

**ANNEX III**

**SCHEDULE OF RESERVATIONS AND NON-CONFORMING MEASURES FOR SERVICES AND  
INVESTMENT**

**BRUNEI DARUSSALAM**

## LIST A

### EXPLANATORY NOTES

1. This List sets out, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), Brunei Darussalam's existing measures that are not subject to some or all of the obligations imposed by:
  - (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);
  - (b) Article 8.5 (Market Access);
  - (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
  - (d) Article 8.11 (Local Presence);
  - (e) Article 10.6 (Prohibition of Performance Requirements); or
  - (f) Article 10.7 (Senior Management and Board of Directors).
2. Each entry in this List sets out the following elements:
  - (a) **Sector** refers to the sector for which the entry is made;
  - (b) **Subsector** refers to the specific subsector for which the entry is made;
  - (c) **Type of Obligation** specifies the obligation referred to in paragraph 1 that, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the listed measure;
  - (d) **Description of Measure** sets out the non-conforming measure for which the entry is made; and
  - (e) **Source of Measure** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in this element:
    - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
    - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.
3. In accordance with Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), the Articles specified in the Type of Obligation element of an entry do not apply with regards to the non-conforming measures identified in the Description of Measure element of that entry.
4. A measure that is reserved against Article 8.11 (Local Presence) need not be reserved against Article 8.4 (National Treatment).
5. Commitments under Chapter 8 (Trade in Services) with respect to financial services are undertaken subject to the limitations and conditions set forth in these explanatory notes and the List herein.

6. For Brunei Darussalam's commitments under Article 8.5 (Market Access), juridical persons supplying financial services constituted under the laws, regulations, and guidelines of Brunei Darussalam are subject to non-discriminatory limitations on juridical forms.<sup>1</sup>
7. All financial institutions offering Islamic financial products and services shall be subject to the Syariah requirements as determined by the laws, regulations, and guidelines of Brunei Darussalam and any supervisory bodies, with respect to their administration and business dealings concerning Islamic products and any matters connected thereto.
8. Brunei Darussalam reserves the right to require a foreign bank branch that is systemically important to be locally incorporated in Brunei Darussalam subject to the following prerequisites:
  - (a) such measure is imposed in a reasonable, objective, and impartial manner;
  - (b) Brunei Darussalam shall take in due consideration to the quality of home regulation and supervision over the bank, the degree of protection accorded to depositors in the home country with respect to depositors in Brunei Darussalam, and the amount of assets held in Brunei Darussalam;
  - (c) prior to the imposition of the requirement, the bank and the Party where the bank originates from shall be notified at least six months in advance of Brunei Darussalam's intention to locally incorporate the bank;
  - (d) Brunei Darussalam shall consult the Party concerned regarding the requirement and provide considerations to the views expressed by the Party concerned in this regard; and
  - (e) provide considerable duration for the bank to comply with the requirement.

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<sup>1</sup> For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in Brunei Darussalam. This explanatory note is not in itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

1.	Sector	:	All Sectors
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> <li>1. <u>Sole Proprietorship and Cooperative Society</u> A foreign national may not establish a sole proprietorship or cooperative society.</li> <li>2. <u>Partnership</u> A foreign national may not establish a partnership, unless with the written approval of the Registrar of Business Names.</li> <li>3. <u>Company Directorship</u> A foreign national may not sit on the board of directors of an enterprise established in Brunei Darussalam unless one of the two directors or, where there are more than two directors, at least two of them shall be ordinarily resident in Brunei Darussalam.</li> <li>4. For the purposes of this entry, a foreign national will forward his or her application to become ordinarily resident in Brunei Darussalam to the Ministry of Finance and Economy.</li> </ol>
	Source of Measure	:	<p><i>Companies Act (Chapter 39)</i></p> <p><i>Business Names Act (Chapter 92)</i></p> <p><i>Co-operative Societies Act (Chapter 84)</i></p> <p><i>Employment Agencies Order, 2004</i></p> <p>Administrative Measures and Guidelines</p>

2.	Sector	:	All Sectors
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 10.3)
	Description of Measure	:	<p><u>Investment</u></p> <p>1. A business licence may only be granted to a Bruneian national for the operation of commercial properties identified in the listed measures.</p> <p>2. A business licence is required for the enforcement of health and safety regulations, and do not restrict the participation of a foreign national in any other commercial activity where such a business licence is required otherwise provided for in this List.</p>
	Source of Measure	:	<p><i>Beauty and Health Establishment Order, 2016</i></p> <p><i>Municipal Boards Act (Chapter 57)</i></p> <p><i>Road Traffic Act (Chapter 68)</i></p> <p><i>Public Entertainment Act (Chapter 181)</i></p> <p>Administrative Measures and Guidelines</p>

3.	Sector	:	Manufacturing and Services Incidental to Manufacturing
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6)
	Description of Measure	:	<p><u>Investment</u></p> <p>1. Local equity shareholding is required for all foreign investment in this sector that utilises sites under the control of relevant government authorities for manufacturing activities.</p> <p>2. A foreign investor may not utilise these sites unless he or she complies with the requirement to purchase, use, or accord a preference to goods produced in Brunei Darussalam or to purchase goods from local suppliers.</p>
	Source of Measure	:	<p><i>Brunei Darussalam National Development Plan</i></p> <p>Administrative Measures and Guidelines</p>

4.	Sector	:	Agriculture and Services Incidental to Agriculture
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6)
	Description of Measure	:	<p><u>Investment</u></p> <p>1. Local equity shareholding is required for all foreign investment in this sector that utilises sites under the control of relevant government authorities for agriculture and services incidental to agriculture activities.</p> <p>2. A foreign investor may not utilise these sites unless he or she complies with these requirements:</p> <p>(a) to purchase, use, or accord a preference to goods produced in Brunei Darussalam, or to purchase goods from local suppliers; or</p> <p>(b) to achieve a given level or percentage of domestic content.</p>
	Source of Measure	:	<p><i>Brunei Darussalam National Development Plan</i></p> <p><i>Halal Meat Act (Chapter 183)</i></p> <p>Administrative Measures and Guidelines</p>

5.	Sector	:	Fisheries and Services Incidental to Fisheries
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6)
	Description of Measure	:	<p><u>Investment</u></p> <p>1. Local equity shareholding is required for all foreign investment in this sector that utilises sites under the control of relevant government authorities for fishery and services incidental to fishery activities.</p> <p>2. A foreign investor may not utilise these sites unless he or she complies with requirements to purchase, use, or accord a preference to goods produced in Brunei Darussalam, or to purchase goods from local suppliers.</p>
	Source of Measure	:	<p><i>Brunei Darussalam National Development Plan</i></p> <p><i>Fisheries Order, 2009</i></p> <p><i>Fisheries (Fish Culture Farms) Regulations, 2002</i></p> <p><i>Fisheries (Fish Landing Complexes) Regulations, 2002</i></p> <p><i>Fisheries (Fish Processing Establishments) Regulations, 2002</i></p> <p><i>Brunei Darussalam Fishery Limits Act (Chapter 130)</i></p> <p>Administrative Measures and Guidelines</p>

