

Appendix 5

Annex 9

Specific Commitments for the Movement of Natural Persons



Schedule of Brunei Darussalam

Brunei Darussalam may require a natural person of Japan seeking entry and temporary stay under the terms set out in each Section of this Specific Commitments of Brunei Darussalam to obtain an appropriate visa or its equivalent prior to entry.

Section 1

Short-term Business visitors of Japan

Entry and temporary stay of a period not exceeding ninety (90) days, which may be extended, shall be granted to a short-term business visitor of Japan.

Section 2

Intra-corporate Transferees

Entry and temporary stay for intra-corporate transferees is limited to three (3) year period that may be extended for up to two additional years for a total term not to exceed five (5) years for the following categories:

Managers:

Definition:

Natural persons within the organisation who primarily directs the organisation/department/ subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff. It does not include first line supervisors unless employees supervised are professionals; and it does not include employees who primarily perform tasks necessary for the provision of the service.

Executives:

Definition:

Natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organisation.

Specialists:

Definition:

Natural persons within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.



Section 3 Investors

Entry and temporary stay shall be granted to an investor of another Party for up to three (3) months which can be extended for up to twelve (12) months.

Investors in Brunei Darussalam is defined as a business person who seeks to make an investment or has made investments in Brunei Darussalam and seeking entry and temporary stay for the purpose of dealing with any matters concerning to that investment.



Schedule of the Kingdom of Cambodia

1. Cambodia's commitments under the Movement of Natural Persons Chapter, and under Articles 50.18 and 50.17 of the Trade in Services Chapter, in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.
2. In accordance with Articles 50.18, 50.17 and 50.20 of the Trade in Services Chapter, for the categories of persons set out in this Schedule, Cambodia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Cambodia.

Business visitors

Definition: A natural person who:

- enters Cambodia for the purposes of participating in business meetings, establishing business contacts including negotiations for the sale of services and/or other similar activities;
- stays in Cambodia without receiving income from within Cambodian sources;
- does not engage in making direct sales to the general public or supplying services.

Conditions: Entry visa for business visitors shall be valid for a period of 90 days for an initial stay of 30 days, which may be extended.

Persons responsible for setting up of a commercial establishment

Definition: Persons working in an executive or managerial position, receiving remuneration from an entity as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Party, that will support employment of persons described in categories a, b, and c of the intra-Corporate Transferees.

Conditions: The subject persons are not subject to a maximum duration of stay.



Intra-Corporate Transferees

Definition:

Natural persons who have been employed by a juridical person of another Party for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are:

- a) **Executives:** without requiring compliance with labour market tests, persons within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization.
- b) **Managers:** without requiring compliance with labour market tests, natural persons employed by a juridical entity and who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity product, service, research, equipment, techniques, or management, and who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service.
- c) **Specialists:** Natural persons, within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques, or management.

Conditions:

Temporary residency and work permit is required for the natural persons in the categories defined under intra-corporate transferees. Such permits are issued for two years and may be renewed annually up to maximum of total five years.

3. The commitments set out above apply to all services sectors/subsectors specified in the Cambodia's schedule of specific commitments under Annex 6 except Restaurants (CPC 642, 643) and International Transport under Maritime Services (Freight and Passengers) excluding Cabotage.



4. With respect to Tourist Guides Services (CPC 7472), notwithstanding the commitments set out above, Cambodian Nationality is required for Tourist Guides.
5. Cambodia remains unbound in relation to National Treatment Limitations applicable to Subsidies, including for Research and Development.
6. All the commitments in respect of presence of natural persons made in the Cambodia's schedule of specific commitments under Annex 6 including any commitments, regulations and additional commitments, apply to the service suppliers of the other Parties.



Schedule of the Republic of Indonesia

Section 1 Short-term Business Visitors

Entry and temporary stay for a period not exceeding 30 days, which may be extended to a maximum of 60 days, shall be granted to short-term business visitors of another Party who will stay in Indonesia.

