

Annex 5  
Schedules of Specific Commitments  
in relation to Article 62

Part 1

Schedule of Japan

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991)(hereinafter referred to in this Annex as "CPC"). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated March 28, 2001). The Guidelines shall not, however, be construed as being legally binding.

3. The modes of supply 1), 2), 3), and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (u)(i), (ii), (iii), and (iv) of Article 58.

4. The entry "Unbound\*" means unbound due to lack of technical feasibility.

5. The use of "\*\*\*" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

6. Measures affecting (a) passenger transport services by air; (b) freight transport services by air; and (c) rental/leasing services of aircraft with crew/operator are not listed in this Schedule, as these are measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights to which Chapter 7 does not apply. The commitment for freight transport agency services does not include freight forwarding services by air transport services.

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
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE		3) Unbound for research and development subsidies 4) Unbound for research and development subsidies	
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law (CPC 861)	1) None except that: services must be supplied by a natural person or by a Legal Profession Corporation <sup>1</sup> ; and commercial presence is required. 2) None except that: services must be supplied by a natural person or by a Legal Profession Corporation; and commercial presence is required. 3) None except that services must be supplied by a natural person or by a Legal Profession Corporation. 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	

1 A Legal Profession Corporation under Japanese law is composed of one or more partners who are lawyers qualified as "Bengoshi" under Japanese law and have the rights and obligations to execute activities of the Legal Profession Corporation.

<p>a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (CPC 861**)</p> <p>(a) Legal advisory services on law do not include:</p> <p>(i) legal representational services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p> <p>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer (hereinafter referred to in this sector as "the jurisdiction");</p> <p>(iii) legal representational services for the entrustment of the preparation of notarial deeds; and</p> <p>(iv) those activities concerning a legal case whose</p>	<p>1) None except that: services must be supplied by a natural person; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>2) None</p> <p>3) None</p> <p>4) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p>	<p>3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.</p> <p>Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning the law of that country).</p> <p>Practice of Japanese law is not permitted.</p> <p>(b) Association with "Bengoshi" is permitted.</p> <p>Employment of "Bengoshi" is permitted.</p>
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primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan.

- (b) A service supplier shall be required to cooperate with "Bengoshi" or to ask for his or her advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one.

(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho".

(d) Representation in international arbitration is permitted.

Note to the Specific Commitment in the Sector of Legal Advisory Services on Law of Jurisdiction Where the Service Supplier is a Qualified Lawyer

The service supplier must be recognized as "Gaikoku-Ho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.

The conditions for granting recognition by the Minister of Justice are as follows:

- (a) The service supplier is qualified as a lawyer in the jurisdiction.
- (b) The service supplier has been engaged as a lawyer for at least three years in the jurisdiction.
- (c) The service supplier is not subject to such conditions of disqualification in the jurisdiction which, if applied to "Bengoshi", would disqualify the "Bengoshi".
- (d) The service supplier possesses the intention to undertake the profession in good faith.
- (e) The service supplier possesses plans, residence, and financial basis to perform his or her functions properly and steadily.
- (f) The service supplier possesses capability to compensate for damages caused to the client, if any.

<p>a) Legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under Japanese law (CPC 861**)</p>	<p>1) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation<sup>2</sup>; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Judicial Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under Japanese law (CPC 861**)</p>	<p>1) None except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation<sup>3</sup>; and</p>	<p>1) None</p>	

2 A Judicial Scrivener Corporation under Japanese law is composed of two or more partners who are judicial scriveners qualified as "Shiho-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Judicial Scrivener Corporation.

3 An Administrative Scrivener Corporation under Japanese law is composed of two or more partners who are administrative scriveners qualified as "Gyousei-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Administrative Scrivener Corporation.

	<p>commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by an Administrative Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by a certified social insurance and labor consultant qualified as "Shakai-Hoken-Romushi" under Japanese law (CPC 861**)</p>	<p>1) None except that: services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation<sup>4</sup>; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation.</p> <p>4) None except that commercial</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

4 A Certified Social Insurance and Labor Consultant Corporation under Japanese law is composed of two or more partners who are certified social insurance and labor consultants qualified as "Shakai-Hoken-Romushi" under Japanese law and have the rights and obligations to execute activities of the Certified Social Insurance and Labor Consultant Corporation.

	presence is required.		
a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (CPC 86119, 8612, 8613, 8619)	<p>1) None except that: services must be supplied by a natural person or by a Patent Business Corporation<sup>5</sup>; and  commercial presence is required for a Patent Business Corporation.</p> <p>2) None except that: services must be supplied by a natural person or by a Patent Business Corporation; and  commercial presence is required for a Patent Business Corporation.</p> <p>3) None except that services must be supplied by a natural person or by a Patent Business Corporation.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law (CPC 861**)	<p>1) None except that services must be supplied by a natural person.</p> <p>2) None except that services must be supplied by a natural person.</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a land and house surveyor qualified as	<p>1) None except that: services must be supplied by a</p>	<p>1) None</p>	

5 A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and have the rights and obligations to execute activities of the Patent Business Corporation.

<p>"Tochi-Kaoku-Chosashi" under Japanese law (CPC 861**)</p>	<p>natural person or by a Land and House Surveyor Corporation<sup>6</sup>; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Land and House Surveyor Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Land and House Surveyor Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>b) Accounting, auditing and bookkeeping services (CPC 862)</p>	<p>1) None except that: provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation<sup>7</sup> under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation.</p> <p>2) None except that: provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation; and</p>	<p>1) None</p> <p>2) None</p>	

6 A Land and House Surveyor Corporation under Japanese law is composed of two or more partners who are land and house surveyors qualified as "Tochi-Kaoku-Chosashi" under Japanese law and have the rights and obligations to execute activities of the Land and House Surveyor Corporation.

7 An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and have the rights and obligations to execute activities of the Audit Corporation.



	<p>commercial presence is required for an Audit Corporation.</p> <p>3) None except that provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation.</p> <p>4) None</p>	<p>3) None</p> <p>4) None</p>	
c) Taxation services (CPC 863)	<p>1) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law (Law No. 237 of 1951):</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation<sup>8</sup>; and commercial presence is required.</p> <p>2) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law:</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation; and commercial presence is required.</p> <p>3) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, services must be supplied by a natural person or by a Certified Tax Accountant Corporation.</p> <p>4) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

8 A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and have the rights and obligations to execute activities of the Certified Tax Accountant Corporation.

	presence is required.		
d), e) Architectural services which must be supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi" (CPC 86712, 86713, 86714 <sup>9</sup> ) (CPC 86722, 86723, 86724 <sup>9</sup> , 86725 <sup>9</sup> , 86727 <sup>9</sup> )	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d), e), g) Architectural services which may be supplied by a service supplier not qualified as "Kenchikushi" under Japanese law, or by a service supplier not using "Kenchikushi" (CPC 8671) (CPC 8672 <sup>10</sup> ) (CPC 86742 <sup>10</sup> )	1) None <sup>11</sup> 2) None <sup>11</sup> 3) None 4) None <sup>11</sup>	1) None 2) None 3) None 4) None	
e), f) Engineering services and integrated engineering services (CPC 8672 <sup>12</sup> ) (CPC 8673 <sup>12</sup> )	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

9 Limited to services necessary for building construction excluding post-construction services.

10 Limited to services necessary for building construction.

11 In the case where the services are supplied by a service supplier who is qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.