6.	Sector	:	Forestry and Services Incidental to Forestry (Except logging and sawmilling)
	Subsector	:	-
	Type of Obligation	:	National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6)
	Description of Measure	:	<p><u>Investment</u></p> <p>1. A foreign national or enterprise may not establish an enterprise to undertake activities related to forestry or services incidental to forestry:</p> <p>(a) unless through a joint venture with a Bruneian national or enterprise, in which the foreign national or enterprise does not own more than 70 per cent equity; and</p> <p>(b) unless they comply with any performance requirements which may be imposed.</p> <p>2. For greater certainty, this entry does not apply to logging and sawmilling activities.</p>
	Source of Measure	:	<p><i>National Forestry Policy (1989)</i></p> <p><i>Brunei Darussalam National Development Plan</i></p> <p><i>Forest Act (Chapter 46)</i></p> <p>Administrative Measures and Guidelines (<i>Strategic Plan 2004-2023</i>)</p>

7.	Sector	:	Construction Services									
	Subsector	:	-									
	Type of Obligation	:	<p>Local Presence (Article 8.11)</p> <p>National Treatment (Article 10.3)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p>									
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. A foreign national or enterprise is not allowed to provide construction services such as general construction work for building services; general construction work for civil engineering; installation and assembly work services; building completion and finishing work services, except mining; and mechanical engineering services, unless:</p> <ul style="list-style-type: none"> <li>(a) through an enterprise established in Brunei Darussalam;</li> <li>(b) they first register for either '<i>Sijil Pendaftaran Kontraktor</i>' (Certificate A) as a contractor or '<i>Sijil Lesen Pembina</i>' (Certificate B) as a supplier; or</li> <li>(c) they comply with any requirement to transfer technology or other proprietary knowledge to persons in Brunei Darussalam as long as such requirement to transfer technology or other proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by Brunei Darussalam.</li> </ul> <p>2. In the case of Certificate A, a foreign national or enterprise may not own equity shareholding other than what is prescribed in the table below, in any enterprise that applies to be registered as a contractor or supplier:</p> <p><u>Table</u></p> <table border="1"> <thead> <tr> <th>Class</th> <th>Project Threshold</th> <th>Level of Foreign Equity Allowed</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>Up to BND 50 000</td> <td>None</td> </tr> <tr> <td>II</td> <td>Exceeding BND 50 000 but not more than BND 250 000</td> <td>None</td> </tr> </tbody> </table>	Class	Project Threshold	Level of Foreign Equity Allowed	I	Up to BND 50 000	None	II	Exceeding BND 50 000 but not more than BND 250 000	None
Class	Project Threshold	Level of Foreign Equity Allowed										
I	Up to BND 50 000	None										
II	Exceeding BND 50 000 but not more than BND 250 000	None										

			III	Exceeding BND 250 000 but not more than BND 500 000	20 per cent
			IV	Exceeding BND 500 000 but not more than BND 1.5 million	50 per cent
			V	Exceeding BND 1.5 million but not more than BND 5 million	70 per cent
			VI	Exceeding BND 5 million	90 per cent
			Building Specialist and Supplier	No threshold	90 per cent
			Mechanical and Electrical Specialist and Supplier	No threshold	90 per cent
		3.	For greater certainty, Certificate A refers to certificates which are required for participating in government and private projects, whilst Certificate B refers to certificates which are required for participating in private projects only.		
	Source of Measure	:	<p><i>Architects, Professional Engineers and Quantity Surveyors Order, 2011</i></p> <p><i>Building Control Order, 2014</i></p> <p><i>Building Control Regulations, 2014</i></p> <p><i>Procedures of Contractors and Suppliers Registration, Ministry of Development (Edition 2012)</i></p> <p>Administrative Measures and Guidelines</p>		

8.	Sector	:	Environmental Services												
	Subsector	:	-												
	Type of Obligation	:	<p>Local Presence (Article 8.11)</p> <p>National Treatment (Article 10.3)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p>												
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. A foreign national or enterprise is not allowed to provide consultancy services on environmental protection and management; waste management services; landscape design management and maintenance services; and janitorial services, roadside and cleaning works services, unless:</p> <p>(a) they are established as an enterprise in Brunei Darussalam;</p> <p>(c) they first register for either '<i>Sijil Pendaftaran Kontraktor</i>' (Certificate A) or '<i>Sijil Lesen Pembina</i>' (Certificate B), as a contractor or supplier; or</p> <p>(c) they comply with any requirement to transfer technology or other proprietary knowledge to persons in Brunei Darussalam as long as such requirement to transfer technology or other proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by Brunei Darussalam.</p> <p>2. In the case of Certificate A, a foreign national or enterprise may not own equity shareholding other than what is prescribed in the table below, in any enterprise that applies to be registered as a contractor or supplier:</p> <p><u>Table</u></p> <table border="1"> <thead> <tr> <th>Class</th> <th>Project Threshold</th> <th>Level of Foreign Equity Allowed</th> </tr> </thead> <tbody> <tr> <td>I</td> <td>Up to BND 50 000</td> <td>None</td> </tr> <tr> <td>II</td> <td>Exceeding BND 50 000 but not more than BND 250 000</td> <td>None</td> </tr> <tr> <td>III</td> <td>Exceeding BND 250 000 but not more than BND 500 000</td> <td>20 per cent</td> </tr> </tbody> </table>	Class	Project Threshold	Level of Foreign Equity Allowed	I	Up to BND 50 000	None	II	Exceeding BND 50 000 but not more than BND 250 000	None	III	Exceeding BND 250 000 but not more than BND 500 000	20 per cent
Class	Project Threshold	Level of Foreign Equity Allowed													
I	Up to BND 50 000	None													
II	Exceeding BND 50 000 but not more than BND 250 000	None													
III	Exceeding BND 250 000 but not more than BND 500 000	20 per cent													

			IV	Exceeding BND 500 000 but not more than BND 1.5 million	50 per cent
			V	Exceeding BND 1.5 million but not more than BND 5 million	70 per cent
			VI	Exceeding BND 5 million	90 per cent
		Building Specialist and Supplier		No threshold	90 per cent
		Mechanical and Electrical Specialist and Supplier		No threshold	90 per cent
			3.	For greater certainty, Certificate A refers to certificates which are required for participating in government and private projects, whilst Certificate B refers to certificates which are required for participating in private projects only.	
	Source of Measure	:		<p><i>Pollution Control Guidelines for Industrial Development of Brunei Darussalam (2002)</i></p> <p><i>Planning Guidelines for Earthworks Development (Focus on Environmental Sensitive Area) (2009)</i></p> <p><i>Planning Guidelines and Standards for Industrial Development (2010)</i></p> <p><i>Environmental Protection and Management Order, 2016</i></p> <p><i>Hazardous Waste (Control of Export, Import and Transit) Order, 2013</i></p> <p>Administrative Measures and Guidelines</p>	

9.	Sector	:	Business Services
	Subsector	:	Public Auditing Services
	Type of Obligation	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> <li>1. A foreign national or enterprise may not establish financial auditing enterprises in Brunei Darussalam, unless through a partnership or joint venture with at least one authorised Bruneian auditor.</li> <li>2. If they are not established in Brunei Darussalam, a foreign national or enterprise may not provide financial auditing services in Brunei Darussalam, unless:             <ol style="list-style-type: none"> <li>(a) authorised by the Ministry of Finance and Economy; or</li> <li>(b) through a locally established auditor or enterprise, provided that they are authorised by the Ministry of Finance and Economy.</li> </ol> </li> <li>3. For greater certainty, the term “authorised” refers to a qualified person who has been authorised by the Ministry of Finance and Economy to provide financial auditing services.</li> </ol>
	Source of Measure	:	<p><i>Companies Act (Chapter 39)</i></p> <p><i>Accountants Order, 2010</i></p> <p>Administrative Measures and Guidelines</p>