Section 2 Intra-corporate Transferees

Entry and temporary stay for a period of one year, which may be extended for not more than two year each time and not more than two times, shall be granted to an inter-corporate transferee of another Party who:

- (a) has been employed by a juridical person that supplies services or invests in Indonesia, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Indonesia; and
- (b) is being transferred either as executive, manager (except human resource manager) or specialists as defined in Article 50 bis.3 of Chapter 6 bis.



Schedule of Japan

Japan may require a natural person of an ASEAN Member State seeking entry and temporary stay under the terms and conditions set out in each Section of this Schedule of Japan to obtain an appropriate visa or its equivalent prior to entry.

Section 1

Short-Term Business Visitors of ASEAN Member States

Entry and temporary stay for a period not exceeding 90 days, which may be extended, shall be granted to a natural person of an ASEAN Member State who will stay in Japan without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself or herself, for the purposes of participating in business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in Japan.

Section 2

Intra-Corporate Transferees of ASEAN Member States

1. Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who:
 - (a) has been employed by a public or private organisation that supplies services or invests in Japan, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Japan;
 - (b) is being transferred to a branch or representative office of that public or private organisation in Japan, or another public or private organisation constituted or organised in Japan owned or controlled by or affiliated with the former public or private organisation; and
 - (c) will engage in one of the following activities during his or her temporary stay in Japan:
 - (i) activities to direct the branch or representative office as its head;
 - (ii) activities to direct the latter public or private organisation as its board member or auditor;
 - (iii) activities to direct one or more departments of the latter public or private organisation; or
 - (iv) activities which require technology or knowledge at an advanced level pertinent to natural or human sciences, including physical sciences, engineering, jurisprudence, economics, business management and accounting, or activities which require ideas



and sensitivity based on culture of a country other than Japan, recognised under the status of residence of "Engineer/Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951, as amended).

Note: For the purposes of this paragraph, a public or private organisation is "affiliated" with another public or private organisation when the latter can significantly affect the decision making of the former on finance and business policy.

2. The activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(c)(iv) mean the activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.

Section 3

Natural Persons of ASEAN Member States Who Engage in Business Activities Which Require Technology or Knowledge at an Advanced Level on the Basis of a Personal Contract with Public or Private Organisations in Japan

1. Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who will engage in the business activities of supplying services during his or her temporary stay in Japan on the basis of a personal contract with a public or private organisation in Japan which correspond to:
 - (a) activities which require technology or knowledge at an advanced level pertinent to natural or human sciences, including physical sciences, engineering, jurisprudence, economics, business management and accounting; or
 - (b) activities which require ideas and sensitivity based on culture of a country other than Japan,

under the status of residence of "Engineer/Specialist in Humanities/International Services", whose scope is provided for in the Immigration Control and Refugee Recognition Act.

2. The activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(a) mean the activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.



Section 4 Investors of ASEAN Member States

Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who will engage in one of the following activities during his or her temporary stay in Japan:

- (a) activities to invest in business in Japan and manage such business;
- (b) activities to manage business in Japan on behalf of a person other than that of Japan who has invested in such business; or
- (c) conduct of business in Japan in which a person other than that of Japan has invested.

Section 5 Natural Persons of ASEAN Member States Who Engage in Professional Services

Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of an ASEAN Member State who is a legal, accounting or taxation service supplier qualified as specified in subparagraphs (a) through (j) under the laws and regulations of Japan and who will supply the respective services specified therein during his or her temporary stay in Japan:

- (a) legal services supplied by a lawyer qualified as "Bengoshi" under the laws and regulations of Japan;
- (b) legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer on condition that the service supplier is qualified as "Gaikokuho-Jimu-Bengoshi" under the laws and regulations of Japan;
- (c) legal services supplied by a patent attorney qualified as "Benrishi" under the laws and regulations of Japan;
- (d) legal services supplied by a maritime procedure agent qualified as "Kaijidaishi" under the laws and regulations of Japan;
- (e) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under the laws and regulations of Japan;
- (f) taxation services supplied by a tax accountant qualified as "Zeirishi" under the laws and regulations of Japan;
- (g) legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under the laws and regulations of Japan;
- (h) legal services supplied by an administrative scrivener qualified as "Gyosei-Shoshi" under the laws and regulations of Japan;



- (i) legal services supplied by a certified social insurance and labour consultant qualified as “Shakai-Hoken-Romushi” under the laws and regulations of Japan; or
- (j) legal services supplied by a land and house surveyor qualified as “Tochi-Kaoku-Chosashi” under the laws and regulations of Japan.

