organisation of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations) by one or more foreign lawyers or law firms.

⁴ "Foreign law firm" is an organisation established in Viet Nam by one or more foreign lawyers organisations for the purpose of practicing law in Viet Nam.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>like Vietnamese law practitioners.</p> <p>Foreign lawyers organisations must commit and ensure to have at least two foreign lawyers including Chief of branch, Director of foreign law firm, presenting and practicing in Viet Nam for at least 183 days within any 12 consecutive months.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(b) Accounting and auditing and bookkeeping services (CPC 862)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(c) Taxation services (CPC 863)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific</p>	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Commitments on Temporary Movement of Natural Persons).	Commitments on Temporary Movement of Natural Persons).	
(d) Architectural services (CPC 8671)	<ul style="list-style-type: none"> (1) None (2) None (3) Foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons). 	<ul style="list-style-type: none"> (1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons). 	
(e) Engineering services (CPC 8672)	<ul style="list-style-type: none"> (1) None (2) None (3) Foreign enterprises have to be juridical persons of another Party. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary 	<ul style="list-style-type: none"> (1) None (2) None (3) The supply of services related to topographical, geotechnical, hydro geological and environmental surveys, technical surveys for urban-rural development planning, and sectoral development planning are subject to the authorisation of the Government of Viet Nam⁵. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary 	

⁵ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV *bis* of GATS.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
		Movement of Natural Persons).		Movement of Natural Persons).	
(f) Integrated engineering services (CPC 8673)		(1) None		(1) None	
		(2) None		(2) None	
		(3) Foreign enterprises have to be juridical persons of another Party.		(3) The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorisation of the Government of Viet Nam ⁶ .	
		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
(g) Urban planning and urban landscape architectural services (CPC 8674) (excluding services incidental to development of project planning, construction, project supervision, maintenance, renovation and restoration of relics)		(1) None		(1) None	
		(2) None		(2) None	
		(3) Foreign enterprises have to be juridical persons of another Party.		(3) The responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognised by Viet Nam. In some areas, subject to the Vietnamese laws and regulations for national security	

⁶ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of GATS.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
				and social stability purposes, foreign service suppliers may not be permitted to provide this service ⁷ .	
		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
(i) Veterinary services (CPC 932) ⁸		(1) None		(1) None	
		(2) None		(2) None	
		(3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorisation by the veterinary authorities.		(3) None	
		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	

⁷ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of GATS.

⁸ Excluding keeping micro-organism strain for veterinary.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
B. Computer and Related Services					
Computer and Related Services (CPC 841-845, 849)		(1) None (2) None (3) None Branching is allowed (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(1) None (2) None (3) The chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
C. Research and Development (R&D) Services					
(a) R&D services on natural sciences (CPC 851)		(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
D. Real Estate Services					
Residential property management services on a fee or contract basis ⁹ (CPC 82201)		(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in		(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in	

⁹ Including activities, whereby an organisation or a person involved in residential property service business is authorised by the owner and/or user of the residential properties (including single dwelling houses, town houses, multi-unit apartment buildings, or multiple use buildings which are primarily residential) through a contract to conduct the maintenance, operation, and exploitation (including sale, renting, leasing or appraising) of residential properties.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
Non-Residential property management services on a fee or contract basis ¹⁰ (CPC 82202)	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
E. Rental or Leasing Services without Operators			
(b) Relating to aircraft (CPC 83104)	(1) None FL (2) None FL (3) None FL (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None FL (2) None FL (3) None FL (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
(c) Relating to other transport equipment Relating to rail transport equipment (CPC 83105**)	(1) Unbound (2) None (3) Foreign service suppliers are only permitted to provide	(1) Unbound (2) None (3) As indicated in the "Limitations on Market Access" column	

¹⁰ Including activities, whereby an organisation or a person involved in non-residential property service business is authorised by the owner and/or user of the non-residential properties (including single dwelling houses, town houses, multi-unit apartment buildings, or multiple use buildings which are primarily non-residential) through a contract, to conduct the maintenance, operation, and exploitation (including sale, renting, leasing or appraising) of non-residential properties.