10.	Sector	:	Business Services
	Subsector	:	Veterinary Services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide veterinary services in Brunei Darussalam, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding in any such enterprise providing veterinary service.
	Source of Measure	:	<i>Companies Act (Chapter 39)</i>  <i>Veterinary Surgeons Order, 2005</i>  Administrative Measures and Guidelines

11.	Sector	:	Business Services
	Subsector	:	Industrial Design Services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide industrial design services in Brunei Darussalam, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding in any such enterprise providing industrial design services.
	Source of Measure	:	<i>Companies Act (Chapter 39)</i>  <i>Industrial Design Rules, 2000</i>  <i>Industrial Designs Order, 1999 [E.O.]</i>  Administrative Measures and Guidelines

12.	Sector	:	Business Services
	Subsector	:	Computer and Related Services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide computer and related services through a commercial presence, unless they are ordinarily resident in Brunei Darussalam and through an enterprise established in Brunei Darussalam.
	Source of Measure	:	<i>Companies Act (Chapter 39)</i>  <i>Authority for Info-Communications Technology Industry of Brunei Darussalam Order, 2001</i>  Administrative Measures and Guidelines

13.	Sector	:	Telecommunication Services
	Subsector	:	-
	Type of Obligation	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p>
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. A foreign national or enterprise may not provide telecommunication services for which Brunei Darussalam requires a licence<sup>2</sup> in the territory of Brunei Darussalam, unless:</p> <ul style="list-style-type: none"> <li>(a) they maintain a physical business presence in Brunei Darussalam;</li> <li>(b) they provide such services through a commercial arrangement with a licensed operator in Brunei Darussalam;</li> <li>(c) through a joint venture with a Bruneian national or enterprise, in which the foreign national or enterprise does not own more than 51 per cent equity; and</li> <li>(d) where so required, they locate their transmission equipment used for the provision of public telecommunications networks or supply of public telecommunications services within Brunei Darussalam.</li> </ul> <p>2. A foreign national or enterprise may not undertake activities related to telecommunication services unless they comply with any performance requirements that may be imposed.</p>
	Source of Measure	:	<p><i>Telecommunications Order, 2001</i></p> <p><i>AiT Operational Framework (2006)</i></p>

<sup>2</sup> Software application-based services provided over the Internet (Over-the-Top services) do not currently require a licence in Brunei Darussalam.

14.	Sector	:	Business Services
	Subsector	:	Architectural Services Engineering Services Integrated Engineering Services Quantity Surveying Services Related Scientific and Technical Consulting Services Surveying Services Urban Planning and Landscape Services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. A foreign national or enterprise may not provide architectural services, engineering services, integrated engineering services, and quantity surveying services, unless:</p> <ul style="list-style-type: none"> <li>(a) they are resident in Brunei Darussalam for at least 90 days per calendar year and are registered as an "architect, professional engineer or quantity surveyor" in that sector with the Brunei Darussalam Board of Architects, Professional Engineers and Quantity Surveyors;</li> <li>(b) if they are not resident in Brunei Darussalam, it is through a local enterprise where the services suppliers are registered as an "architect, professional engineer or quantity surveyor and hold a practising certificate" in that sector with the Brunei Darussalam Board of Architects, Professional Engineers and Quantity Surveyors; or</li> <li>(c) through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign equity participation shall not exceed 51 per cent, with at least one Bruneian national who is registered as an "architect, professional engineer or quantity surveyor" and holds a practising certificate in that sector with Brunei Darussalam Board of Architects, Professional Engineers and Quantity Surveyors.</li> </ul> <p>2. A foreign national or enterprise may not provide</p>

		<p>urban planning and landscape services, related scientific and technical consulting services, and surveying services, unless:</p> <ul style="list-style-type: none"> <li>(a) they are resident in Brunei Darussalam for at least 90 days per calendar year and are registered as a “planner or surveyor” in that sector with the Ministry of Development;</li> <li>(b) if they are not resident in Brunei Darussalam, it is through a local enterprise where the services suppliers are registered as “planner or surveyor” in this sector with the Ministry of Development; or</li> <li>(c) through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign equity participation shall not exceed 51 per cent, with at least one Bruneian national who is registered as a “planner or surveyor” in that sector with the Ministry of Development.</li> </ul>
	Source of Measure	<p>:</p> <p><i>Architects, Professional Engineers and Quantity Surveyors Order, 2011</i></p> <p><i>Licensed Land Surveyors Act (Chapter 100)</i></p> <p><i>Licensed Land Surveyors Regulations, 1981</i></p> <p><i>Town Planners Registration Order, 2014</i></p> <p><i>Town and Country Planning Order, 2015</i></p> <p>Administrative Measures and Guidelines</p>

15.	Sector	:	Private Health and Social Services
	Subsector	:	General Medical practitioners Specialised Medical practitioners Dental practitioners
	Type of Obligation	:	National Treatment (Article 8.4) Local Presence (Article 8.11)
	Description of Measure	:	<u>Trade in Services</u>  A foreign national may not provide a private practice for the provision of general medical, specialised medical, or dental services unless the foreign national has worked in Brunei Darussalam for at least six cumulative years as a General Medical, Specialised Medical, or Dental Practitioner, which shall include three years of clinical service in a public hospital, health centre, or clinic under the Ministry of Health.
	Source of Measure	:	<i>Medical Practitioners and Dentists Act (Chapter 112)</i>

16.	Sector	:	Social Services
	Subsector	:	Child day-care services including day-care services for the handicapped
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not establish child day-care services, including day-care services for the handicapped, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding.
	Source of Measure	:	Administrative Measures and Guidelines

17.	Sector	:	Other Human Health Services
	Subsector	:	Services provided by nurses Pharmaceutical services
	Type of Obligation	:	Market Access (Article 8.5) National Treatment (Article 10.3)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide pharmaceutical services or services provided by nurses through a commercial presence, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 49 per cent equity shareholding in any such enterprise providing pharmaceutical services or services provided by nurses.
	Source of Measure	:	<i>Medical Practitioners and Dentists Act (Chapter 112)</i>  Administrative Measures and Guidelines

18.	Sector	:	Other Health Related and Social Services
	Subsector	:	Ambulance Services
	Type of Obligation	:	Market Access (Article 8.5) National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide ambulance services through a commercial presence, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding.
	Source of Measure	:	Administrative Measures and Guidelines

19.	Sector	:	Tourism and Travel Related Services
	Subsector	:	Travel Agents Tour Operator Services Tour Guide Services (for birdwatching only) Other Tourism and Travel Related Services
	Type of Obligation	:	Market Access (Article 8.5) National Treatment (Article 10.3)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not establish a travel agency, tour operator services, birdwatching tour guide services, or other tourism and travel related services through a commercial presence, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding in any such enterprise providing such services.
	Source of Measure	:	<i>Tourism Order, 2016</i>  Administrative Measures and Guidelines

20.	Sector	:	Tourism
	Subsector	:	Hotels, Boarding House, or Lodging Hotels and Restaurants (including catering)
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not establish hotels, boarding house, or lodging; or hotels and restaurants which include catering services, through a commercial presence unless:</p> <ul style="list-style-type: none"> <li>(a) it is through a joint venture with a Bruneian national or enterprise, where the foreign equity participation shall not exceed 51 per cent;</li> <li>(b) where the majority of senior managers are Bruneian nationals; and</li> <li>(c) where there is a preference to purchase, use, or accord a preference to goods produced in Brunei Darussalam, or to purchase goods from local suppliers.</li> </ul>
	Source of Measure	:	Administrative Measures and Guidelines