Section 6 Accompanying Spouse and Children

1. Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of an ASEAN Member State who has been granted entry and temporary stay pursuant to Sections 2 through 5, in principle for the same period as the period of temporary stay granted to the natural person, provided that such spouse and children obtain maintenance from the natural person and engage in daily activities recognised under the status of residence of “Dependants” provided for in the Immigration Control and Refugee Recognition Act.
2. A spouse who has been granted entry and temporary stay pursuant to paragraph 1 may, upon application, have his or her status of residence changed to that under which he or she is allowed to work, subject to the approval of the Government of Japan in accordance with the Immigration Control and Refugee Recognition Act.

Note: For the purposes of this Section, the term “spouse” or “children” means spouse or children recognised as such in accordance with the laws and regulations of Japan.



Schedule of the Lao People's Democratic Republic

Lao PDR may require a natural person of Japan seeking entry and temporary stay under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

Section 1

Short-term Business Visitors

Entry and temporary stay shall be granted to a short-term business visitor of a natural person of Japan. 30 days is for an initial stay and 90 days is the maximum period allowed in accordance with the visa for short-term business visitors.

Section 2

Intra-corporate Transferees

Entry and temporary stay shall be granted to an intra-corporate transferee of Japan for 1 year which may be renewed every 6 months for up to 3 years provided that the natural person has been employed by a juridical person of another Party outside Lao PDR for a period of not less than 1 year immediately preceding the request for transfer to Lao PDR the categories defined under intra-corporate transferees.

Section 3

Investors

Entry and temporary stay for investors shall be granted 30 days is for an initial stay and can be extended for up to 90 days is the maximum.

Investor in Lao PDR is defined as a business person who seeks to make an investment or has made investments in Lao PDR and seeking temporary entry for purpose of entry for purpose of dealing with any matters concerning to that investment.

Section 4

Accompanying spouse and children

1. Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of the parties of Japan who has been granted entry stay pursuant to section (2), in principle for same period as the period of temporary stay granted to the natural person, provided that such spouse and children obtain maintenance from the natural person and engage in daily activities recognised under the status of residence of "Dependant" in accordance with Law on Entry-Exit, And the Management of Foreigners in Lao PDR No:59/NA. Dated: 26.12.2014 and Labor Law (Amended) of Lao PDR No: 43/NA; Dated 24 December 2013.



2. A spouse who has been granted entry and temporary stay pursuant to para 1 may, upon application, have his or her status of residence change to that under which he or she is allowed to work, subject to the approval of the Government of Lao PDR in accordance with Law on Entry-Exit, And the Management of Foreigners in Lao PDR No:59/NA. Dated: 26.12.2014 and Labor Law (Amended) of Lao PDR No: 43/NA; Dated 24 December 2013.

Note: For the purposes of this section, the term "spouse" or "children" means spouse or children recognised as such in accordance with the Laws and regulation of Lao PDR.

Section 2

Inter-corporate Transferees

Entry and temporary stay shall be granted to an inter-corporate transferee of Lao PDR for a period of not less than 1 year immediately succeeding the request for transfer. PDR for a period of not less than 1 year immediately succeeding the request for transfer. PDR for a period of not less than 1 year immediately succeeding the request for transfer. PDR for a period of not less than 1 year immediately succeeding the request for transfer.

Section 3

Investors

Entry and temporary stay for investors shall be granted 90 days for an initial stay and can be extended for up to 90 days is the maximum.

Investor in Lao PDR is defined as a business person who seeks to make an investment or has made investments in Lao PDR and seeking temporary entry for purpose of entry for purpose of dealing with any matters concerning to that investment.

Section 4

Accompanying spouse and children

Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of the partner or spouse who has been granted entry stay for a period of not less than 1 year immediately succeeding the period of stay granted to the natural person. Provided that such spouse and children shall be accompanied by the natural person and apply to stay together with the natural person. And the Government of Lao PDR shall be responsible for the status of residence of the spouse and children in Lao PDR. Dated: 26.12.2014 and Labor Law (Amended) of Lao PDR No: 43/NA; Dated 24 December 2013.