12 Excluding architectural services and civil engineering consulting services.

e), g) F e), F m) Civil engineering consulting services (CPC 86721 <sup>13</sup> , 86724 <sup>13</sup> , 86727 <sup>13</sup> , 86729 <sup>13</sup> ) (CPC 86741, 86742 <sup>13</sup> ) (CPC 86761 <sup>13</sup> ) (CPC 86751 <sup>13</sup> , 86752 <sup>13</sup> )	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
g) Urban planning and landscape architectural services (CPC 8674 <sup>12</sup> )	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. Computer and Related Services (excluding computer reservation system services for air transport) (CPC 841, 842, 843, 844, 845, 849)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Research and Development Services			
b) Research and development services on social sciences and humanities (CPC 852)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Real Estate Services			
a) Real estate services involving own or leased property (for property in Japan)	1) None except that commercial presence is required. 2) None except that commercial	1) None 2) None	

13 Limited to services necessary for civil engineering excluding engineering design services for buildings.

(CPC 821)	presence is required. 3) None 4) None except that commercial presence is required.	3) None 4) None	
a) Real estate services involving own or leased property (for property outside Japan) (CPC 821)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Real estate services on a fee or contract basis (for property in Japan) (CPC 822)	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
b) Real estate services on a fee or contract basis (for property outside Japan) (CPC 822)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
E. Rental and Leasing Services without Operators			
a) Rental and leasing services, without operators, relating to ships <sup>14</sup>	1) None 2) None	1) None 2) None	

14 In the case that services are supplied through the use of ship flying the flag of Japan, the ship must be owned by:

(a) a Japanese national; or

(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkosuru yakuin") having Japanese nationality.

(CPC 83103)	3) None  4) None	3) None except that prior notification is required for coastwise ship leasing services in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949).  4) None	
c) Rental and leasing services, without operators, relating to transport equipment other than vessels and aircraft (CPC 83101, 83102, 83105)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d), e) Rental and leasing services, without operators, relating to machineries and equipment other than transport equipment, and personal and household goods (CPC 83106-83109) (CPC 832)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. Other Business Services			
a) Advertising services (CPC 871)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None	1) None 2) None	

	3) None 4) None	3) None 4) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Services related to management consulting (CPC 86601, 86609)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Technical testing and analysis services for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (CPC 8676**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Technical testing and analysis services covered by the Measurement Law as follows: (CPC 86763**)  (a) periodic inspection of specified measuring instruments;  (b) verification of specified measuring instruments;  (c) measurement certification business, including specified measurement	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	

<p>certification business;</p> <p>(d) inspection of specified measuring instruments used for the measurement certification;</p> <p>(e) accreditation for a person engaged in specified measurement certification business; and</p> <p>(f) calibration of the measuring instruments and other services.</p>			
<p>k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers):</p> <p>(a) Port transport services;</p> <p>(b) Construction work; and</p> <p>(c) Work which is stipulated in a Ministry of Health, Labor and Welfare Ordinance as having a possibility of hindering worker's protection (such work is not stipulated now). (CPC 87201, 87202)</p>	<p>1) None except that commercial presence is required.</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	

<p>k) Supply services of personnel within Japan<sup>15</sup> except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is maintained):</p> <p>(a) Port transport services;</p> <p>(b) Construction work;</p> <p>(c) Guarding; and</p> <p>(d) Other work stipulated in a Cabinet Order after consulting the Labor Policy Council (such as medical-related work) (CPC 87203, 87209)</p>	<p>1) None except that commercial presence is required.</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	
<p>l) Investigation services (CPC 87301)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral, and surveying) (CPC 86751, 86752)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

15 The dispatched worker may not be supplied from outside Japan through intra-corporate transfer.



<p>m) Surveying services for the land in Japan (CPC 86753, 86754)</p>	<p>1) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey<sup>16</sup> data or Public Survey<sup>17</sup> data, and the surveying which is for small areas or does not require high accuracy.</p> <p>2) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.</p> <p>3) None</p> <p>4) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>m) Surveying services for the land outside Japan (CPC 86753, 86754)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>n) Maintenance and repair of equipment (excluding vessels, aircraft and</p>	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

16 The term "Basic Survey" means a primary or fundamental survey, conducted by the Geographical Survey Institute of the Ministry of Land, Infrastructure and Transport, for all surveys.

17 The term "Public Survey" means a survey, other than Basic Survey, which:

(a) does not include (i) surveying for small areas and (ii) surveying where high accuracy is not required; and

(b) is conducted with the expenses borne or subsidized, in part or in full, by the Government or other public entities of Japan.

other transport equipment) (CPC 633, 8861-8866)	3) None 4) None	3) None 4) None	
o) Building-cleaning services (CPC 87401, 87402, 87403, 87409)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
r) Printing and publishing services (CPC 88442)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
s) Convention services (CPC 87909)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

t) Telephone answering services (CPC 87903)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Duplicating services (CPC 87904)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Specialty design services (CPC 87907)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
2. COMMUNICATION SERVICES			
A/B. Postal/Courier Services <sup>18</sup>			

18 Suppliers of postal/courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in postal/courier services other than correspondence-delivery services including printed matter, parcels, goods

<p>Correspondence-delivery services supplied by Special Correspondence Delivery Business</p> <p>Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence Delivery Provided by Private-Sector Operators (Law No. 99 of 2002):</p> <p>(a) mail items that have dimensions totaling more than 90 cm or weight over 4 kg;</p> <p>(b) mail items that are to be delivered within three hours of being mailed; and</p> <p>(c) mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Internal Affairs and Communications and is not less than 1,000 yen.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
C. Telecommunications Services			
Basic telecommunications	1) None	1) None	Japan undertakes the

or other items, are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

services:			ADDITIONAL COMMITMENTS described below.
a) Voice telephone services; (CPC 7521)	2) None	2) None	
b) Packet-switched data transmission services; (CPC 7523**)	3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) <sup>19</sup> must be less than one-third.	3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality.	
c) Circuit-switched data transmission services; (CPC 7523**)	4) None	4) None	
d) Telex services; (CPC 7523**)			
f) Facsimile services; (CPC 7521**, 7529**)			
g) Private leased circuit services; and (CPC 7522**, 7523**)			
o) Other			

ADDITIONAL COMMITMENTS

Scope

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

Definitions

In this ADDITIONAL COMMITMENTS:

- (a) the term "telecommunications" means the transmission and reception of signals by any electromagnetic means;
- (b) the term "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by Japan to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;
- (c) the term "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;
- (d) the term "essential facilities" means facilities of a public telecommunications transport network or service that:
  - (i) are exclusively or predominantly supplied by a single or limited number of suppliers; and

19 NTT must own all the shares issued by the Regional Companies.

(ii) cannot feasibly be economically or technically substituted in order to supply a service;

(e) the term "major supplier" means a supplier that has the ability to materially affect the terms of participation having regard to price and supply in the relevant market for basic telecommunications services as a result of:

(i) control over essential facilities; or

(ii) use of its position in the market;

(f) the term "facilities-based suppliers" means telecommunications carriers who establish telecommunications circuit facilities; and

(g) the term "services-based suppliers" means telecommunications carriers other than the facilities-based suppliers.