21.	Sector	:	Recreational, Cultural and Sporting Services
	Subsector	:	<p>News Agency Services</p> <p>Library Services</p> <ul style="list-style-type: none"> <li>– Information Technology (i.e. 6D Theatre)</li> <li>– Consultancy in Library Marketing (including services and premises; Establishment of New Libraries; and Research on User Needs)</li> <li>– Supplying Library Materials (children's books, e-books or e-journals of local authors etc.)</li> <li>– Establishment of Private Library</li> </ul> <p>Archive Services</p> <p>Sports Event Promotion Services</p> <p>Sports Event Organisation Services</p> <p>Sports Facility Operation Services</p> <p>Computer Reservations System Services</p>
	Type of Obligation	:	National Treatment (Article 10.3)
	Description of Measure	:	<p><u>Investment</u></p> <ol style="list-style-type: none"> <li>1. A foreign national or enterprise may not provide news agency services; library services (information technology, consultancy in library marketing, supplying library materials, establishment of private library); archive services; and sports event promotion, organisation, or operation services, through a commercial presence unless it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding.</li> <li>2. A foreign national or enterprise may not provide computer reservation system services through a commercial presence, unless it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 40 per cent equity shareholding.</li> </ol>
	Source of Measure	:	Administrative Measures and Guidelines

22.	Sector	:	Transport Services
	Subsector	:	Rail Transport Services
	Type of Obligation	:	Market Access (Article 8.5) National Treatment (Article 10.3) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not provide rail transport services through a commercial presence, unless:</p> <ul style="list-style-type: none"> <li>(a) it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 40 per cent equity shareholding in any such enterprise providing rail transport services; and</li> <li>(b) a majority of the senior managers in any such enterprise established are Bruneian nationals.</li> </ul>
	Source of Measure	:	Administrative Measures and Guidelines

23.	Sector	:	Transport Services
	Subsector	:	Maritime Passenger Transport Services Maritime Freight Transport Services (except for energy goods)
	Type of Obligation	:	Market Access (Article 8.5) National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not provide services auxiliary to maritime transport services through a commercial presence at Muara Port, unless:</p> <ul style="list-style-type: none"> <li>(a) it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 40 per cent equity shareholding in any such enterprise providing services auxiliary to maritime transport services; and</li> <li>(b) a majority of the senior managers in any such enterprise established are Bruneian nationals.</li> </ul>
	Source of Measure	:	Administrative Measures and Guidelines

24.	Sector	:	Transport Services
	Subsector	:	Space Transport
	Type of Obligation	:	Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not provide space transport services through a commercial presence, unless:</p> <ul style="list-style-type: none"> <li>(a) it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 40 per cent equity shareholding in any such enterprise providing space transport services; and</li> <li>(b) a majority of the senior managers in any such enterprise established are Bruneian nationals.</li> </ul>
	Source of Measure	:	Administrative Measures and Guidelines

25.	Sector	:	Transport Services
	Subsector	:	Rental of Aircraft with Crew
	Type of Obligation	:	<p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>National Treatment (Article 10.3)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not provide rental or leasing services relating to aircraft without operators, or rental of aircraft with crew in Brunei Darussalam, unless:</p> <ul style="list-style-type: none"> <li>(a) (i) only through a representative office with a permanent address in Brunei Darussalam; or</li> <li>     (ii) only by appointment of a General Sales Agent, that is Bruneian controlled company;</li> <li>(b) a majority of the senior managers in any such enterprise established are Bruneian nationals;</li> <li>(c) the aircraft is certified; and</li> <li>(d) the services are approved by Brunei Darussalam subject to any infrastructure capacity conditions or limitations.</li> </ul>
	Source of Measure	:	<p><i>Companies Act (Chapter 39)</i></p> <p>Administrative Measures and Guidelines</p>



27.	Sector	:	Communication Services
	Subsector	:	Audio-visual Services, including Sound Recording services and Audio-visual post production support services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not provide audio-visual services through a commercial presence, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 51 per cent equity shareholding in any such enterprise providing audio-visual services.</p>
	Source of Measure	:	Administrative Measures and Guidelines

28.	Sector	:	Communication Services
	Subsector	:	Courier Services
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide courier services through a commercial presence, unless through an enterprise established in Brunei Darussalam that is a partnership or joint venture, where the foreign national or enterprise does not own more than 49 per cent equity shareholding in any such enterprise providing courier services.
	Source of Measure	:	Administrative Measures and Guidelines

29.	Sector	:	Education Services
	Subsector	:	Adult Education, for courses with maximum duration of three months (Private Education) Other Education Services (Foreign Language Training Centre)
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Senior Management and Board of Directors (Article 10.7)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. A foreign national or enterprise may not provide adult education services through a commercial presence, unless:</p> <ul style="list-style-type: none"> <li>(a) it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 49 per cent equity shareholding in any such enterprise providing adult education services; and</li> <li>(b) foreign employees do not exceed 10 per cent of workforce.</li> </ul> <p>2. A foreign national or enterprise may not provide foreign language training centres through a commercial presence, unless:</p> <ul style="list-style-type: none"> <li>(a) it is through an enterprise established in Brunei Darussalam that is a joint venture, where the foreign national or enterprise does not own more than 49 per cent equity shareholding in any such enterprise providing foreign language training services; and</li> <li>(b) a majority of the senior managers in any such enterprise established are Bruneian nationals.</li> </ul>
	Source of Measure	:	<p><i>Education Act (Chapter 210)</i></p> <p>Administrative Measures and Guidelines</p>

30.	Sector	:	Financial Services
	Subsector	:	Finance Companies
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise may not carry on financing business or Islamic financing services unless they are incorporated in Brunei Darussalam.</p>
	Source of Measure	:	<i>Finance Companies Act (Chapter 89)</i>

31.	Sector	:	Financial Services
	Subsector	:	Money-Changing and Remittance Businesses
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise may not provide services relating to money-changing and money remittance businesses. The number of licences awarded for these businesses are limited.
	Source of Measure	:	<i>Money-Changing and Remittance Businesses Act (Chapter 174)</i>

32.	Sector	:	Financial Services
	Subsector	:	Insurance
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services</u></p> <p>A foreign national or enterprise may not provide compulsory insurance of motor third party liability and workmen's compensation unless they are purchased, directly or through an intermediary, from licensed insurance companies or <i>takaful</i> operators in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Motor Vehicles Insurance (Third Party Risks) Act, (Chapter 90)</i></p> <p><i>Workmen's Compensation Act (Chapter 74)</i></p>

33.	Sector	:	Financial Services
	Subsector	:	Insurance Intermediaries
	Type of Obligation	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>1. <u>Insurance Agents</u> A foreign national is not allowed to be registered as an insurance agent in Brunei Darussalam.</p> <p>2. <u>Insurance Brokers</u> A foreign national or enterprise is not allowed to provide insurance brokers services unless they are incorporated in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Insurance Order, 2006</i></p> <p><i>Takaful Order, 2008</i></p> <p><i>Companies Act (Chapter 39)</i></p> <p><i>Business Names Act (Chapter 92)</i></p>

34.	Sector	:	Financial Services
	Subsector	:	Banking
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services</u></p> <p>A foreign national or enterprise is not allowed to provide any outsourcing activities unless it is approved by the <i>Autoriti Monetari Brunei Darussalam</i> with the following conditions:</p> <ul style="list-style-type: none"> <li>(a) the outsourced activities are not related to credit assessment, processing, administration, or any related core banking activities; and</li> <li>(b) the outsourcing activities will not affect financial institutions' human capital and it does not involve any retrenchment of local employees.</li> </ul>
	Source of Measure	:	<p><i>Banking Order, 2006</i></p> <p><i>Islamic Banking Order, 2008</i></p> <p>Outsourcing Guidelines</p>