Schedule of Malaysia

Malaysia may require a natural person of the other Parties seeking entry and temporary stay under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

Section 1

Intra-Corporate Transferees

1. Notwithstanding the definitions set out in Article 50 bis.3, entry and temporary stay shall be granted to natural persons of the other Parties who are:
 - a) senior managers being persons within a juridical person having proprietary information of the juridical person and who exercise wide latitude in decision making relating to the establishment, control and operation of the juridical person being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the juridical person; and
 - b) specialists or experts being persons within the juridical person who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the juridical person's new goods and service products and technology, research equipment and techniques or management:
 - i) three (3) specialists or experts per juridical person are allowed; and
 - ii) additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant sector or subsector.
2. Provided that such persons are employees of the foreign juridical person for a period of not less than one (1) year immediately preceding the date of application for a work permit and he is to serve in at least a similar capacity.
3. Entry and temporary stay of natural persons defined in categories 1(a) and 1(b) is up to a period of 10 years.

Section 2

Others

1. Entry and temporary stay shall be granted to natural persons of the other Parties who are:
 - a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the juridical persons' products and services, subject to



market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant sector or subsector;

- b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies and are carrying out respective professional activities; and
 - c) business visitors being persons not based within Malaysia, receiving no remuneration from any source within Malaysia, who has been employed for at least one (1) year by a foreign juridical person, whose entry and temporary stay is for the purposes of negotiating for the sale of goods or services or entering into agreements to sell goods or services for that juridical person and who will not engage in direct sales to the general public.
2. Entry and temporary stay of natural persons defined in categories 1(a) and 1(b) is up to a period of 10 years. For category 1(c), the period of stay is up to a period of 90 days.



Schedule of the Republic of the Union of Myanmar

Myanmar may require a natural person of another Party seeking entry and temporary stay under the terms and conditions set out in the following section of this Annex to obtain an appropriate visa prior to entry.

Section 1 Short-term Business Visitors

Entry and temporary stay shall be granted for a period not exceeding seventy (70) days when applied for, to short-term business visitors of another Party.

Section 2 Intra-corporate Transferees

In sectors committed in Myanmar's Schedule of Specific Commitments in Annex 6, entry and temporary stay shall be granted for a period not exceeding seventy (70) days from the date of arrival, which may be extended on application for a further three (3) months, then for a further six (6) months and then for up to one (1) year, subject to a recommendation from concerned Ministries/ authorities and final approval by the Ministry of Immigration and Population. This applies to Intra-corporate transferees of another Party who are executives, managers and specialists.