Property management services concerning agricultural, forest, and similar properties on a fee or contract basis are excluded.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 70 per cent.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(d) Relating to other machinery and equipment (CPC 83109) (limited to industrial machinery and equipment)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
F. Other Business Services					
(a) Advertising services (CPC 871, excluding advertising for cigarettes)		(1) None (2) None (3) Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorised to do advertising services. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
(b) Market research services (CPC 864, excluding 86402)		(1) None (2) None (3) Joint ventures shall be allowed with foreign capital contribution not exceeding 51 per cent of the legal capital of the joint venture. 100 per cent foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
(c) Management consultant		(1) None FL, MFN	(1) None FL, MFN		

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 865)	<p>(2) None FL, MFN</p> <p>(3) None Branching is allowed FL, MFN</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(2) None FL, MFN</p> <p>(3) The chief of the branch has to be a resident in Viet Nam. FL, MFN</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(d) Services related to management consulting - (CPC 866, except CPC 86602) - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	<p>(1) None</p> <p>(2) None</p> <p>(3) None Branching is allowed</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) The chief of the branch has to be a resident in Viet Nam.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Packaging services for food products (CPC 876**)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except joint venture with the foreign capital contribution not exceeding 49 per cent shall be permitted and only limited to packaging services for products manufactured from industrial zones.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the "Limitations on Market Access" column</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific</p>	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Commitments on Temporary Movement of Natural Persons).	Commitments on Temporary Movement of Natural Persons).	
Packaging services for household cleaners (CPC 876**)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except joint venture with the foreign capital contribution not exceeding 49 per cent shall be permitted and only limited to packaging services for products manufactured from industrial zones.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the "Limitations on Market Access" column</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Packaging services for hardware (CPC 876**)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except joint venture with the foreign capital contribution not exceeding 49 per cent shall be permitted and only limited to packaging services for products manufactured from industrial zones.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the "Limitations on Market Access" column</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary</p>	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Movement of Natural Persons).	Movement of Natural Persons).	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership three years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
(f) Services incidental to agriculture, hunting and forestry (CPC 881) ¹¹	(1) None (2) None (3) Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51 per cent of the legal capital of the joint venture. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None (2) None (3) Access to certain geographical areas may be restricted. ¹² (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
(h) Services incidental to mining (CPC 883)	<ol style="list-style-type: none"> 1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore or marine support vessels, accommodation and catering, helicopter services. 2. The commitments specified hereunder are made without prejudice to Viet Nam's rights to set out the necessary laws, regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under GATS. 			
	(1) Companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.	(1) As indicated in "Limitations on Market Access" column.		

¹¹ Excluding services relating to investigation, evaluation, and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, microbial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

¹² For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of GATS.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) None</p> <p>(3) Joint ventures with foreign capital contribution not exceeding 51 per cent shall be permitted. 100 per cent foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(2) None</p> <p>(3) As indicated in "Limitations on Market Access" column.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(i) Services incidental to manufacturing (CPC 884 and 885)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only joint ventures with foreign capital contribution not exceeding 50 per cent shall be permitted. 100 per cent foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(m) Related scientific and technical consulting services ¹³ (CPC 86751, 86752 and 86753 only)	(1) Companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under	(1) As indicated in "Limitations on Market Access" column.	

¹³ The supply of services related to prospecting, surveying, exploration, and exploitation is subject to the applicable laws and regulations of Viet Nam.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None</p> <p>(3) Joint ventures with foreign capital contribution not exceeding 51 per cent shall be permitted. 100 per cent foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(2) None</p> <p>(3) As indicated in "Limitations on Market Access" column.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	<p>(1) None</p> <p>(2) None</p> <p>(3) Joint ventures with foreign capital contribution not exceeding 51 per cent shall be permitted. 100 per cent foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in "Limitations on Market Access" column.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
2. COMMUNICATION SERVICES						
B. Courier Services (CPC 7512**) * Express delivery services ¹⁴ , i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication ¹⁵ , on any kind of physical medium, including: - Hybrid mail service; - Direct mail. Except for the handling of items of written communication the price of which is less than: - 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments; - US\$9 for international shipments; Provided that the gross weight of these items is less than 2,000 grams. (b) Parcels ¹⁶ and other goods. * Handling of non-addressed items.	(1) None. ¹⁷ FL, MFN (2) None. FL, MFN (3) 100 per cent foreign-invested enterprises shall be permitted. FL, MFN (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None. FL, MFN (2) None. FL, MFN (3) None. FL, MFN (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).			Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.	