35.	Sector	:	Financial Services
	Subsector	:	Insurance and <i>Takaful</i>
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise is not allowed to provide all direct life insurance or <i>takaful</i> products and services including annuity, disability, income, accident, and health insurance unless it is through insurance companies established and licensed in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Insurance Order, 2006</i></p> <p><i>Takaful Order, 2008</i></p> <p><i>Autoriti Monetari Brunei Darussalam Order, 2010</i></p>

36.	Sector	:	Financial Services
	Subsector	:	Insurance and <i>Takaful</i>
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise is not allowed to provide all direct non-life insurance or <i>takaful</i> products and services including annuity, disability income, accident, and health insurance and contracts of fidelity bonds, performance body, or similar contracts of guarantee unless it is through insurance or <i>takaful</i> companies established and licensed in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Insurance Order, 2006</i></p> <p><i>Takaful Order, 2008</i></p> <p><i>Autoriti Monetari Brunei Darussalam Order, 2010</i></p>

37.	Sector	:	Financial Services
	Subsector	:	Banking and Other Financial Services
	Type of Obligation	:	National Treatment (Article 8.4) Market Access (Article 8.5)
	Description of Measure	:	<u>Trade in Services and Investment</u>  A foreign national or enterprise is not allowed to provide any activities related to the acceptance of deposits and other repayable funds unless it is through banking, Islamic banking, or Finance Companies established and licensed in Brunei Darussalam.
	Source of Measure	:	<i>Banking Order, 2006</i>  <i>Islamic Banking Order, 2008</i>  <i>Autoriti Monetari Brunei Darussalam Order, 2010</i>

38.	Sector	:	Financial Services
	Subsector	:	All Sectors
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise is not allowed to conduct any cross border activities related to the provision and transfer of financial information, financial data processing, and related software unless it is through entities established and licensed in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Banking Order, 2006</i></p> <p><i>Islamic Banking Order, 2008</i></p> <p><i>Finance Companies Act (Chapter 89)</i></p> <p><i>Insurance Order, 2006</i></p> <p><i>Takaful Order, 2008</i></p> <p><i>Securities Markets Order, 2013</i></p> <p><i>Securities Markets Regulations, 2015</i></p> <p><i>Money-Changing and Remittance Business Act (Chapter 174)</i></p> <p>Outsourcing Guidelines</p> <p><i>Autoriti Monetari Brunei Darussalam Order, 2010</i></p>

39.	Sector	:	Financial Services
	Subsector	:	Capital Market
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise is not allowed to carry out and provide any type of advisory or other auxiliary services, including credit reference and analysis; investment and portfolio research and advice; advice on acquisitions and on corporate restructuring and strategy, unless it is carried out by or through entities with capital market services licence or capital market services representative licence.</p>
	Source of Measure	:	<p><i>Securities Markets Order, 2013</i></p> <p><i>Securities Markets Regulations, 2015</i></p>

40.	Sector	:	Financial Services
	Subsector	:	Reinsurance and Retrocession (life and non-life)
	Type of Obligation	:	Market Access (Article 8.5)
	Description of Measure	:	<p><u>Trade in Services and Investment</u></p> <p>A foreign national or enterprise is not allowed to conduct any type of reinsurance and retrocession (life and non-life) activities unless it is through reinsurance companies or <i>retakaful</i> operators established and licensed in Brunei Darussalam.</p>
	Source of Measure	:	<p><i>Insurance Order, 2006</i></p> <p><i>Takaful Order, 2008</i></p>

## LIST B

### EXPLANATORY NOTES

1. This List sets out, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), the specific sectors or activities for which Brunei Darussalam may maintain existing or adopt new or more restrictive measures that do not conform with obligations imposed by:
  - (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);
  - (b) Article 8.5 (Market Access);
  - (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
  - (d) Article 8.11 (Local Presence);
  - (e) Article 10.6 (Prohibition of Performance Requirements); or
  - (f) Article 10.7 (Senior Management and Board of Directors).
2. Each entry in this List sets out the following elements:
  - (a) **Sector** refers to the sector for which the entry is made;
  - (b) **Subsector** refers to the specific subsector for which the entry is made;
  - (c) **Obligations Concerned** specifies the obligation referred to in paragraph 1 that, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the sectors, subsectors, or activities listed in the entry;
  - (d) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
  - (e) **Existing Measures**, where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, subsectors, or activities covered by the entry.
3. In accordance with Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), the Articles specified in the Obligations Concerned element of an entry do not apply to the sectors, subsectors, and activities identified in the Description element of that entry.
4. Commitments under Chapter 8 (Trade in Services) with respect to financial services are undertaken subject to the limitations and conditions set forth in these explanatory notes and the List herein.
5. For greater certainty, Brunei Darussalam's commitment with respect to Article 8.5 (Market Access), juridical persons supplying financial services and constituted under the laws, regulations, and guidelines of Brunei Darussalam are subject to non-discriminatory limitations on juridical forms.<sup>3</sup>
6. All financial institutions offering Islamic financial products and services shall be subject to the Syariah requirements as determined by the laws of Brunei Darussalam and any supervisory

<sup>3</sup> For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in Brunei Darussalam. This explanatory note is not in itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

bodies for the control of the administration and business dealings of financial institutions concerning Islamic products and any matters connected thereto.

7. Brunei Darussalam reserves the right to require a foreign bank branch that is systemically important to be a locally incorporated bank in Brunei Darussalam subject to the following prerequisites:

- (a) such measure is imposed in a reasonable, objective, and impartial manner;
- (b) Brunei Darussalam shall take in due consideration the quality of home regulation and supervision over the bank, degree of protection accorded to depositors in the home country with respect to depositors in Brunei Darussalam, and the amount of assets held in Brunei Darussalam;
- (c) prior to the imposition of the requirement, the bank and the Party where the bank originates from shall be notified at least six months in advance of Brunei Darussalam's intention to locally incorporate the bank;
- (d) Brunei Darussalam shall engage the Party concerned in consultations regarding the requirement and provide due considerations to the views expressed by the Party concerned in this regard; and
- (e) provide considerable duration for the bank to comply with the requirement.

1.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the privatisation, corporatisation, commercialisation, or divestment of government assets, entities, or agencies including the following:</p> <ul style="list-style-type: none"> <li>(a) limitations on ownership of assets;</li> <li>(b) transfer or disposal of equity interests or their assets;</li> <li>(c) the right of foreign investors or their investments to control their assets; and</li> <li>(d) nationality of the senior management or members of the board of directors.</li> </ul>
	Existing Measures	:	-

2.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 10.3) Most-Favoured-Nation Treatment (Article 10.4)
	Description	:	<p><u>Investment</u></p> <p>1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to all land transactions and use, which shall be subject to approval and consent by His Majesty-in-Council, including:</p> <p>(a) ownership and lease of land; and</p> <p>(b) conditions on which such land shall be held, including the use of natural resources associated with such land.</p> <p>2. Brunei Darussalam reserves the right to adopt or maintain any measure affecting the subdivision and consolidation of land, land use, land planning, and earthwork and building applications on state and private land.</p>
	Existing Measures	:	<p><i>Land Code (Chapter 40)</i></p> <p><i>Land Code (Strata) Act (Chapter 189)</i></p> <p><i>Town and Country Planning (Control of Subdivision and Consolidation of Land) Regulations, 1973</i></p> <p><i>Town and Country Planning (Control of Development and Use of Land and Buildings) Regulations, 1974</i></p> <p><i>Town and Country Planning Order, 2015</i></p> <p><i>Building Control Order, 2014</i></p> <p><i>Land Code (Amendment) Order, 2016</i></p> <p><i>Valuers and Estate Agents (Amendment) Order, 2016</i></p>

3.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure that accords differential or preferential treatment to:</p> <ul style="list-style-type: none"> <li>(a) any countries under any bilateral, regional or multilateral international agreement signed or in force prior to the date of entry into force of this Agreement;<sup>4</sup></li> <li>(b) any Member State of ASEAN under any agreement or arrangement between or among Member States of ASEAN in force or signed after the date of entry into force of this Agreement; and</li> <li>(c) any countries under any international agreement in force or signed after the date of entry into force of this Agreement involving: <ul style="list-style-type: none"> <li>(i) air services;</li> <li>(ii) maritime and port matters;</li> <li>(iii) fisheries;</li> <li>(iv) e-commerce;</li> <li>(v) broadcasting; and</li> <li>(vi) land transport.</li> </ul> </li> </ul>
	Existing Measures	:	-

<sup>4</sup> For greater certainty, this extends to any preferential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral, regional or multilateral international agreement.