## 1. Competitive Safeguards

### 1.1 Prevention of Anti-competitive Practices in Telecommunications

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

### 1.2 Safeguards

The anti-competitive practices referred to in subparagraph 1.1 shall include in particular:

(a) engaging in anti-competitive cross-subsidization or pricing services in a manner that gives rise to unfair competition;

(b) discriminating specific persons unfairly in providing telecommunications services;

(c) using information obtained from competitors with anti-competitive results; and

(d) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to supply services.

## 2. Interconnection

### 2.1 Interconnection to be Ensured

Interconnection shall be ensured between a facilities-based supplier and any other facilities-based supplier or a services-based supplier to the extent provided for in the laws and regulations of Japan.

### 2.2 Interconnection with Major Suppliers

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

(a) under non-discriminatory terms, conditions (including technical standards and specifications), and rates, and of a quality no less favorable than that provided for its own like services, for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;

(b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled<sup>(Note)</sup> so that the service supplier need not pay for network components or facilities that it does not require for the services to be supplied; and

(Note) "Sufficiently unbundled" network components or facilities include unbundled local loop (including line sharing).

- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

#### 2.3 Co-Location, etc.

It shall be ensured that a major supplier is required to allow other service suppliers who interconnect with the major supplier:

- (a) to locate their equipment which is essential for interconnection within the major supplier's buildings; or
- (b) to install their cables and lines which are essential for interconnection within the major supplier's buildings, conduits, cable tunnels or telephone poles,

where physically feasible and where no practical or viable alternatives exist, in order to interconnect smoothly with the essential facilities of the major supplier.

#### 2.4 Interconnection Pursuant to an Approved Reference Interconnection Offer

It shall be ensured that major suppliers are required to provide a reference interconnection offer for approval by the relevant regulatory authorities. The reference interconnection offer shall be consistent with the principles of competitive safeguards specified in paragraph 1 and shall contain written statements of the charges and conditions on which a major supplier will interconnect with other service suppliers. At a minimum, the reference interconnection offer shall be required to contain the following:

- (a) a list and description of the interconnection-related services offered, the terms and conditions for such services, the operational and technical requirements, and the procedures or processes that will be used to order and provide such services;
- (b) a list of cost-oriented rates that a major supplier offers for all its interconnection-related services. Where feasible, the major supplier shall be required to use an established methodology based on incremental forward-looking economic cost;
- (c) standard periods between the dates of request and commencement which are stipulated in a clear manner and are reasonable; and
- (d) a statement regarding the duration of the proposed interconnection agreement, if it is fixed.

2.5 Subparagraphs 2.2, 2.3 and 2.4 are applied only to a major supplier which has control over essential facilities.

#### 2.6 Public Availability of the Procedures for Interconnection Negotiations

It shall be ensured that the procedures applicable for interconnection to a major supplier are made publicly available.

#### 2.7 Transparency of Interconnection Arrangements

It shall be ensured that a major supplier makes publicly available either its interconnection agreements or reference interconnection offer.

#### 2.8 Interconnection Dispute Settlement

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

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known,

to an independent domestic body in Japan, which may be a regulator as referred to in paragraph 5, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been

established previously.

3. Universal Service

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

4. Public Availability of Licensing Criteria

(a) Where a license is required, the following shall be made publicly available:

(i) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license; and

(ii) the terms and conditions of individual licenses.

(b) The reasons for the denial of a license shall be made known to the applicant upon request.

5. Independent Regulators

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

6. Allocation and Use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent, and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available except for detailed identification of frequencies allocated for specific government uses.

Value-added services:	1) None	1) None	
h) Electronic mail services; (CPC 7523**)	2) None	2) None	
i) Voice mail services; (CPC 7523**)	3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) <sup>19</sup> must be less than one-third.	3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality.	
j) On-line information and data base retrieval services; (CPC 7523**)	4) None	4) None	
k) Electronic data interchange (EDI) services; (CPC 7523**)			
l) Enhanced/value added facsimile services including			



<p>store and forward, store and retrieve; (CPC 7523**)   m) Code and protocol conversion services;   n) On-line information and/or data processing services (including transaction processing); and (CPC 843**)   o) Other</p>			
D. Audiovisual Services			
a) Motion picture and video tape production and distribution services (CPC 9611)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Motion picture projection services (CPC 9612)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Sound recording services	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Buildings (CPC 512)			

<p>B. General Construction Work for Civil Engineering (CPC 513)</p> <p>C. Installation and Assembly Work (CPC 514, 516)</p> <p>D. Building Completion and Finishing Work (CPC 517)</p> <p>E. Other (CPC 511, 515, 518)</p> <p>(a) These services excluding those related to mining</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>4. DISTRIBUTION SERVICES</p>			
<p>A. Commission Agents' Services (CPC 621, 61111, 61130, 61210)</p> <p>B. Wholesale Trade Services (CPC 622, 61111, 61130, 61210)</p>			

20 Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers,

<p>C. Retailing Services (CPC 631, 632, 61112, 61130, 61210)</p> <p>D. Franchising Services (CPC 8929)</p> <p>(a) These services excluding those related to petroleum, petroleum products, alcoholic beverages, and those supplied at Public Wholesale Market<sup>20</sup></p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>(b) These services related to petroleum and petroleum products</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) Unbound</p>	

with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of aforementioned goods, which is operated on a permanent basis.

<p>(d) These services supplied at Public Wholesale Market</p>	<p>1) Unbound*</p> <p>2) Unbound*</p> <p>3) None except that: the number of licenses conferred to service suppliers may be limited; and  services must be supplied by a juridical person established under Japanese law, at the Central Public Wholesale Market, in accordance with the Public Wholesale Market Law (Law No. 35 of 1971).</p> <p>4) None except that: the number of licenses conferred to service suppliers may be limited; and  services must be supplied by a juridical person established under Japanese law, at the Central Public Wholesale Market, in accordance with the Public Wholesale Market Law.</p>	<p>1) Unbound*</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	
<p>5. EDUCATIONAL SERVICES</p>			

<p>A. Primary Education Services<sup>21,22</sup>, supplied as formal education (CPC 92110**, 9219)</p>	<p>1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons.<sup>23</sup> 4) Unbound</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound</p>	
<p>B. Secondary Education Services<sup>21,22</sup>, supplied as formal education (CPC 9221, 9222, 9223)</p>	<p>1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. 4) Unbound</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound</p>	
<p>C. Higher Education Services<sup>21,22</sup> (CPC 9231, 9239)</p>	<p>1) None 2) None 3) None except that Formal Education Institutions must be established by school juridical persons. 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	

21 These educational services supplied as formal education in Japan are supplied by Formal Education Institutions. The term "Formal Education Institutions" means elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for the blind, schools for the deaf, schools for the handicapped, and kindergartens.