¹⁴ Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

¹⁵ Written communication includes letters, postcards, handwriting, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

¹⁶ Books, catalogues are included hereunder.

¹⁷ The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments		
C. Telecommunication Services							
Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities-based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non-facilities-based service supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).							
<u>Basic telecommunication services</u> (a) Voice telephone services (CPC 7521)		(1) <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None		Viet Nam undertakes the obligations in the Reference Paper attached hereto.		
(b) Packet-switched transmission (CPC 7523**)	data services				For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. Indefeasible Right of Use (IRU) or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international Virtual Private Network (VPN) and Internet Exchange Service (IXP) service suppliers licensed in Viet Nam.		
(c) Circuit-switched transmission (CPC 7523**)	data services	<i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:					
(d) Telex (CPC 7523**)	services						
(e) Telegraph (CPC 7523**)	services						
(f) Facsimile services (CPC 7521** + 7529**)	services	- Off-shore or on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisations' representative offices, diplomatic representatives					
(g) Private leased circuit services (CPC 7522** + 7523**)							

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
(o*) Other services - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting ¹⁸ - Radio based services includes: • Mobile telephone (terrestrial and satellite) • Mobile data (terrestrial and satellite) • Paging • Personal Communications Service (PCS) • Trunking • Internet Exchange Service (IXP) ¹⁹	and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies ²⁰ , which are licensed to use satellite-earth stations. (2) None (3) - <i>Non-facilities-based services</i> : Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65 per cent of legal capital of the joint ventures. - <i>Facilities-based services</i> : Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49 per cent of legal capital of the joint ventures. - 51 per cent gives management control of the	(2) None (3) None		

¹⁸ Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of television and radio programme signals to the general public, but does not cover contribution links between operators.

¹⁹ Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

²⁰ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least five years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>joint venture.</p> <ul style="list-style-type: none"> - In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy. <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
<p>(o*) Other services</p> <ul style="list-style-type: none"> • Virtual Private Network (VPN)²¹ 	<p>(1) <i>Wire-based and mobile terrestrial</i> services: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese</p>	<p>(1) None</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in</p>

²¹ Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organisation, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the competent authority and subject to its oversight. VPN service suppliers shall notify to the competent authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the competent authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry or transfer traffic of or between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services (h) through (n).

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> - Off-shore or on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; <p>Multinational companies²², which are licensed to use satellite-earth stations.</p> <p>(2) None</p> <p>(3) - <i>Non-facilities-based services</i>: Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70 per cent of legal capital of the joint ventures.</p>	<p>(2) None</p> <p>(3) None</p>	<p>Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.</p>

²² A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least five years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> - <i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49 per cent of legal capital of the joint ventures. <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Value-added services</u>			
(h) Electronic (CPC 7523 **)	mail	(1) <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None
(i) Voice (CPC 7523 **)	mail		
(j) On-line information and database retrieval (CPC 7523**)	retrieval	<i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:	
(k) Electronic data interchange (EDI) (CPC 7523**)		<ul style="list-style-type: none"> - Off-shore or on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; 	
(l) Enhanced or value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)		<ul style="list-style-type: none"> - Multinational companies²³, which are licensed to use satellite-earth stations. 	
(m) Code and protocol conversion			
(n) On-line information and data processing (including transaction processing) (CPC 843**)			

²³ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least five years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) None</p> <p>(3) <i>Non-facilities-based services</i>: Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65 per cent of legal capital of the joint ventures.</p> <p><i>Facilities-based services</i>: Business cooperation contracts or joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50 per cent of legal capital of the joint ventures.</p> <p>51 per cent gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary</p>	<p>(2) None</p> <p>(3) None</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary</p>

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
		Movement of Natural Persons).		Movement of Natural Persons).	
<u>Value added services</u>		(1) <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.	
(o) Other	• Internet Access Services (IAS) ²⁴	<p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> - Off-shore or on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organisations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies²⁵, 			

²⁴ Services providing internet access to the end users.

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
	<p>which are licensed to use satellite-earth stations.</p> <p>(2) None</p> <p>(3) <i>Non-facilities-based services:</i> Joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 65 per cent of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50 per cent of legal capital of the joint ventures.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(2) None</p> <p>(3) None</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

D. Audiovisual Services

With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.