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
HORIZONTAL COMMITMENTS			
All Sectors; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1, 2, 3, 4: Unbound			
All Sectors	4) (a) Subject to the Myanmar Investment Law (2016), its implementing rules and any notification issued under that law, Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948 and Immigration rules and regulations, management level is allowed to stay up to one year and may be extendable there on subject to the approval of concerned agencies. (b) All foreign enterprises and foreign workers shall abide by	4) - Any expatriate engage in joint venture, representative offices or other types of judicial person and/ or individual services provider shall receive the approval of the respective authority. - Any expatriate entering into Myanmar shall abide by The Myanmar Immigration (Emergency Provisions) Act 1947, The Foreigners Act 1864, The Registration of Foreigners Act 1940, The Registration of Foreigners Rules 1948, The Permanent Residence of a Foreigner Rules and Immigration rules,	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<u>Business Visa</u> Period for 70 days Permission of Visa Period for Permission of Stay Extension - up to 3 months** - over 3 months - up to one year** (**with recommendation of Ministry concerned, Application Form, Passport (original & copy), Stay Form, (2) Recent Photos, FRC, Company Registration Card, Export & Import License) (Remark: In accordance with permission of Visa Confirming Board, Ministry of Labour, Immigration and Population has been obligating) (c) The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for	regulations and procedures of Myanmar - Individual services providers who work with the approval of respective authorities shall register themselves with the Department of Labour, the Ministry of Labour, Immigration and Population. - The Department of Labour, under the Ministry of Labour, Immigration and Population performs registration for foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission. - Regarding the recognition of the educational certificates and technical standard certificate, Myanmar only	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	foreign workers who have been given the permission to stay in work by the Myanmar Investment Commission.	determines equivalent factor depend on syllabus, contents, volume, time frame. Myanmar needs syllabus, contents, volume, time frame in English of respective countries.	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SPECIFIC COMMITMENTS				
1. Business Services				
A. Professional Services				
1	Accounting, auditing and bookkeeping Services (CPC 862)	4) None	4) As indicated in market access	- Foreign practising accountant holds an Accountancy Certificate or Degree conferred by any foreign country and recognized by the Myanmar Accountancy Council-MAC. - He/she is registered in the list of practising accountants managed by his/her country. - Subject to MAC's licensing requirement. - Not allowed to engage in CPC 8621 Accounting and Auditing Services.
2	Architectural Services (CPC 8671)	4) Unbound	4) Unbound	
3	Engineering Services (CPC 8672)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4	Integrated Engineering Services (CPC 8673)	4) Unbound	4) Unbound	
5	Urban Planning Services (CPC 86741)	4) Unbound	4) Unbound	
6	Landscape Architectural Services (CPC 86742)	4) Unbound	4) Unbound	
B. Computer and Related Services				
7	Consultancy services related to the installation of computer hardware (CPC 841)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
8	Software implementation services (CPC 842) (i) System software consulting services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425)			
9	Data processing services (CPC 843) (i) Input processing services (CPC 8431) (ii) Data-processing and tabulation services (CPC 8432) (iii) Time-sharing services (CPC 8433) (iv) Other data processing services (CPC 8439)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
10	Data base services (CPC 844)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
11	Other (CPC 845-849) (i) Maintenance and repair services of	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	office machinery (CPC 845) (ii) Other computer services (CPC 849) - Data-processing services (CPC 8491) - Other computer services (CPC 8499) - System integration services - Software development services			
E. Rental/Leasing Services without Operator				
12	Rental and Leasing of Studio Recording equipment (CPC 83109)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
F. Other Business Services				
13	Advertising Services (CPC 871)	4) Unbound	4) Unbound	
14	Printing and Publishing (CPC 88442)	4) Unbound	4) Unbound	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
15	Translation and Interpretation Services (CPC 87905)	4) Unbound	4) Unbound	
2. COMMUNICATION SERVICES				
C. Telecommunication Services				
16	Telex Services (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
17	Telegraph Services (CPC 7522)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
18	Electronic Mail services (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
19	Voice Mail Services (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
20	Electronic Data Interchange (EDI) Services (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
21	On Line information and data base retrieval (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
22	Code and protocol conversion (CPC 7523**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
23	On Line information and /or data base processing (CPC 843**)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
24	Paging Services (CPC 75291)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
25	Telecommunication equipment maintenance Services (CPC 75450)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
D. Audio Visual Services				
26	Motion Picture and Video Tape Production and Distribution Services (CPC 9611)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
27	Cinema Theatre Services (CPC 9615)	4) Unbound	4) Unbound	
28	Motion Picture Projection Services (CPC 9612)	4) Unbound	4) Unbound	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES				
29	Pre-erection Work at Construction Site (CPC 511)	4) Unbound	4) Unbound	
30	Construction Work for Buildings (CPC 512)	4) Unbound	4) Unbound	
31	Construction Work for Civil Engineering (CPC 513)	4) As indicated in the Horizontal Commitments	4) As indicated in the Horizontal Commitments	
32	Assembly and Erection of Prefabricated Construction (CPC 514)	4) Unbound	4) Unbound	
33	Special Trade Construction (CPC 515)	4) Unbound	4) Unbound	
34	Installation Work (CPC 516)	4) Unbound	4) Unbound	
35	Building Completion and Finishing Work (CPC 517)	4) Unbound	4) Unbound	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
36	Renting Services Related to Equipment for Construction or Demolition of Building or Civil Engineering Work with Operator (CPC 518)	4) Unbound	4) Unbound	
5. EDUCATIONAL SERVICES				
37	Primary Education Services (CPC 921) - Preschool education services (CPC 9211) - Other primary education services (CPC 9219)	4) Unbound	4) Unbound	Due to existing Regulations of education, Primary Education services are to be regulated by Ministry of Education. Pre-school Education services are to be regulated by Ministry of Education as well as Ministry of Social Welfare Relief and Resettlement.
38	Secondary education services (CPC 922) - General secondary education services (CPC 9221) - Technical & vocational secondary education services	4) Unbound	4) Unbound	Due to existing Regulations of education, General Secondary Education Services and Technical and Vocational Secondary Education Services are to be regulated by Ministry of Education.