22 Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialized training colleges (Senshu-Gakko) and miscellaneous schools (Kakushu-Gakko) under Japanese law.

23 The term "school juridical person" means a non-profit juridical person established for the purposes of supplying educational services under Japanese law.

D. Adult Education Services <sup>22,24</sup> (CPC 924)	1) None 2) None	1) None 2) None	
E. Other Education Services <sup>22,24</sup> (CPC 929)	3) None 4) None	3) None 4) None	
6. ENVIRONMENTAL SERVICES			
A. Sewage Services (CPC 9401)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
B. Refuse Disposal Services (CPC 9402)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
C. Sanitation and Similar Services (CPC 9403)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. Other			
Cleaning services of exhaust gases (CPC 9404)	1) Unbound* 2) None	1) Unbound* 2) None	

24 Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialized training colleges and miscellaneous schools supply educational services other than formal education. Formal Education Institutions must be established by school juridical persons. Specialized training colleges and miscellaneous schools may be required to be established by school juridical persons.

Noise abatement services (CPC 9405)  Nature and landscape protection services (CPC 9406)  Other environmental protection services (CPC 9409)	3) None  4) None	3) None  4) None	
7. FINANCIAL SERVICES			
<p>For the purposes of this Schedule, the Understanding on Commitments in Financial Services (hereinafter referred to as the "Understanding") which is included in Japan's Schedule of Specific Commitments of the GATS (WTO Document GATS/SC/46/Suppl.3) is incorporated into and forms a part of this Schedule.</p> <p>Japan undertakes its specific commitments with respect to Financial Services in accordance with Chapter 7, Annex 4, and the Understanding.</p> <p>For prudential reasons within the context of paragraph 1 of Section 2 of Annex 4, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.</p> <p>With respect to specific commitments in the sectors of Financial Services, services supplied in Viet Nam to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (u)(ii) of Article 58.</p>			
A. Insurance and Insurance-Related Services	<p>Specific commitments in the market access column with respect to the supply of a service under subparagraphs (u)(i) and (ii) of Article 58 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 59, 60, and 61 and Annex 4, subject to conditions and qualifications set out below.</p> <p>1) None except that:  commercial presence is in</p>	<p>1) None</p>	

25 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

	<p>principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p> <p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p> <p>2) None except that:</p> <p>commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p> <p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p> <p>3) None<sup>25</sup></p> <p>4) Unbound</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
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<p>B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)</p>	<p>Specific commitments in the market access column with respect to the supply of a service under subparagraphs (u)(i) and (ii) of Article 58 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 59, 60 and 61 and Annex 4, subject to conditions and qualifications set out below.</p> <p>1) None except that commercial presence is required for discretionary investment management services.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.</p> <p>4) Unbound</p>	
<p>8. HEALTH RELATED AND SOCIAL SERVICES</p>			
<p>A. Hospital Services (CPC 9311)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p>			
<p>A. Hotels and Restaurants</p>			
<p>Hotels and restaurants services (excluding catering services) (CPC 641-643, except 6423)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	

	4) None	4) None	
Catering services (CPC 6423)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. Travel Agencies and Tour Operators Services (CPC 7471)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Tourist Guides Services (CPC 7472)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services (including theater, live bands and circus services) (CPC 9619)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. News Agency Services (CPC 962)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Libraries, Archives, Museum and Other Cultural Services			

Libraries and archives services (CPC 96311, 96312)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Sporting and Other Recreational Services			
Sporting services (CPC 9641)  Recreation parks and beach services (CPC 96491)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
a), b) International maritime transport services (including services of passenger transportation and freight transportation) (CPC 7211, 7212)	1) (a) Liner Shipping: None <sup>26</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>26</sup> 2) None 3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: None except that there is a nationality requirement <sup>27</sup> for a ship	1) (a) Liner Shipping: None <sup>26</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>26</sup> 2) None 3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: None except that there is a	The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  (a) Pilotage services; (b) Pushing and towing services; (c) Provisioning,

26 Restriction or prohibition of a) entry into ports located in Japan and b) loading or unloading of cargoes in ports located in Japan for a designated period may be imposed as a countermeasure on operators of vessels who belong to a country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavorable treatment imposed on them by that country or by local authorities or similar entities of that country.

27 In this sector, the term "nationality requirement" means that the ship must be owned by:

- (a) a Japanese national; or
- (b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkosuru yakuin") having Japanese nationality.

	<p>flying the flag of Japan.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crew: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the flag of Japan.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b): None</p>	<p>nationality requirement<sup>27</sup> for a ship flying the flag of Japan.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crew: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the flag of Japan.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b): None</p>	<p>fueling and watering services;</p> <p>(d) Garbage collecting and refuse disposal services;</p> <p>(e) Port captain's services;</p> <p>(f) Navigation aids services;</p> <p>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>(h) Emergency repair services; and</p> <p>(i) Anchorage, berths and berthing services.</p>
A. Maritime Auxiliary Transport Services			
d) Maintenance and repair of vessels (CPC 8868**)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test.</p> <p>4) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

e) Pushing and towing services (CPC 7214)	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	
f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (CPC 7454, 7459)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	
Maritime cargo handling services (as defined in paragraph 2 of Note below)	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan.<sup>28</sup></li> <li>4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan.<sup>28</sup></li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> <li>4) None</li> </ul>	
Container station and depot services (as defined in paragraph 3 of Note below)	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan.<sup>28</sup></li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound*</li> <li>2) None</li> <li>3) None</li> </ul>	

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

	4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan. <sup>28</sup>	4) None	
Maritime agency services (as defined in paragraph 4 of Note below)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Maritime freight forwarding services (as defined in paragraph 5 of Note below)	1) None except that:  commercial presence is required; and  an operation permit or governmental registration will be granted on a reciprocal basis. 2) None 3) None except that an operation permit or governmental registration will be granted on a reciprocal basis. 4) None except that:  commercial presence is required; and  an operation permit or governmental registration will be granted on a reciprocal basis.	1) None except that an operation permit or governmental registration will be granted on a reciprocal basis. 2) None 3) None except that an operation permit or governmental registration will be granted on a reciprocal basis. 4) None except that an operation permit or governmental registration will be granted on a reciprocal basis.	
<p>Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services</p> <p>Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this Schedule of Specific Commitments, a multimodal transport operator<sup>(Note 1)</sup> shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions<sup>(Note 2)</sup> for the purpose of carrying out multimodal transport operations.</p> <p>(Note 1) The term "multimodal transport operator" means a person on whose behalf the bill of lading, multimodal transport document or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.</p>			

(Note 2) The term "reasonable and non-discriminatory terms and conditions" means, for the purposes of multimodal transport operations, terms and conditions where the multimodal transport operator is able to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

#### Definitions

1. The term "other forms of commercial presence for the supply of international maritime transport services" means commercial presence where international maritime transport service suppliers of Viet Nam are able to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken under subparagraph (u)(i) of Article 58).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inward transport services by any mode, particularly inland waterways, road, and rail, but excluding air, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications to the GATS);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the commitments provided for in Chapter 8) with any locally established shipping agency; and
- (f) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