(a) Motion picture production (CPC 96112, excluding video)	(1) Unbound (2) Unbound	(1) Unbound (2) Unbound	
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²⁵ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least five years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
tape)	<p>(3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution may not exceed 51 per cent of the legal capital of the joint venture.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Motion picture distribution (CPC 96113, excluding video tape)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51 per cent of the legal capital of the joint venture.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(b) Motion picture projection service (CPC 96121)	<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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51 per cent of legal capital.</p> <p>Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(e) Sound recording	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
3. CONSTRUCTION SERVICES					
A. General construction work for building (CPC 512)		(1) Unbound* (2) None		(1) Unbound* (2) None	
B. General construction work for civil engineering (CPC 513)		(3) Foreign enterprises have to be juridical persons of another Party.		(3) The chief of the branch has to be a resident in Viet Nam.	
C. Installation and assembly work (CPC 514, 516)		Branching is allowed.			
D. Building completion and finishing work (CPC 517)		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
E. Other (CPC 511, 515, 518)					

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments			
4. DISTRIBUTION SERVICES							
<u>Measures applicable to all subsectors in Distribution Services:</u>							
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1)	Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.	(1)	Unbound, except as indicated in Mode 1 in "Limitations on Market Access" column.			
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)	(2)	None	(2)	None			
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) ²⁷	(3)	Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first	(3)	None			

²⁶ For the purposes of this Schedule, "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule, or powdered form.

²⁷ For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
		<p>one) shall be allowed on the basis of an Economic Needs Test (ENT)²⁸.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>		<p>(1) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
D. Franchising services (CPC 8929)		<p>(1) None</p> <p>(2) None</p> <p>(3) None. Branching is allowed.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>		<p>(1) None</p> <p>(2) None</p> <p>(3) The chief of the branch has to be a resident in Viet Nam.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

²⁸ Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market, and geographic scale.

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons						
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments			
5. EDUCATION SERVICES						
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.						
With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.						
B. Secondary education services (CPC 922)	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).				
C. Higher education services (CPC 923)	(1) Unbound (2) None	(1) Unbound (2) None				
D. Adult education (CPC 924)	(3) None	(3) Foreign teachers who wish to work in foreign-invested schools shall have at least five years of teaching experience, and their qualifications shall be recognised by the competent authority.				
E. Other education services (CPC 929 including foreign language training)	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).				

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments		
6. ENVIRONMENTAL SERVICES							
Access to certain geographic areas may be restricted for national security reasons ²⁹ .							
A. Sewage services (CPC 9401)		(1) None (2) None (3) Confirming that services supplied in the exercise of governmental authority as defined in subparagraph (o) of Article 8.1 (Definitions) may be subject to public monopolies or exclusive rights granted to private operators. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).		
B. Refuse disposal services (CPC 9402)		(1) Unbound, except related consulting services. (2) None (3) Confirming that services supplied in the exercise of governmental authority as defined in subparagraph (o) of Article 8.1 (Definitions) may be subject to public monopolies or exclusive rights granted to private operators. For the purpose of ensuring	(1) None (2) None (3) None		Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).		

