

ANNEX 4

NEW ZEALAND'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS¹

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE		3) Under the Overseas Investment Regulations, 1985, issued under the Overseas Investment Act 1973, Overseas Investment Commission approval is required for the following investments by an "overseas person": ² <ul style="list-style-type: none"> (a) acquisition or control of 25 per cent or more of the shares or voting power in a company where either the consideration of transfer or the value of the assets of the company exceeds \$NZ10 million; (b) the establishment of new business in New Zealand where the total expenditure in setting up the business exceeds \$NZ10 million; 	

¹See Attachment A.1

²See Attachment A.2

		(c) the acquisition of the assets of the business where the total consideration paid or payable for the assets exceeds \$NZ10 million;	
		(d) the issue or allotment of shares where the 25 per cent threshold has already been exceeded or will be exceeded as a result of the issue and where the total consideration paid or payable exceeds \$NZ10 million.	
		OIC consent is required, regardless of the dollar value of the investment, for acquisition of rural land. Approval is also required under the Land Settlement Promotion and Land Acquisition Act for the purchase of some classes of land. Unbound for enterprises currently in State Ownership.	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal Services, in respect of the following areas of law: (CPC 861)			
Domestic Law	1) None 2) None 3) None	1) None 2) None 3) None	
International law	1) None 2) None 3) None	1) None 2) None 3) None	
Foreign law	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Taxation services Tax preparation, tax planning and consulting services (CPC 86301-86303)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Integrated Engineering Services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
(g) Consultancy related to Urban Planning & Landscape Architecture (CPC 8674**)	1) None 2) None 3) None	1) None 2) None 3) None	
(i) Veterinary services (CPC 9320)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Computer and Related Services</u>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) Software implementation Services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Data processing services (CPC 843)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Data base services (CPC 844)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Maintenance and Repair of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Other Computer Services (CPC 849)	1) None 2) None 3) None	1) None 2) None 3) None	
D. <u>Real Estate Services</u>			
(a) Involving own or leased Property (CPC 821)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. <u>Rental/Leasing of Equipment without Crew</u></p> <p>Transport and non transport (CPC 8310)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>F. <u>Other Business Services</u></p> <p>(a) Advertising services (CPC 871)</p> <p>(c) Management consulting services (CPC 865)</p> <p>(d) Services related to Management consulting (CPC 866)</p> <p>(f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8813, 8814)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Services incidental to animal husbandry (CPC 8812)	1) None 2) None 3) None	1) None 2) None 3) Access to the national dairy herd testing database is only given where it is judged to be in the interests of the New Zealand industry.	
(h) Services incidental to Mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None	
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Cleaning of buildings and similar activities (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
(p) Photographic Services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
(s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	