2. The term "maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. Maritime cargo handling services include the organization and supervision of:

- (a) the loading/discharging of cargo to/from a ship;
- (b) the lashing/unlashing of cargo; and
- (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

3. The term "container station and depot services" means activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

4. The term "maritime agency services" means activities consisting of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and

(b) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

5. The term "maritime freight forwarding services" means activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Maritime freight forwarding services include those provided by a person on whose behalf the bill of lading or any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

B. Internal Waterways Transport

<p>d) Maintenance and repair of vessels (CPC 8868**)</p>	<p>1) Unbound* 2) None 3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale is subject to an economic needs test. 4) None</p>	<p>1) Unbound* 2) None 3) None 4) None</p>	
<p>e) Pushing and towing services (CPC 7224)</p>	<p>1) Unbound* 2) None 3) None 4) None</p>	<p>1) Unbound* 2) None 3) None 4) None</p>	
<p>f) Salvaging and refloating services, watering services, fueling services and garbage collecting services (CPC 7454, 7459)</p>	<p>1) None 2) None 3) None 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	

C. Air Transport Services

<p>d) Aircraft repair and maintenance services defined in paragraph (a) of Article 58</p>	<p>1) Unbound* 2) None 3) None except that the number of licenses conferred to service suppliers may be limited.</p>	<p>1) Unbound* 2) None 3) None</p>	
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	4) None	4) None	
e) Selling and marketing of air transport services defined in paragraph (t) of Article 58	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Computer reservation system services defined in paragraph (c) of Article 58	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
E. Rail Transport Services			
d) Maintenance and repair services of rail transport equipment (CPC 8868**)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
d) Rental of rail transport equipment with operator	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. Road Transport Services			

b) Freight transportation services (CPC 7123)	1) Unbound* 2) None 3) None except that limitations on the number of service suppliers, on the number of service operations, or on the quantity of service output may be applied, on a temporary and non-discriminatory basis. 4) None except that:  limitations on the number of service suppliers, on the number of services operations, or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and  commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
d) Maintenance and repair services of road transport equipment (CPC 6112, 8867)	1) Unbound* 2) None 3) None 4) None except that commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
G. Pipeline Transport			
b) Transport services of goods other than fuels (CPC 7139)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
H. Services Auxiliary to All Modes of Transport			
b) Storage and warehouse services (excluding services relating to petroleum and petroleum products)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

(CPC 742)	4) None	4) None	
d) Customs clearance agent services related to Japanese Customs	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	

## Part 2

### Schedule of Viet Nam

#### Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991)(hereinafter referred to in this Annex as "CPC"). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.
2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated March 28, 2001). The Guidelines shall not, however, be construed as being legally binding.
3. The modes of supply 1), 2), 3), and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (u)(i), (ii), (iii), and (iv) of Article 58.
4. The entry "Unbound\*" means unbound due to lack of technical feasibility.
5. The use of "\*\*\*" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

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
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) None, except:</p> <p>Unless otherwise specified in each specific sector or sub-sector of this Schedule, Japan's enterprises are allowed to establish commercial presence in Viet Nam in the form of business cooperation contract<sup>1</sup>, joint venture enterprise, or 100% foreign-invested enterprise.</p> <p>Representative offices of Japan's service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities<sup>2</sup>.</p>	<p>(3) None, except:</p> <p>Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitization is not in breach of this commitment. Unbound for subsidies for research and development. Unbound for subsidies in the health, education and audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p>	

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

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

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership, operation, and juridical form, and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing the operation or supply of services by an existing Japan's service supplier shall not be made more restrictive than they exist as of the date of Viet Nam's accession to the WTO.</p> <p>Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be</p>		

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
	<p>extended whenever the time of operation of those enterprises is extended by competent authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In this case, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.</p> <p>Upon the entry into force of this Agreement, the 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors</p>		

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
	<p>committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.</p> <p>(4) Unbound, except:</p> <p>At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of three non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

**II. SECTOR-SPECIFIC COMMITMENTS**

**1. BUSINESS SERVICES**

**A. Professional Services**

(a) Legal services	(1) None.	(1) None.	
(CPC 861, excluding:	(2) None.	(2) None.	



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
<ul style="list-style-type: none"> <li>- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;</li> <li>- legal documentation and certification services of the laws of Viet Nam)</li> </ul>	<p>(3) Japan's lawyers organizations<sup>3</sup> are permitted to establish commercial presence in Viet Nam in the following forms:</p> <ul style="list-style-type: none"> <li>- Branches of Japan's lawyers organizations;</li> <li>- Subsidiaries of Japan's lawyers organizations;</li> <li>- Japan's law firms<sup>4</sup>;</li> <li>- Partnerships between Japan's lawyers organizations and Viet Nam's law partnerships.</li> </ul> <p>Commercial presences of Japan's lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.</p>	<p>(3) None.</p>	

<sup>3</sup> The term "Japan's lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in Japan (including firms, companies, corporations, etc.) by one or more Japan's lawyers or law firms.

<sup>4</sup> The term "Japan's law firm" is an organization established in Viet Nam by one or more Japan's lawyers organizations for the purpose of practicing law in Viet Nam.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Accounting , auditing and bookkeeping services (CPC 862)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(1) None. (2) None. (3) None, except: For the period before 11 January 2009, 100% foreign-invested enterprises may only supply services to foreign-invested enterprises in Viet Nam. Japan's enterprises have to be juridical persons of Japan. (4) Unbound, except as indicated in the	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the	

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 section.	horizontal section.	
(e) Engineering services (CPC 8672)	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None, except:	
(f) Integrated engineering services (CPC 8673)	For the period before 11 January 2009, 100% foreign-invested enterprises may only supply services to foreign-invested enterprises in Viet Nam. Japan's enterprises have to be juridical persons of Japan.  (4) Unbound, except as indicated in the horizontal section.	The supply of services related to topographical, geotechnical, hydro geological, and environmental surveys, and technical surveys for urban-rural development planning, and sectoral development planning are subject to the authorization of the Government of Viet Nam <sup>5</sup> .  (4) Unbound, except as indicated in the horizontal section.	

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

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
(g) Urban planning and urban landscape architectural services (CPC 8674)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>As of 11 January 2009, 100% foreign-invested enterprises may be established.</p> <p>For the period before 11 January 2009, 100% foreign-invested enterprises may only supply services to foreign-invested enterprises in Viet Nam.</p> <p>Japan's enterprises have to be juridical persons of Japan.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam.</p> <p>(2) None.</p> <p>(3) None, except the responsible Japanese architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized by the Government of Viet Nam.</p> <p>In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, Japan's service suppliers may not be permitted to supply this service<sup>6</sup>.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

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

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
(i) Veterinary services (CPC 932) <sup>7</sup>	(1) None. (2) None. (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>	(1) None. (2) None. (3) None, except:  For the period before 11 January 2009, 100% foreign-invested enterprises may only provide services to foreign-invested enterprises in Viet Nam. As of 11 January 2010, branching will be allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
<b>C. Research and Development Services</b>			
(a) R&D services on natural sciences (CPC 851)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	

<sup>7</sup> Excluding keeping micro-organism strain for veterinary.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>E. Rental/Leasing Services without Operators</b>			
(b) Relating to aircraft (CPC 83104)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(d) Relating to other machinery and equipment (CPC 83109)	(1) Unbound, except for industrial machinery and equipment <sup>8</sup> : None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except for industrial machinery and equipment: None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None. (2) None. (3) None, except: Japan's service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to supply advertising services.	(1) None. (2) None. (3) None.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.