²⁹ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV *bis* of GATS.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Sanitation and similar services (CPC 9403)	<p>(1) None</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Nature and landscape services (CPC 9406)	<p>(1) None</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. Other services</p> <ul style="list-style-type: none"> - Cleaning services of exhaust gases (CPC 94040) - Noise abatement services (CPC 94050) 	<p>(1) Unbound, except related consulting services.</p> <p>(2) None</p> <p>(3) Confirming that services supplied in the exercise of governmental authority as defined in subparagraph (o) of Article 8.1 (Definitions) may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
<p>- Environmental assessment impact services (CPC 94090*)</p>	<p>(1) None. FL, MFN</p> <p>(2) None. FL, MFN</p> <p>(3) None. FL, MFN</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None. FL, MFN</p> <p>(2) None. FL, MFN</p> <p>(3) None. FL, MFN</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
7. FINANCIAL SERVICES				
1.	In accordance to Article 8.12 (Transition), when submitting a proposed Schedule of Non-Conforming Measures, Viet Nam reserves the right to adopt or maintain any measure affecting the supply of financial services with respect to Article 8.6 (Most-Favoured-Nation Treatment), Article 10.5 (Treatment of Investment), Article 10.6 (Prohibition of Performance Requirements), and Article 10.7 (Senior Management and Board of Directors), and Viet Nam reserves the right to adopt or maintain any measure with respect to Article 8.4 (National Treatment), Article 10.3 (National Treatment), and Article 8.5 (Market Access), except as specified in this Schedule and subject to the limitations, conditions, and qualifications specified therein.			
2.	To clarify Viet Nam's commitments with respect to Article 8.5 (Market Access), juridical persons supplying financial services and constituted under the laws of Viet Nam are subject to non-discriminatory limitations on juridical form.			
3.	Without prejudice to other means of prudential regulation, Viet Nam reserves the right to require licensing or registration of financial service suppliers and of financial instruments.			
4.	Viet Nam reserves the right to adopt or maintain limitations concerning admission to the market of new financial services where such measures are required for prudential reasons. Viet Nam may determine the institutional and juridical form through which a new financial service may be supplied and may require authorisation for the supply of the service.			
5.	Viet Nam reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraphs (r)(i), (r)(ii) and (r)(iv) of Article 8.1 (Definitions) for banking and other financial services, except as set out in this Schedule and:			
a.	Viet Nam shall permit a financial service supplier of another Party to supply, via cross-border supply as defined in subparagraph (r)(i) of Article 8.1 (Definitions) and under terms and conditions that accord national treatment, the following services: provision and transfer of financial information and financial data processing as referred to in subparagraph (b)(xv) of Article 1 (Definitions) of Annex 8A (Financial Services) and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (b)(xvi) of Article 1 (Definitions) of Annex 8A (Financial Services).			
b.	Viet Nam shall permit its residents to purchase in the territory of any other Party the financial services indicated in subparagraphs (b)(v) to (xvi) of Article 1 (Definitions) of Annex 8A (Financial Services).			
6.	Viet Nam reserves the right to adopt or maintain any measure with respect to the supply of financial services by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).			
7.	Except as set out in this Schedule, Viet Nam reserves the right to adopt or maintain any measure including but not limited to the following:			
a.	The equitisation of state-owned commercial banks and restructuring process of credit institutions in Viet Nam.			

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments	
	b. Viet Nam may grant advantages or exclusive rights to one or more development financial institutions, co-operative banks, people's credit funds and microfinance institutions including but not limited to Viet Nam Bank for Social Policies, Viet Nam Development Bank, Co-operative Bank of Viet Nam, Bank for Agriculture and Rural Development of Viet Nam, and Mortgage Refinance Bank.	c. Without limiting Viet Nam's obligations under Article 3 (New Financial Services) of Annex 8A (Financial Services), Viet Nam may impose a pilot testing programme for a new financial service and in doing so may impose either a cap on the number of financial service suppliers that may participate in a pilot testing programme or restrictions on scope of pilot testing programme.	d. Viet Nam reserves the right to adopt or maintain any measure including but not limited to financial support, such as government-supported loans, guarantees and insurance with respect to activities for a public purpose: income security and insurance, social security, social welfare, social development, social housing, poverty reduction, public education, public training, health, childcare, promoting the welfare and employment of ethnic minorities and people living in disadvantaged areas, small and medium enterprises' development, and granting of one-time subsidisation to promote and facilitate the process of equitisation.	e. Equity held by a foreign strategic investor and its affiliated persons in each Viet Nam's joint-stock commercial bank may not exceed 20 per cent of the bank's chartered capital. In special cases to implement the restructuring of weak credit institutions for the sound banking system, the Prime Minister shall decide the total shareholding of foreign investors in a restructured weak credit institution that may exceed the set ceiling proportion on a case by case basis.	f. A foreign bank branch shall not be permitted to: (i) either contribute capital or purchase shares; (ii) carry out activities that the foreign bank is not allowed to conduct in its home country; and (iii) open a transaction point in any form outside its location which is stated in the establishment licence. Prudential ratios of a foreign bank branch in Viet Nam must be calculated based on its regulatory capital, which must be located in Viet Nam.