4.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	Market Access (Article 8.5)
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, including on the total number of foreign natural persons that may be employed in any sector, subject to Chapter 9 (Temporary Movement of Natural Persons), and in a manner that is not inconsistent with Brunei Darussalam's obligations under Article XVI of GATS.</p>
	Existing Measures	:	-

5.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure that it considers necessary for the protection of its essential security interests.</p>
	Existing Measures	:	-

6.	Sector	:	All Sectors
	Subsector	:	-
	Obligations Concerned	:	Prohibition of Performance Requirements (Article 10.6)
	Description	:	<p><u>Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the imposition and enforcement of a requirement, commitment, or undertaking relating to the transfer of technology, production process, or other proprietary knowledge to a person in Brunei Darussalam as:</p> <ul style="list-style-type: none"> <li>(a) a condition for establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in Brunei Darussalam; or</li> <li>(b) a condition for receipt or continued receipt of an advantage in connection with the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in Brunei Darussalam.</li> </ul>
	Existing Measures	:	-

7.	Sector	:	Fishery and Services Incidental to Fisheries
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to any fisheries activity in its territory and its exclusive economic zone.
	Existing Measures	:	<i>Brunei Darussalam National Development Plan</i>  <i>Fisheries Order, 2009</i>  <i>Fisheries (Fish Culture Farms) Regulations, 2002</i>  <i>Fisheries (Fish Landing Complexes) Regulations, 2002</i>  <i>Fisheries (Fish Processing Establishments) Regulations, 2002</i>  <i>Brunei Darussalam Fishery Limits Act (Chapter 130)</i>  <i>Exclusive Economic Zone Proclamation (Sup. IIA)</i>  Administrative Measures and Guidelines

8.	Sector	:	Logging and sawmilling
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 10.3)
	Description	:	<p><u>Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to logging and sawmilling activities.</p>
	Existing Measures	:	<p><i>Brunei Darussalam National Development Plan</i></p> <p><i>Brunei Darussalam Long-Term Development Plan</i></p> <p><i>Forest Act (Chapter 46)</i></p> <p><i>National Forestry Policy (1989)</i></p> <p>Administrative Measures and Guidelines</p>

9.	Sector	:	Mining and Quarrying, and Services Incidental to Mining and Quarrying
	Subsector	:	Sand and Gravel
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure related to this subsector. This includes any measure with respect to the commercialisation of activities relating to silica sand deposits, including mining, quarrying, manufacture, and export of such deposits.
	Existing Measures	:	<i>Mining Act (Chapter 42)</i>  Administrative Measures and Guidelines

10.	Sector	:	Oil and Gas
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the Oil and Gas Industry.</p>
	Existing Measures	:	<p><i>Petroleum Mining Act (Chapter 44)</i> (as amended from time to time)</p> <p><i>Brunei National Petroleum Company Sendirian Berhad Order, 2002</i> (as amended from time to time)</p> <p><i>Petroleum (Pipe-Lines) Act (Chapter 45)</i> (as amended from time to time)</p> <p>Administrative Measures and Guidelines</p>

11.	Sector	:	Coal
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to this sector including the exploration, extraction, and use of coal reserves in Brunei Darussalam.</p>
	Existing Measures	:	-

12.	Sector	:	Business Services
	Subsector	:	Services Incidental to Agriculture, Hunting and Forestry Services Incidental to Mining Services Incidental to Manufacturing Services Incidental to Energy Distribution
	Obligations Concerned	:	National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Local Presence (Article 8.11)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to services incidental to the sectors listed above.
	Existing Measures	:	-

13.	Sector	:	Business Services
	Subsector	:	Placement and supply services of personnel Employment Agencies Investigation and Security, including Unarmed Guard Services Convention Services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to placement and supply services of personnel; employment agencies; investigation and security, including unarmed guard services; and Convention Services.
	Existing Measures	:	<i>Employment Agencies Order, 2004</i> Administrative Measures and Guidelines

14.	Sector	:	Business Services
	Subsector	:	<p>Research and Development Services</p> <ul style="list-style-type: none"> <li>– Research and Development Services on Natural Sciences and Engineering</li> <li>– Research and Development Services on Social Sciences and Humanities</li> <li>– Interdisciplinary Research and Development Services</li> </ul>
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of research and development services.</p>
	Existing Measures	:	-

15.	Sector	:	Business Services
	Subsector	:	<p>Other Business Services</p> <ul style="list-style-type: none"> <li>– Sale or leasing services of advertising space or time</li> <li>– Planning, creating, and placement services of advertising</li> <li>– Other advertising services (Advertising consultancy services)</li> <li>– Marketing research and public opinion polling services</li> <li>– Management consulting services</li> <li>– Services related to management consulting (including management services n.e.c.)</li> <li>– Technical testing and analysis services including other technical testing and analysis services</li> <li>– Related scientific and technical consulting services</li> <li>– Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)</li> <li>– Building-cleaning services</li> <li>– Photographic services</li> <li>– Packaging services</li> <li>– Duplicating services</li> <li>– Translation and interpretation services</li> <li>– Mailing list compilation and mailing services</li> <li>– Specialty design services</li> </ul>
	Obligations Concerned	:	<p>National Treatment (Article 8.4)</p> <p>Market Access (Article 8.5)</p>
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of services in Brunei Darussalam for the sectors listed above.</p>
	Existing Measures	:	-

16.	Sector	:	Business Services
	Subsector	:	Rental or Leasing Services without Operator <ul style="list-style-type: none"> <li>– Relating to Ships</li> <li>– Relating to Other Transport Equipment</li> </ul>
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to rental or leasing services without operator for ships or other transport equipment in Brunei Darussalam.
	Existing Measures	:	-

17.	Sector	:	Business Services
	Subsector	:	Professional Services – Legal Services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of legal services in Brunei Darussalam.
	Existing Measures	:	-

18.	Sector	:	Business Services
	Subsector	:	Valuers (Appraisers) and Estate Agents
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of valuers (appraisers) and estate agent services.</p>
	Existing Measures	:	-

19.	Sector	:	Business Services
	Subsector	:	Taxation
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the representation of taxpayers (either by individuals or enterprises) in their tax matters including preparing and furnishing of income tax returns, filing responses to notices issued by tax authority and filing notices of objections, and handling payment in relation to tax.</p>
	Existing Measures	:	-