<sup>8</sup> Excluding mining and oil field equipment; and commercial radio, television and communication equipment.

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
	<p>Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. As of 1 January 2009, there shall be no limitation on foreign capital contribution in the joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
(b) Market research services (CPC 864, excluding 86402)	<p>(1) None. (2) None. (3) None, except:  Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. As of 1 January 2009, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.</p>	
(c) Management consultant services (CPC 865)	<p>(1) None. (2) None. (3) None. As of 11 January 2010, branching will be allowed.</p> <p>(4) Unbound, except as</p>	<p>(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.</p> <p>(4) Unbound, except as</p>	





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
<p>(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)</p>	<p>(1) Unbound.            (2) None.            (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership three years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access:            None.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p> <p>(4) Unbound, except as indicated in the</p>	<p>(1) None.            (2) None.            (3) None.</p> <p>(4) Unbound, except as indicated in the</p>	

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 section.	horizontal section.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>9</sup>	<p>(1) None.            (2) None.            (3) None, except:              Only in the form of joint-venture or business cooperation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.            (2) None.            (3) None, except:              Access to certain geographical areas may be restricted.<sup>10</sup></p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(h) Services incidental to mining (CPC 883)</p> <p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, and helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the Area or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			

<sup>9</sup> Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

<sup>10</sup> For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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
	<p>(1) None, except: Companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None.</p> <p>(3) None, except:  Joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None, except as indicated in market access column.</p> <p>(2) None.</p> <p>(3) None, except as indicated in the market access column.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
(i) Services incidental to manufacturing (CPC 884 and 885)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except:</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) Unbound.</p>	

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
	<p>As of 11 January 2010, only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. As of 11 January 2015: 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(m) Related scientific and technical consulting services<sup>11</sup> (CPC 86751, 86752 and 86753 only)</p>	<p>(1) None, except:</p> <p>Companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None.</p> <p>(3) None, except: Joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11</p>	<p>(1) None, except as indicated in the market access column.</p> <p>(2) None.</p> <p>(3) None, except as indicated in the market access column.</p>	

<sup>11</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>January 2009, this limitation shall be 51%. As of 11 January 2011, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	(4) Unbound, except as indicated in the horizontal section.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	<p>(1) None. (2) None. (3) None, except: Joint ventures with foreign capital contribution not exceeding 49% shall be permitted. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None, except as indicated in the market access column.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services (CPC 7512**)</b>	<p>(1) None.<sup>12</sup> (2) None.</p>	<p>(1) None. (2) None.</p>	Services and services suppliers of Japan shall be

<sup>12</sup> The cross-border supply of service can be performed in association with a local service supplier for the collection or delivery.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>* Express delivery services<sup>13</sup>, i.e. services consisting of collection, sorting, transport, and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication<sup>14</sup>, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> <li>- Hybrid mail service;</li> <li>- Direct mail.</li> </ul> <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> <li>- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;</li> <li>- US\$9 for international shipments;</li> </ul> <p>provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels<sup>15</sup> and other goods.</p> <p>* Handling of non-addressed items.</p>	<p>(3) None, except that foreign ownership in joint ventures may be limited to 51% before 11 January 2012.</p> <p>As of 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>accorded treatment no less favorable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.</p>

<sup>13</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, and confirmation of receipt.

<sup>14</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>15</sup> Books, catalogues are included hereunder.

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
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**C. Telecommunication Services**

Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purposes of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).

<p><u>Basic telecommunication services</u></p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521** + 7529**)</p> <p>(g) Private leased circuit services (CPC 7522** + 7523**)</p>	<p>(1) None, except:</p> <p>Wire-based and mobile terrestrial services: Service must be supplied through commercial arrangements with an entity established in Viet Nam and licensed to supply international telecommunication services.</p> <p>Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services supplied to:</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is a member, Japan's service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to supply such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, Japan's service suppliers shall be permitted to supply such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>
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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
(o*) Other services - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting <sup>16</sup> - Radio based services include: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) <sup>17</sup>	- Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; and - as of 11 January 2010: <i>multinational</i> companies <sup>18</sup> , which are licensed to use satellite-earth stations.		

<sup>16</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio program signals to the general public, but does not cover contribution links between operators.

<sup>17</sup> Services supplying internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>18</sup> A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO Member; and e) is licensed to use satellite services in at least one WTO Member.



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
	<p>(2) None.</p> <p>(3) None, except:                      Non facilities-based services: Upon entry into force of this Agreement joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p>Facilities-based services: Upon entry into force of this Agreement, joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.                      51% gives management control of the joint venture.</p>	<p>(2) None.</p> <p>(3) None.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>In the telecommunications sector, Japan's investors in business cooperation contracts will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favorable than those they currently enjoy.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)<sup>19</sup></p>	<p>(1) None, except: Wire-based and mobile terrestrial services: Service must be supplied through commercial arrangements with an entity established in Viet Nam and licensed to supply international</p>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is a member, Japan's service suppliers shall be permitted to control fully-owned</p>

<sup>19</sup> Services, supplied on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the competent authority and subject to its oversight. VPN service suppliers shall notify to the competent authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the competent authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and Value-added services from (h) to (n).

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
	<p>telecommunication services.</p> <p>Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services supplied to:</p> <ul style="list-style-type: none"> <li>- Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- As of 11 January 2010: multinational companies<sup>18</sup>, which are licensed to use satellite-earth stations.</li> </ul>		<p>submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to supply such capacity to international facilities-based service suppliers licensed in Viet Nam. As of 11 January 2011, Japan's service suppliers shall be permitted to supply such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>

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
	<p>(2) None.</p> <p>(3) None, except:                      Non facilities-based services: Upon entry into force of this Agreement, joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> <p>Facilities-based services: Upon entry into force of this Agreement, joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Value-added services</u></p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (including transaction processing) (CPC 843**)</p>	<p>(1) None, except:</p> <p>Wire-based and mobile terrestrial services: Service must be supplied through commercial arrangements with an entity established in Viet Nam and licensed to supply international telecommunication services.</p> <p>Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services supplied to:</p> <ul style="list-style-type: none"> <li>- Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and consulates, high tech and software</li> </ul>	<p>(1) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>

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
	<p>development parks who are licensed to use satellite-earth stations;</p> <p>- As of 11 January 2010: multinational companies<sup>18</sup>, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) None, except: Non facilities-based services: Upon entry into force of this Agreement: business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p>	<p>(2) None.</p> <p>(3) None.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Facilities-based services: Business cooperation contracts or joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>51 % gives management control of the joint venture. In the telecommunications sector, Japan's investors in business cooperation contract will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favorable than those they currently enjoy.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Value added services</u> (o) Other - Internet Access Services IAS <sup>20</sup>	(1) Wire-based and mobile terrestrial services: None, except: Service must be supplied through commercial arrangements with an entity established in Viet Nam and licensed to supply international telecommunication services. Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services supplied to: - Upon entry into force of this Agreement: off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organizations' representative offices, diplomatic representatives and	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

<sup>20</sup> Services providing internet access to the end users.