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
A. Insurance and Insurance-Related Services					
a. Direct insurance (a) Life insurance, excluding health insurance services (b) Non-life insurance services	(1) None for: - Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to: ▪ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and ▪ goods in international transit; - Insurance broking and reinsurance broking services; - Consultancy, actuarial, risk assessment and claim settlement services.	(1) None			
b. Reinsurance and retrocession	(2) None	(2) None			
c. Insurance intermediation (such as brokerage and agency)	(3) None	(3) None			
d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	Non-life branches of foreign				

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments			
		<p>insurance enterprises shall be permitted, subject to prudential regulations.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>				
B. Banking and Other Financial Services							
<p>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of GATS, paragraph 2(a) of Annex on Financial Services of GATS, and Annex 8A (Financial Services).</p> <p>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.</p>							
<p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None</p> <p>(3) (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <p>(i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50 per cent of</p>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None</p> <p>(3) (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:</p> <p>The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</p>					

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument including products such as swaps, forward rate agreements; - Bullion.	chartered capital, joint venture financial leasing company, 100 per cent foreign-invested financial leasing company, joint venture finance company and 100 per cent foreign-invested finance company, and 100 per cent foreign-owned banks. (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100 per cent foreign-invested finance company, joint venture financial leasing company, and 100 per cent foreign-invested financial leasing company. (iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company, and 100 per cent foreign-invested financial leasing company.		
(h) Money broking			
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services			
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments			
(k) Provision and transfer of financial information, and financial data processing and	(b) Equity participation: (i) Viet Nam may limit equity participation by foreign	(b) The conditions for the establishment of a joint venture bank or a 100 per cent foreign-owned bank:	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>related software by suppliers of other financial services</p> <p>(I) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p>	<p>credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</p> <p>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30 per cent of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorised by a Viet Nam's competent authority.</p> <p>(c) A branch of foreign commercial bank is not allowed to open other transaction points outside its branch office.</p> <p>(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p>	<ul style="list-style-type: none"> - The parent bank has total assets of more than US\$10 billion at the end of the year prior to application. <p>(c) The conditions for the establishment of a 100 per cent foreign-invested finance company or a joint venture finance company, a 100 per cent foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <ul style="list-style-type: none"> - The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application. 	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
C. Securities			
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion.	(1) Unbound, except services C(k) and C(l). (2) None (3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49 per cent. Securities service suppliers with 100 per cent foreign-invested capital shall be permitted. For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.	(1) Unbound (2) None (3) None	
(g) Participation in issues of all kinds of securities including under-writing and placement as an agent (publicly or privately), provision of services related to such issues			
(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
(j) Settlement and clearing services for securities, derivative products, and other			

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
securities-related instruments				
(k) Provision and transfer of financial information, and related software by suppliers of securities services				
(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)				
8. HEALTH RELATED AND SOCIAL SERVICES				
A. Hospital services (CPC 9311)	(1) None (2) None	(1) None (2) None		
B. Medical and dental services (CPC 9312)	(3) Foreign service suppliers are permitted to provide services through the establishment of 100 per cent foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract. The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a	(3) None		

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>policlinic unit and US\$200,000 for a specialty unit.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
<p>Nursing services, physiotherapists and para-medical personnel for patients at home (CPC 93191**)</p> <p>Nursing services, physiotherapists and para-medical personnel for maternity care (CPC 93191**)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons				
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotel and restaurant including Lodging services (CPC 64110)	(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
Catering food services (CPC 642) Catering drink services (CPC 643)	(1) None. FL, MFN (2) None. FL, MFN (3) None. FL, MFN (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) None. FL, MFN (2) None. FL, MFN (3) None. FL, MFN (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
B. Travel agencies and tour services (CPC 7471)	(1) None (2) None (3) Foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV	(1) None (2) None (3) Tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV		

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound (2) None (3) Unbound, except joint ventures with foreign capital contribution not exceeding 49 per cent are permitted. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
D. Other - Electronic games business (CPC 964**)	(1) Unbound (2) None (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorised to provide these services. Foreign capital contribution shall not exceed 49 per cent of the legal capital of the joint ventures. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments		
11. TRANSPORT SERVICES							
A. Maritime Transport Services							
(a) Passenger transportation less cabotage (CPC 7211)	(1)	Unbound, except international freight transportation: None.	(1)	Unbound, except international freight transportation: None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:		
(b) Freight transportation less cabotage (CPC 7212)	(2)	None	(2)	None	1. pilotage;		
	(3)	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 per cent of total legal capital. Foreign seafarers may be 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 one third of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.	(3)	None	2. towing and tug assistance; 3. provisioning, fuelling and watering; 4. garbage collecting and ballast waste disposal; 5. port Captain's or Harbour Master's services; 6. navigation aids; 7. shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. emergency repair facilities; 9. anchorage, berth and berthing services; 10. access to maritime agency services. ³⁰		
		Other forms of commercial presence for the supply of					

³⁰ 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 this Schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency 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.