20.	Sector	:	Business Services
	Subsector	:	<p>Rental or Leasing Services without Operator</p> <ul style="list-style-type: none"> <li>– Relating to Other Machinery and Equipment</li> <li>– Rental or Leasing Services concerning personal and household goods</li> </ul>
	Obligations Concerned	:	<p>National Treatment (Article 8.4)</p> <p>Market Access (Article 8.5)</p>
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to rental or leasing services without operators relating to other machinery and equipment and concerning personal and household goods.</p>
	Existing Measures	:	<p><i>Companies Act (Chapter 39)</i></p> <p>Administrative Measures and Guidelines</p>

21.	Sector	:	Communication Services
	Subsector	:	Postal Services
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to postal services.</p>
	Existing Measures	:	-

22.	Sector	:	Distribution Services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to distribution services.</p>
	Existing Measures	:	-

23.	Sector	:	Private Health Services
	Subsector	:	Pharmacists, nurses, midwives and allied health services Private laboratory services Private radiology services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u> <ol style="list-style-type: none"> <li>1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the private practice of pharmacists, nurses, midwives, and allied health services.</li> <li>2. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment of private laboratory services and private radiology services.</li> </ol>
	Existing Measures	:	-

24.	Sector	:	Health Related and Social Services
	Subsector	:	Hospital Services, excluding Laboratory Services and X-Ray Services
	Obligations Concerned	:	<p>National Treatment (Article 8.4)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to hospital services, excluding laboratory services and x-ray services.</p>
	Existing Measures	:	-

25.	Sector	:	Health Related and Social Services
	Subsector	:	<p>Hospital Services</p> <ul style="list-style-type: none"> <li>– Laboratory Services</li> <li>– X-Ray Services</li> </ul>
	Obligations Concerned	:	<p>National Treatment (Article 8.4)</p> <p>Market Access (Article 8.5)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to the establishment of private laboratory services and private radiology services.</p>
	Existing Measures	:	-

26.	Sector	:	Private Health Services
	Subsector	:	Private Health Centres or Clinics
	Obligations Concerned	:	<p>Market Access (Article 8.5)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment of private health centres or clinics, including:</p> <ul style="list-style-type: none"> <li>(a) requiring that such private health centres or clinics be established in the form of a joint venture with a Bruneian national;</li> <li>(b) limiting the number of private health centres or clinics that can be established in Brunei Darussalam;</li> <li>(c) requiring such private health centre or clinic to carry out research and development within the territory of Brunei Darussalam, or transfer of technology; or</li> <li>(d) requiring a majority of the senior managers in the private health centres or clinics to be of Bruneian nationality.</li> </ul>
	Existing Measures	:	-

27.	Sector	:	Other Human Health Services
	Subsector	:	Services provided by nurses
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to services provided by nurses, except as stated in List A.</p>
	Existing Measures	:	-

28.	Sector	:	Other Health Related and Social Services
	Subsector	:	Ambulance Services
	Obligations Concerned	:	National Treatment (Article 8.4)
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to ambulance services, except as stated in List A.</p>
	Existing Measures	:	-

29.	Sector	:	Recreational, Cultural and Sporting Services
	Subsector	:	<p>News Agency Services</p> <p>Library Services</p> <ul style="list-style-type: none"> <li>– Information Technology (i.e. 6D Theatre)</li> <li>– Consultancy in Library Marketing (including services and premises; Establishment of New Libraries; and Research on User Needs)</li> <li>– Supplying Library Materials (children's books, e-books or e-journals of local authors etc.)</li> <li>– Establishment of Private Library</li> </ul> <p>Archive Services</p> <p>Sports Event Promotion Services</p> <p>Sports Event Organisation Services</p> <p>Sports Facility Operation Services</p> <p>Computer Reservations System Services</p>
	Obligations Concerned	:	National Treatment (Article 8.4)
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to news agency services; library services (information technology, consultancy in library marketing, supplying library materials, establishment of private library); archive services; and sports event promotion, organisation, or operation services, except as stated in List A.</p>
	Existing Measures	:	-

30.	Sector	:	Tourism and Travel Related Services
	Subsector	:	Hotels, Boarding House, or Lodging Hotels and Restaurants (including catering) Travel Agents Tour Operator Services Tour Guide Services (for birdwatching only) Other Tourism and Travel Related Services (not classified)
	Obligations Concerned	:	National Treatment (Article 8.4)
	Description	:	<u>Trade in Services</u> Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to hotels, boarding house, or lodging; hotels and restaurants including catering; travel agents; tour operator services; tour guide services for birdwatching only; and other tourism and travel related services (not classified), except as stated in List A.
	Existing Measures	:	-

31.	Sector	:	Other Tourism Services
	Subsector	:	Youth Hostel Golf Courses Marina Facilities
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to youth hostels, golf courses, and marina facilities.
	Existing Measures	:	-

32.	Sector	:	Recreational, Cultural and Sporting Services
	Subsector	:	Theme Parks
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to the supply of services for theme parks in Brunei Darussalam.
	Existing Measures	:	-

33.	Sector	:	Broadcasting Services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to broadcasting services.</p>
	Existing Measures	:	-

34.	Sector	:	Printing, Publishing, and Reproduction of Newspapers including matters relating to the collection and publication of news and the distribution of newspapers
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the printing, publishing, and reproduction of newspapers including matters relating to the collection and publication of news and the distribution of newspapers.
	Existing Measures	:	-

35.	Sector	:	Transport Services
	Subsector	:	Air Transport Services
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure related to air transport services including:</p> <ul style="list-style-type: none"> <li>(a) the ownership, operation, and management of airports and heliports in Brunei Darussalam;</li> <li>(b) the supply of ground handling operations;</li> <li>(c) specialty air services;</li> <li>(d) passenger transportation;</li> <li>(e) freight transportation;</li> <li>(f) maintenance and repair of aircraft; and</li> <li>(g) supporting services for air transport.</li> </ul>
	Existing Measures	:	-

36.	Sector	:	Transport Services
	Subsector	:	Land Transport Services
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of land transport services including:</p> <ul style="list-style-type: none"> <li>(a) passenger transportation;</li> <li>(b) freight transportation;</li> <li>(c) commercial vehicle with operator;</li> <li>(d) pushing and towing services;</li> <li>(e) maintenance and repair of road transport equipment; and</li> <li>(f) supporting services for road transport services.</li> </ul>
	Existing Measures	:	-

37.	Sector	:	Transport Services
	Subsector	:	Pipeline Transport
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to pipeline transport including the transportation of fuels and other goods.</p>
	Existing Measures	:	-

38.	Sector	:	Transport Services
	Subsector	:	Pushing and Towing Services for Maritime Transport Services Pushing and Towing Supporting Services for Internal Waterways Transport Supporting Services for Rail Transport Services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to pushing and towing services for maritime transport services, pushing and towing supporting services for internal waterways, and supporting services for rail transport services.
	Existing Measures	:	-

39.	Sector	:	Maritime Transport Services
	Subsector	:	Rental of vessels with crew Maintenance and repair of vessels Maritime Agency Services Services auxiliary to maritime transport Supporting services for maritime transport
	Obligations Concerned	:	National Treatment (Article 8.4) Market Access (Article 8.5)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence for maritime transport services relating to rental of vessels with crew, maintenance and repair of vessels, maritime agency services, services auxiliary to maritime transport, and supporting services for maritime transport.
	Existing Measures	:	-

40.	Sector	:	Maritime Transport Services
	Subsector	:	Freight Transport (for energy goods)
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to freight transport for energy goods.
	Existing Measures	:	-