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(CPC 9223) - Technical & vocational secondary school type education services for handicapped students (CPC 9224)			Other secondary Education Services are to be regulated by Ministry of Social Welfare Relief and Resettlement
39	Higher education services (CPC 923) - Post-secondary education services (CPC 9231/92310) - Other higher education services (CPC 9239/92390)	4) Unbound	4) Unbound	Due to existing Regulations of education, Higher Education Services are to be regulated by Ministry of Education as well as other 4 Concerned Ministries.
40	Adult education services (CPC 924) Professional and / or short courses education services - Language courses and training - Business courses	4) Unbound	4) Unbound	Due to existing Regulations of education, Language courses and training are to be regulated by Ministry of Education. Business courses are to be regulated by concerned Ministries.



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
41	Other education services (CPC 929/9290/92900) - Skills training services covering the provision of training for technical, supervisory & production related functional levels in new and emerging technologies as follows: (1) automated manufacturing technology; (2) advanced materials technology; (3) biotechnology; (4) electronic; (5) Other services information technology; (6) avionics	4) Unbound	4) Unbound	Due to existing Regulations of education, other education services are to be regulated by Ministry of Education as well as other Concerned Ministries.
7. FINANCIAL SERVICES				
A. All insurance and insurance related services				
42	Average and loss adjustment services (CPC 81403)	4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Business Regulatory Board.	4) None	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
43	Actuarial Services	4) None	4) According to existing laws & regulations and subject to the permission of Insurance Business Regulatory Board.	
B. Banking and other financial services				
44	Foreign Bank's Representative Offices Services (CPC 811) Foreign Bank's Branches Services (CPC 811)	4) Subject to CBM's approval	4) Subject to CBM's approval	
45	Provision of financial information, and financial data processing and related software by suppliers of other financial services (CPC 8131)	4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws.	4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws.	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
46	Guarantee and Commitments (CPC 81199)	4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws.	4) Presence of natural person is allowed temporarily if there is a commercial presence, and subject to the approval from the Central Bank of Myanmar according to existing domestic laws.	
9. TOURISM AND TRAVEL RELATED SERVICES				
47	Hotel and Other Lodging Services (CPC 6411/ 64110)	4) None	4) Unbound	
48	Meal serving services with full restaurant services (CPC 6421/64210)	4) None	4) Unbound	
49	Meal serving services in self-service facilities (CPC 6422)	4) None	4) Unbound	
50	Caterer services, providing meals to outside (CPC 6423)	4) None	4) Unbound	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
51	Beverage serving services without entertainment (CPC 64310)	4) None	4) Unbound	
52	Beverage serving services with entertainment (CPC 64320)	4) None	4) Unbound	
53	Travel Agencies and Tour Operators Services (CPC 7471)	4) Unbound	4) Unbound	
11. TRANSPORT SERVICES				
A. Maritime Transport Services				
54	International Passenger Transport Services (excluding Cabotage)	4) Unbound	4) Unbound	
55	International Freight Transport Services (excluding Cabotage)	4) Unbound	4) Unbound	
56	Classification Societies	4) Unbound	4) Unbound	
57	Cargo Handling Services	4) Unbound	4) Unbound	