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>international maritime transport services³¹:</p> <p>Foreign shipping companies can establish joint ventures with 51 per cent foreign ownership. Foreign shipping companies can establish 100 per cent foreign-invested enterprises.</p> <p>Foreign-invested enterprises are only permitted to carry out activities (1) through (7) as indicated below:</p> <ol style="list-style-type: none"> 1. marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. acting on behalf of the cargo owners; 3. provision of required business information; 4. preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; 5. provision of maritime transport services including cabotage services by 			

³¹ "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.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Vietnamese 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 in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
Maritime Auxiliary Services - Container handling services (CPC 7411) ³²	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Joint ventures with foreign capital contribution not exceeding 50 per cent can be established.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

³² Public utility concession or licensing procedures may apply in case of occupation of the public domain.

Modes of Supply:	1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
- Customs Clearance Services ³³	(1) Unbound* (2) None (3) Joint ventures can be established with no foreign ownership limitation (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
- Container Station and Depot Services ³⁴	(1) Unbound* FL (2) None FL (3) None FL (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound* FL (2) None FL (3) None FL (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
B. Internal Waterways Transport				
(a) Passenger transport (CPC 7221)	(1) Unbound (2) None	(1) Unbound (2) None (3) None		
(b) Freight transport (CPC 7222)	(3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with			

³³ "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.

³⁴ "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing or stripping, repairing and making them available for shipments.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Vietnamese partners in which the capital contribution of foreign side not exceeding 49 per cent of total legal capital.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
C. Air Transport Services			
(a) Sales and marketing air products services	<p>(1) None</p> <p>(2) None</p> <p>(3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(b) Computer reservation services	<p>(1) The foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority.</p> <p>(2) As indicated in Mode 1</p> <p>(3) As indicated in Mode 1</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV</p>	

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
(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 per cent. 100 per cent foreign-invested enterprises shall be allowed.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
E. Rail Transport Services			
(a) Passenger transportation (CPC 7111)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
(b) Freight transportation (CPC 7112)	<p>(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 per cent of the total legal capital.</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex</p>	<p>(3) Unbound</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV</p>	

Modes of Supply:		1) Cross-border Supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	
		IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		(Schedules of Specific Commitments on Temporary Movement of Natural Persons).	
F. Road Transport Services					
(a) Passenger transportation (CPC 7121+7122)	(1) Unbound (2) None	(1) Unbound (2) None (3) 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 per cent. Subject to the needs of the market ³⁵ , joint-ventures with foreign capital contribution not exceeding 51 per cent may be established to provide freight transport services. 100 per cent of joint-venture's drivers shall be Vietnamese citizen.	(1) Unbound (2) None (3) None	(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary	

³⁵ 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.

Modes of Supply: 1) Cross-border Supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons				
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	Movement of Natural Persons).	Movement of Natural Persons).		
H. Services Auxiliary to all Modes of Transport				
(a) Container handling services, except services provided at airports (part of CPC 7411)	(1) Unbound (2) None (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 per cent. (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		
(b) Storage and warehouse services (CPC 742)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).		

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Freight transport agency services (CPC 748) ³⁶	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	
(d) Other (part of CPC 749) ³⁷	<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 Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</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 Viet Nam's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons).</p>	

³⁶ Including freight forwarding services. These services mean the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation, and provision of business information.

³⁷ Including the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; and transportation document preparation services. These services are provided on behalf of cargo owners.

REFERENCE PAPER

NOTE TO THE SCHEDULE

I. **SCOPE**

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

- 2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Party has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Party.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent, and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

APPENDIX
VIET NAM'S MOST-FAVoured-NATION TREATMENT SECTORAL EXEMPTION LIST

Sectors or subsectors	Description of measures (to be applied to sector) indicating its inconsistency with Article 8.6 (Most-Favoured-Nation Treatment)	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with which maritime transport cooperation may be desirable.	Five years	Bilateral Agreements.

Sectors or subsectors	Description of measures (to be applied to sector) indicating its inconsistency with Article 8.6 (Most-Favoured-Nation Treatment)	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	The three subsectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.