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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p> <p>- As of 11 January 2010: multinational companies<sup>18</sup>, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) Non facilities-based services: Upon entry into force of this Agreement: Joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. As of 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p>	<p>(2) None.</p> <p>(3) None.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Facilities-based services: Upon entry into force of this Agreement, Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

**D. Audiovisual Services**

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

<p>(a) Motion picture production services (CPC 96112, excluding video tape)</p>	<p>(1) Unbound.            (2) Unbound.            (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to supply these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.            (4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.            (2) Unbound.            (3) None.              (4) Unbound, except as indicated in the horizontal section.</p>	
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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
- Motion picture distribution services (CPC 96113, excluding video tape)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to supply these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection services (CPC 96121)	(1) Unbound. (2) None. (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to supply these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.  Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to	(1) Unbound. (2) None. (3) None.	

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
	engage in business cooperation contract or joint-venture with foreign service suppliers.  (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(e) Sound recording services	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General Construction Work for Buildings (CPC 512)	(1) Unbound.* (2) None. (3) None, except:	(1) Unbound.* (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
B. General Construction Work for Civil Engineering (CPC 513)	For the period before 11 January 2009, 100% foreign-invested enterprises can only supply services to foreign-invested enterprises and foreign-funded projects in Viet Nam.		
C. Installation and Assembly Work (CPC 514, 516)			
D. Building Completion and Finishing Work (CPC 517)	Japan's enterprises have to be juridical persons of Japan.		
E. Other (CPC 511, 515, 518)	As of 11 January 2010, branching will be allowed.		

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
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>4. DISTRIBUTION SERVICES</b>			
Measures applicable to all sub-sectors in DISTRIBUTION SERVICES:			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>21</sup> , explosives, processed oil and crude oil, rice, cane, and beet sugar are excluded from the commitments.			
A. Commission Agents' Services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale Trade Services (CPC 622, 61111, 6113, 6121)			
C. Retailing Services (CPC 631 + 632, 61112, 6113, 6121) <sup>22</sup>	(2) None. (3) None, except: A joint venture with (a) Vietnamese partner(s) is required. As of 1 January 2009: None. Foreign-invested companies engaging in distribution services will be permitted to engage in the commission	(2) None. (3) None.	

<sup>21</sup> For the purposes of this Schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule, or powdered form.

<sup>22</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>agents', wholesale and retail business of all legally imported and domestically produced products except for: cement and cement clinkers; tyres (excluding tyres of airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers.</p> <p>As of 1 January 2009: foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles.</p> <p>As of 11 January 2010: foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all</p>		

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
	legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) <sup>23</sup> . (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
D. Franchising Services (CPC 8929)	(1) None. (2) None (3) None, except a joint venture with (a) Vietnamese partner(s) is required. As of 1 January 2009: None. As of 11 January 2010: branching will be allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
<b>5 EDUCATIONAL SERVICES</b>			
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points C., D., and E. below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary Education Services	(1) Unbound. (2) None.	(1) Unbound. (2) None.	

<sup>23</sup> Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 922)	(3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher Education Services (CPC 923)	(1) Unbound. (2) None. (3) None, except:	(1) Unbound. (2) None. (3) Japan's teachers who wish to work in foreign-invested schools shall have at least five years of teaching experience, and their qualifications shall be recognized by the competent authority.	
D. Adult Education (CPC 924)	Only in the form of joint-ventures. Majority foreign ownership of such joint ventures is allowed. As of 1 January 2009, 100% foreign-invested education entities will be permitted.		
E. Other Education Services (CPC 929 including foreign language training)	As of 11 January 2010: None. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>6. ENVIRONMENTAL SERVICES</b>			
Access to certain geographic areas may be restricted for national security reasons <sup>24</sup> .			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental	(1) Unbound, except related consulting services. (2) None. (3) None.	Japan's companies are allowed to engage in business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>24</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.



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
	<p>authority as defined in paragraph (q) of Article 58 may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>Joint ventures with foreign capital contribution not exceeding 51 % are allowed. As of 11 January 2011: None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
B. Refuse Disposal Services (CPC 9402) <sup>25</sup>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in paragraph (q) of Article 58 may be subject to public monopolies or</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	Japan's companies are allowed to engage in business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>25</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

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
	<p>exclusive rights granted to private operators. Foreign ownership is limited to 51 %. As of 11 January 2011: None. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to supply services at the refuse collection points as specified by local municipal and provincial authorities.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>D. Other Services</p> <p>- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)</p>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in paragraph (q) of Article 58 may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51 %. As of 11 January 2011: None.</p>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Environmental impact assessment services (CPC 94090*)	(1) None. (2) None. (3) None, except that foreign ownership is limited to 51%. As of 11 January 2011: None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
<b>7. FINANCIAL SERVICES</b>			
<b>A. Insurance and Insurance-Related Services</b>  a. Direct insurance (a) Life insurance, excluding health insurance services (b) Non-life insurance services  b. Reinsurance and retrocession  c. Insurance intermediation (such as brokerage and agency)  d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	(1) None for:  - Insurance services supplied to enterprises with foreign-invested capital, foreigners working in Viet Nam; - Reinsurance services; - Insurance services in international transportation, including insurance of risks relating to:  + international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the	(1) None.	

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
	<p>vehicle transporting the goods and any liability arising there-from; and                      + goods in international transit;                      - Insurance broking and reinsurance broking services; and                      - Consultancy, actuarial, risk assessment and claim settlement services.</p> <p>(2) None.                      (3) None, except:</p> <p>As of 11 January 2012, non-life branches of Japan's insurance enterprises shall be permitted, subject to prudential regulations.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None.                      (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

**B. Banking and Other Financial Services**

Commitments with respect to Banking and Other Financial Services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and paragraph 1 of Section 2 of Annex 4.

As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.