SCHEDULE OF THE REPUBLIC OF THE UNION OF MYANMAR

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

Sr. No.	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
58	Maritime Storage and Warehousing Services	4) Unbound	4) Unbound	
59	Maintenance and Repair of Vessels	4) Unbound	4) Unbound	
60	Maritime Freight Forwarding Services (CPC 7480)	4) Unbound	4) Unbound	
C. Air Transport Services				
61	Aircraft Repair and Maintenance Services	4) Unbound	4) Unbound	
62	Selling and Marketing of Air Transport Services	4) Unbound	4) Unbound	
63	Computer Reservation System Services	4) Unbound	4) Unbound	



Schedule of the Republic of the Philippines

Notes

1. This schedule applies only to sectors covered in the Philippine Schedule of Commitments under the Trade in Services Chapter of the ASEAN-Japan Comprehensive Economic Partnership (AJCEP).
2. Philippines' commitments under the AJCEP on Movement of Natural Persons, and under National Treatment and Market Access, in relation to the supply of services through presence of natural persons of Japan and ASEAN Member States (AMS) in the Philippine territory, apply only in relation to the categories of persons set out below.
3. In accordance with Article 50 *bis*.4, Schedule of Commitments for the Temporary Entry and Temporary Stay of Natural Persons, Philippines specifies below any terms, conditions, limitations or qualifications in relation to the supply of services through the presence of natural persons of Japan and AMS in the Philippine territory.
 - a) Pursuant to the Philippine Immigration Act of 1940, as amended, the Philippines shall require a covered natural person of Japan and AMS seeking entry and temporary stay under the terms and conditions set out in each category below to obtain an appropriate visa prior to entry in the Philippine territory.
 - b) Pursuant to the provisions of Article 40 of the Labor Code, as amended and its implementing rules and regulations, non-resident aliens may be admitted to the Philippines after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application, to perform the services for which the alien is desired.
 - c) Pursuant to Section 14, Article XII of the Philippine Constitution, the practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission (PRC) pursuant to Section 7(j) of Republic Act No. 8981, and obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.
 - d) For professional services, upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorise issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose



certificate of registration issued therein has not been suspended/revoked, provided:

1. Requirements for registration/licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;
2. That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or special temporary permit to:
 - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements.
 - Consultants in foreign funded, joint-venture or foreign assisted projects of the government
 - Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time.
3. Agencies/organisations/individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC.
 - e) Pursuant to the Constitution and other relevant laws, in activities expressly reserved to citizens of the Philippines or corporation or association where foreign equity participation is limited to a maximum of 40 percent, all executive and managing officers must be citizens of the Philippines. A non-Filipino citizen as officer or assigned to do technical functions shall have two (2) Filipino understudies.
 - f) For Transport sector, in case of specialized vessels, aliens may be employed as supernumeraries only for a period of six (6) months.
 - g) All measure relating to permanent residents are unbound.

Business visitor

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services Chapter.



Definition: 1) **Business Visitor** means a natural person seeking to enter or stay in the territory of another Party temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of that other Party;

i) as a representative of a goods seller/service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller/service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public;

ii) as an employee of a juridical person as defined in subparagraphs e(i), e(ii) and e(iii) of Article 3 of the ASEAN Agreement on the Movement of Natural Persons only for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of another Party;

iii) for the purpose of participating in business negotiations or meetings; or

iv) for the purpose of establishing an investment or setting up a commercial presence in the territory of another Party.

Conditions and Limitations:
(Including Period of Stay)

Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of fifty nine (59) days, which may be extended every two (2) months thereafter for a total period of stay of one (1) year pursuant to the Philippine Immigration Act of 1940, as amended.

Intra-Corporate Transferee (ICT)

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services.

Definitions: **Intra-Corporate Transferee (ICT)** means a natural person who is an employee of a juridical person established in the territory of a Party, who is transferred temporarily for the supply of a service through commercial presence (either through a joint venture, representative office, branch, subsidiary or affiliate) in the territory of another Party, and who has been an employee of the juridical person, and who is:

i) an **Executive**: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or



stockholders of the business; an executive would not directly perform tasks related to the actual provision of the service or services of the organisation;

- ii) a **Manager**: a natural person within the organisation who primarily directs the organisation/department/subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service; or
- iii) a **Specialist**: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.

Conditions and Limitations: Temporary stay for one (1) year, which may be
(Including Period of Stay) extended pursuant to the Philippine Immigration Act of 1940, as amended.