41.	Sector	:	Transport Services
	Subsector	:	<p>Internal Waterways</p> <ul style="list-style-type: none"> <li>– Passenger Transport Services</li> <li>– Freight Transport Services</li> <li>– Rental of vessels with crew</li> <li>– Maintenance and repair of vessels</li> <li>– Supporting services for Internal Waterways Transport</li> </ul>
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to internal waterways transport services.</p>
	Existing Measures	:	-

42.	Sector	:	Transport Services
	Subsector	:	Rail Transport Services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3)
	Description	:	<u>Trade in Services and Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to this sector, except as stated in List A.
	Existing Measures	:	-

43.	Sector	:	Transport Services
	Subsector	:	Space Transport
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3)
	Description	:	<u>Trade in Services and Investment</u> Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to this sector, except as stated in List A.
	Existing Measures	:	-

44.	Sector	:	Other Transport Services
	Subsector	:	Freight transport agency services and other freight transport services (freight consolidation and break-bulk services only)
	Obligations Concerned	:	National Treatment (Article 8.4)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to freight transport services and other freight transport services (freight consolidation and break-bulk services only), except as stated in List A.
	Existing Measures	:	-

45.	Sector	:	Other Transport Services
	Subsector	:	Freight transport agency services and other freight transport services (except for freight consolidation and break-bulk services)
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to freight transport services and other freight transport services, except for freight consolidation and break-bulk services only.
	Existing Measures	:	-

46.	Sector	:	Services Auxiliary to all modes of transport
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to services auxiliary to all modes of transport.</p>
	Existing Measures	:	-

47.	Sector	:	Business Services
	Subsector	:	Rental or Leasing Services relating to Aircraft without Operator
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to the rental or leasing services relating to aircraft without operator, except as stated in List A.
	Existing Measures	:	-

48.	Sector	:	Private Education Services
	Subsector	:	-
	Obligations Concerned	:	<p>National Treatment (Article 8.4 and Article 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Senior Management and Board of Directors (Article 10.7)</p>
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of private education services, for Brunei Darussalam citizens, including the following:</p> <ul style="list-style-type: none"> <li>(a) equity shareholding by foreign nationals or companies in the ownership of schools and higher learning institutions;</li> <li>(b) the total number of schools and higher learning institutions that may be established in Brunei Darussalam;</li> <li>(c) the total number of employees, including teachers; or</li> <li>(d) the nationality of senior management or board of directors.</li> </ul>
	Existing Measures	:	-

49.	Sector	:	Education Services
	Subsector	:	Adult Education, for courses with maximum duration of three months (Private Education)
	Type of Obligation	:	National Treatment (Article 8.4)
	Description of Measure	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure on commercial presence relating to adult education, for courses with maximum duration of three months for private education, except as stated in List A.</p>
	Source of Measure	:	<i>Education Act (Chapter 210)</i>

50.	Sector	:	Higher Education Services
	Subsector	:	-
	Obligations Concerned	:	Market Access (Article 8.5) Local Presence (Article 8.11) National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of higher education services for Brunei Darussalam citizens.
	Existing Measures	:	<i>Education Act (Chapter 210)</i>

51.	Sector	:	Education Services
	Subsector	:	International Schools, for Primary and Secondary Education Services
	Obligations Concerned	:	National Treatment (Article 8.4) Market Access (Article 8.5)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to international schools, for primary and secondary education services.
	Existing Measures	:	-

52.	Sector	:	Electricity Services
	Subsector	:	-
	Obligations Concerned	:	Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the generation, supply, transmission, and distribution of electrical energy.
	Existing Measures	:	-

53.	Sector	:	Trade Services
	Subsector	:	Supply of potable water for human consumption
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of potable water, including:</p> <ul style="list-style-type: none"> <li>(a) the supply of water as a public utility;</li> <li>(b) the extraction of ground water; or</li> <li>(c) the export of water.</li> </ul>
	Existing Measures	:	-

54.	Sector	:	Trade Services
	Subsector	:	Wholesale trade services and retail trade services of tobacco
	Obligations Concerned	:	Market Access (Article 8.5)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the supply of wholesale and retail trade services of tobacco products.
	Existing Measures	:	-

55.	Sector	:	Trade Fair and Exhibition Organising Services
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.4)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to trade fair and exhibition organising services.
	Existing Measures	:	<i>Public Entertainment Act (Chapter 181)</i>

56.	Sector	:	Financial Services
	Subsector	:	Capital Market Clearing and Settlement Services
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Senior Management and Board of Directors (Article 10.7)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment or operation of the following:</p> <ul style="list-style-type: none"> <li>(a) clearing and settlement services;</li> <li>(b) central securities depository;</li> <li>(c) trade repository;</li> <li>(d) trading facilities;</li> <li>(e) credit rating agencies;</li> <li>(f) exchanges; or</li> <li>(g) securities and futures market.</li> </ul> <p>2. For greater certainty, this entry applies to financial institutions participating in, or seeking to participate in, any such exchange or securities market.</p>
	Existing Measures	:	<p><i>Autoriti Monetari Brunei Darussalam Order, 2010</i></p> <p><i>Securities Markets Order, 2013</i></p> <p><i>Securities Markets Regulations, 2015</i></p> <p><i>Payment and Settlement Systems (Oversight) Order, 2015</i></p>

57.	Sector	:	Credit Reporting Services
	Subsector	:	-
	Obligations Concerned	:	National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Local Presence (Article 8.11)
	Description	:	<u>Trade in Services</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the establishment and operation of credit reporting services.
	Existing Measures	:	<i>Autoriti Monetari Brunei Darussalam Order, 2010</i>  <i>Banking Order, 2006</i>  <i>Islamic Banking Order, 2008</i>

58.	Sector	:	Financial Services
	Subsector	:	Banking
	Obligations Concerned	:	National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6)
	Description	:	<p><u>Trade in Services</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the treatment of locally incorporated banks that are not available to licensed foreign banks branches including the following:</p> <p>(a) number of branch locations; or</p> <p>(b) types of banking business<sup>5</sup> offered.</p>
	Existing Measures	:	<p><i>Autoriti Monetari Brunei Darussalam Order, 2010</i></p> <p><i>Banking Order, 2006</i></p> <p><i>Islamic Banking Order, 2008</i></p>

<sup>5</sup> “Banking Business” is as defined under Section 2 of the *Banking Order, 2006* and Section 2 of the *Islamic Banking Order, 2008*.

59.	Sector	:	Financial Services
	Subsector	:	All Sectors
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>1. Brunei Darussalam reserves the right to adopt or maintain any measure relating to subsidies or grant of advantages including the following:</p> <p>(a) government-owned or government-controlled entities for legitimate national economic development objectives; and</p> <p>(b) Islamic financial institutions carrying out Islamic banking, <i>takaful</i> or <i>retakaful</i>, and Islamic capital markets for the purpose of Islamic finance development.</p> <p>2. Brunei Darussalam reserves the right to adopt or maintain any measure relating to small and medium enterprises financing programme.</p>
	Existing Measures	:	-

60.	Sector	:	Financial Services
	Subsector	:	Banking
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5)
	Description	:	<u>Trade in Services and Investment</u>  Brunei Darussalam reserves the right to adopt or maintain any measure relating to the granting of licences to banks.
	Existing Measures	:	-

61.	Sector	:	Financial Services
	Subsector	:	All Sectors
	Obligations Concerned	:	Senior Management and Board of Directors (Article 10.7)
	Description	:	<p><u>Trade in Services and Investment</u></p> <p>Brunei Darussalam reserves the right to adopt or maintain any measure relating to the appointment of key responsible persons of the financial institutions including its senior executives, chairman, and the board of directors.</p>
	Existing Measures	:	-