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
<p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <p>- Money market instrument (including cheques, bills, certificates of deposits);</p>	<p>(1) Unbound, except B.(k) and B.(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) Japan's credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <p>(i) With respect to Japan's commercial banks: representative office, branch of Japan's commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company, 100% foreign-invested finance company, and 100% foreign-owned bank .</p>	<p>(1) Unbound, except B.(k) and B.(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) the conditions for the establishment of a branch of a Japan's commercial bank in Viet Nam:</p> <p>- The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- Foreign exchange; - Exchange rate and interest rate instrument including products such as swaps, forward rate agreements; and - Bullion.</p> <p>(h) Money broking</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p>	<p>(ii) With respect to Japan's finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(iii) With respect to Japan's financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(b) Viet Nam may limit the right of a Japan's bank branch to accept deposits in Vietnamese Dong from Vietnamese natural persons with which the bank does not have a credit relationship to a ratio of the branch's paid-in capital according to the schedule below:</p>	<p>(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:</p> <p>- The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(1) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p>	<ul style="list-style-type: none"> <li>- 1 January 2008: 800% of legal paid-in capital;</li> <li>- 1 January 2009: 900% of legal paid-in capital;</li> <li>- 1 January 2010: 1,000% of legal-paid-in capital; and</li> <li>- 1 January 2011: Full national treatment.</li> </ul> <p>(c) Equity participation:</p> <ul style="list-style-type: none"> <li>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</li> <li>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in</li> </ul>	<p>(c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <ul style="list-style-type: none"> <li>- The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul>	

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
	<p>each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority.</p> <p>(d) A branch of Japan's commercial bank:</p> <ul style="list-style-type: none"> <li>- is not allowed to open other transaction points outside its branch office.</li> </ul> <p>(e) Japan's credit institutions are allowed to issue credit cards on a national treatment basis.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	



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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. <u>Securities</u></b></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Derivative products including futures and options;</li> <li>- Transferable securities; and</li> <li>- Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities including under-writing and placement as an agent (publicly or privately), provision of services related to such issues</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p>	<p>(1) Unbound, except services C.(k) and C.(l).</p> <p>(2) None.</p> <p>(3) Japan's securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%.</p> <p>As of 11 January 2012, securities service suppliers with 100% foreign-invested capital shall be permitted.</p> <p>For services from C.(i) to C.(l), as of 11 January 2012, branches of Japan's securities services suppliers shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and related software by suppliers of securities services</p> <p>(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)</p>			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
<p>A. Hospital Services (CPC 9311)</p> <p>B. Medical and dental services (CPC 9312)</p>	<p>(1) None.            (2) None.            (3) Japan's service suppliers are permitted to supply services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract.</p>	<p>(1) None.            (2) None.            (3) None.</p>	

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
	<p>The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p>A. Hotel and Restaurant including</p> <ul style="list-style-type: none"> <li>- Lodging services (CPC 64110)</li> <li>- Catering food (CPC 642) and drink services (CPC 643)</li> </ul>	<p>(1) None.  (2) None.  (3) None, except for the period before 11 January 2015, the services supplied shall be in parallel with investment in hotel construction, renovation, restoration or acquisition. None afterwards.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.  (2) None.  (3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Travel Agencies and Tour Operator Services (CPC 7471)	(1) None. (2) None. (3) None, except that: Japan's service suppliers are permitted to supply services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Japan's service supplying enterprises can only engage in inbound services and domestic travel for inbound tourists as an integral part of inbound services. (4) Unbound, except as indicated in the horizontal section.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None. (3) Unbound except as of 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% will be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other  - Electronic games business (CPC 964**)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to supply these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>  (a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	(1) Unbound, except international freight transportation: None. (2) None. (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: As of 11 January 2009, Japan's service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work	(1) Unbound, except international freight transportation: None. (2) None. (3) None.	The following services at a port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering; 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations,

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
	<p>in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding one-third of total employees of the ships. The Master or first chief executive must be a Vietnamese citizen.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>26</sup>:</p> <p>Japan's shipping companies can establish joint ventures with 51% foreign ownership. As of 11 January 2012, Japan's shipping companies can establish 100% foreign-invested enterprises.</p>		<p>including communications, water and electrical supplies;</p> <p>8. Emergency repair facilities;</p> <p>9. Anchorage, berth and berthing services; and</p> <p>10. Access to maritime agency services.<sup>27</sup></p>

<sup>26</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

<sup>27</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Foreign-invested enterprises are only permitted to carry out activities from 1. to 5. as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</li> </ol>		

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
	<p>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</p> <p>As of 11 January 2012, activities from 6. to 7. shall be allowed.</p> <p>6. Acting on behalf of the company, organizing the call of the ship or taking over cargoes when required; and</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p> <p>The number of joint ventures by foreign shipping companies will be limited to five companies. Three additional companies will be allowed every two years thereafter. The</p>		



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
	<p>limitation on the number of joint ventures shall be applied on a global basis. As of 11 January 2012, no limitation on the number of joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p><b>Maritime Auxiliary Services</b></p> <p>- Container handling services (CPC 7411)<sup>28</sup></p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>28</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Customs clearance services <sup>29</sup>	(1) Unbound.* (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2012, joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound.* (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
- Container station and depot services <sup>30</sup>	(1) Unbound.* (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014: None. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound.* (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
<b>B. Internal Waterways Transport</b>  (a) Passenger transport	(1) Unbound. (2) None. (3) Japan's service suppliers are permitted	(1) Unbound. (2) None. (3) None.	

<sup>29</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting of carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service supplier or a usual complement of its main activity.

<sup>30</sup> "Container station and depot services" means activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.



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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. As of 11 January 2012, 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section.	(3) None. (4) Unbound, except as indicated in the horizontal section.	
<b>E. Rail Transport Services</b> (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112)	(1) Unbound. (2) None. (3) Unbound except: Japan's suppliers are permitted to supply freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
<b>F. Road Transport Services</b> (a) Passenger transportation	(1) Unbound. (2) None. (3) None, except:	(1) Unbound. (2) None. (3) None.	

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
(CPC 7121+7122)  (b) Freight transportation (CPC 7123)	<p>Japan's service suppliers are permitted to supply passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, subject to the needs of the market<sup>31</sup>, joint-ventures with foreign capital contribution not exceeding 51% may be established to supply freight transport services.</p> <p>100 % of joint-venture's drivers shall be Vietnamese citizen.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>31</sup> The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

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
<b>H. Services Auxiliary to All Modes of Transport</b>			
(a) Container handling services, except services provided at airports (part of CPC 7411)	(1) Unbound. (2) None. (3) Japan's service suppliers are only permitted to supply services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
(b) Storage and warehouse services (CPC 742)	(1) Unbound.* (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 51% can be established. As of 11 January 2014: None. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
(c) Freight transport agency services (CPC 748) <sup>32</sup>			
(d) Other (part of CPC 749) <sup>33</sup>	(1) Unbound, except freight brokerage services: As of 11 January 2012, None. (2) None.	(1) Unbound, except freight brokerage services: As of 11 January 2012, None. (2) None.	

<sup>32</sup> Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

<sup>33</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; and transportation document preparation services. These services are supplied on behalf of cargo owners.

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
	<p>(3) Japan's service suppliers are only permitted to supply services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 49%. As of 11 January 2010, this limitation shall be 51%. As of 11 January 2014, this capital limitation shall be abolished.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

## REFERENCE PAPER

### I. SCOPE

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

#### Definitions

Users mean service consumers and service suppliers.

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

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

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

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

#### 1. Competitive safeguards

##### 1.1 Prevention of anti-competitive practices in telecommunications

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

##### 1.2 Safeguards

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

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

#### 2. Interconnection

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



## 2.2 Interconnection to be ensured

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

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

## 2.3 Public availability of the procedures for interconnection negotiations

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

## 2.4 Transparency of interconnection arrangements

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

## 2.5 Interconnection: dispute settlement

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

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

## 3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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