Investors

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services

Definition: **Investors engaged in the following:**

- (a) activities to invest in business in the Philippines and manage such business;
- (b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or
- (c) conduct of business in the Philippines in which a person other than that of the Philippines has invested.

Conditions and Limitations: Temporary stay for a period of one (1) year, which may
(Including Period of Stay) be extended, shall be granted to a natural person of each Party who engages in any of these activities.



Schedule of the Republic of Singapore

Singapore's commitments under Chapter 6 *bis* (Movement of Natural Persons), in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories set out below.

In accordance to Chapter 6 *bis* (Movement of Natural Persons), for the categories of persons set out in this Schedule, Singapore specifies below any terms, conditions, limitations of qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Singapore.

Section 1 Intra-corporate Transferees

Entry for intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed five years. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provide services within Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:

- (a) Managers - persons within an organization who primarily direct the organization, or a department or sub-division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.
- (b) Executives - persons within the organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organization.
- (c) Specialists - persons within an organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions).



Section 2 Other Clarifications

Notwithstanding the above, Singapore remains unbound with respect to National Treatment and ships' crew.

Section 1 Intra-corporate Transferees

Entry for intra-corporate transferees is limited to a three-year period that may be extended for up to two additional years for a total term not to exceed five years. Intra-corporate transferees relate to managers, executives and specialists as defined below, who are employees of firms that provide services with Singapore through a parent, subsidiary or affiliate established in Singapore and who have been in the prior employ of their firms outside Singapore for a period of not less than one year immediately preceding the date of their application for admission and who are of the following:

- (a) **Managers** - persons within an organization who primarily direct the organization, or a department or sub-division of the organization, supervise and control the work of other subordinates, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing or other personnel actions (such as promotion or leave allocation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.
- (b) **Executives** - persons within the organization who primarily direct the management of the organization, or a sub-division thereof, and hold a senior position of general supervision or direction from higher-level executives, the board of directors or stockholders of the business. Executives would not include personnel related to the retail provision of the service, or services related to the organization.
- (c) **Specialists** - persons within an organization who possess knowledge of an advanced level of expertise and who possess proprietary knowledge of the organization's service, technical equipment, techniques or technology. (This category does not include persons related to the retail provision of the service, or services related to the organization.)



Schedule of the Kingdom of Thailand

Thailand may require a natural person of another Party seeking entry and temporary stay in the territory of Thailand under the terms and conditions set out in each section of this Annex to obtain an appropriate visa prior to entry.

Section 1 Short-term Business Visitors

Entry and temporary stay for a period not exceeding ninety (90) days shall be granted, when applied for, to a short-term business visitor.

Section 2 Intra-corporate Transferees

1. Entry and temporary stay for an initial period not exceeding one (1) year from the arrival date shall be granted, when applied for, to an intra-corporate transferee who has been employed by a juridical person concerned outside Thailand for a period of not less than one (1) year immediately preceding the date of his application for admission.
2. Such temporary stay may be extended for a further three (3) terms of not more than one (1) year each.



Schedule of the Socialist Republic of Viet Nam¹

Section 1 Service sales person

Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that supplier where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period.

Section 2 Intra-corporate Transferees

1. Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.
2. Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.
3. Specialists are natural persons working within an organization who possess knowledge at an advanced level of expertise and with knowledge of the organization's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.

¹ Viet Nam's Specific Commitments for the Movement of Natural Persons are limited to the sectors/sub-sectors included in the Schedule of Specific Commitments of Viet Nam in Annex 6.



Section 3 Other personnel

Managers, executives and specialists, as defined in Section 2, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.

Section 4 Persons responsible for setting up a commercial presence

Managers and executives (as defined in Section 2) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Party when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a Party other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.

Section 5 Contractual service suppliers (CSS)

Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is less provided that the following conditions and requirements shall be applied:

1. The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract.
2. These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector.
3. The number of these persons covered by the service contract shall not be larger than necessary to fulfill the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.
4. These persons have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" in Section 2.



The entry of these persons is allowed for computer and related services (CPC 841-845, 849) and engineering services (CPC 8672).