* Unbound due to lack of technical feasibility.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(t) Credit reporting services (CPC 87901)	1) None 2) None 3) None	1) None 2) None 3) None	The Privacy Act 1993 establishes New Zealand's regulatory framework for the treatment of personal information, in general accordance with the Recommendation of the Council of the OECD Concerning Guidelines Governing the Protection of Privacy and Trans-border Flows of Personal Data.
(t) Collection agency services (CPC 87902)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Translation services (CPC 87905**)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Interior Design Services (87907**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(t) Telephone Answering Services (CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Duplicating Services (CPC 87904)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	1) None 2) None 3) None	
(t) Other Business Services – services generally provided to business not elsewhere classified in the CPC and not including convention services. These include: business brokerage services, appraisal services (other than for real estate), secretarial services, demonstration exhibition services, etc. (CPC 87909)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
<p>C. <u>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 7522)</p> <p>(f) Facsimile services (CPC 7521**, CPC 7529**)</p> <p>(g) Private leased circuit services (CPC 7522**, CPC 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than: The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9%. At least half of Board directors are required to be New Zealand citizens.</p>	<p>The principles set forth in the attached reference paper are incorporated in this schedule to the extent they are commitments additional to the obligations flowing from Part I and II, Article XXVIII and the Annex on Telecommunications of the General Agreement on Trade in Services in respect of the Article XVI and XVII commitments on telecommunication services contained herein.</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other Paging services (CPC 75291) Teleconferencing services (CPC 75292) Personal Communications Services (CPC 75213*) Cellular services (CPC 75213*) Trunked radio system services (CPC 7523**, CPC 75213*) Mobile data services (CPC 7523**)			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data-base retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhanced/value-added facsimile services (CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (CPC 843**)	1) None 2) None 3) None	1) None 2) None 3) The Articles of Association of the Telecom Corporation of New Zealand Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of Board directors are required to be New Zealand citizens.	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Audiovisual Services</u></p> <p>Production, distribution, exhibition and broadcasting of audiovisual works (CPC 9611-9613, CPC 96192**, CPC 7524, CPC 753)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1), The Broadcasting Commission is directed by</p> <p>3) the Government, pursuant to the Broadcasting Act 1989, to allocate a minimum of 6 per cent of its budget to Maori programming. From 1995 all public funding for Maori broadcasting will be controlled by Te Reo Whakapuaki Irirangi (Maori Broadcasting Funding Agency). Government assistance to the film industry through the New Zealand Film Commission is limited to New Zealand films as defined in Section 18 of the New Zealand Film Commission Act 1978.</p> <p>2) None</p>	
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>General Construction Work for Buildings</u> (CPC 512, CPC 515)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
B. <u>General Construction Work for Civil Engineering</u> (CPC 513)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
C. <u>Installation and Assembly Work</u> (CPC 514, CPC 516)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None	
E. <u>Other</u> Site preparation: new construction (other than pipelines) (CPC 511) Maintenance and repair of fixed structures	1) None for consultancy services 2) None 3) None 1) None for consultancy services 2) None 3) None	1) None for consultancy services 2) None 3) None 1) None for consultancy services 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Renting Services related to Equipment for Construction or Demolition of Buildings or Civil Engineering, with Operator (CPC 518)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. <u>Commission Agents' Services</u> (CPC 62113 - 62115, 62117 - 62118 and CPC 62116 except services relating to CPC 2613-2615).	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>CPC 62111** only in respect of services relating to CPC 02961-02963** (ovine wool).</p> <p>CPC 62112** only in respect of services relating to CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin) and 02961-02963** (ovine wool).</p> <p>CPC 62116** in respect of services relating to CPC 2613-2615** (ovine wool).</p>	<p>1) None 2) None 3) None, except in terms of export distribution: (i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations; (ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p>	<p>1) None 2) None 3) None, other than as scheduled in the market access column.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Wholesale Trade</u> (CPC 6223 – 6226, CPC 6228 and CPC 6227 except services relating to CPC 2613-2615)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>CPC 6221**only in respect of services relating to CPC 02961-02963** (ovine wool).</p> <p>CPC 6222** only in respect of services relating to CPC 21111, 21112, 21115, 21116 and 21119** (edible offals of bovine and ovine origin).</p> <p>CPC 6227** in respect of services relating to CPC 2613-2615** (ovine wool).</p>	<p>1) None 2) None 3) None, except in terms of export distribution:</p> <p>(i) the allocation of distribution rights related to exports of these products to export markets where tariff quotas, country specific preferences and other measures of similar effect are found may place limitations on the numbers of services suppliers, total value of services transactions or numbers of services operations;</p> <p>(ii) mandatory export marketing strategies may apply where there is support within the relevant industry. These export marketing strategies do not include measures limiting the number of market participants or limiting the volume of exports.</p>	<p>1) None 2) None 3) None, other than as scheduled in the market access column.</p>	
<p>C. <u>Retail Trade</u> (CPC 631, CPC 632, CPC 6111, CPC 6113 and CPC 6121)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATION SERVICES			
<p>Primary, Secondary, and Tertiary education in private institutions (CPC 921, CPC 922, CPC 923)</p> <p>Other Education in respect of the following services only:</p> <p>Language training provided in private specialist language institutions;</p> <p>Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system³.</p> <p>(CPC 929**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

³ Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES⁴			
A. Waste water management: (i) consultancy relating to waste water management; (ii) for all other aspects of this service: those contracted by private industry only. (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	

⁴ New Zealand's commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. Waste Management</p> <p>Refuse disposal services:</p> <p>(i) consultancy relating to refuse disposal;</p> <p>(ii) for all other aspects of this service: those contracted by private industry only.</p> <p>(CPC 9402**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sanitation and similar services: (i) consultancy relating to sanitation and similar services; (ii) for all other aspects of this service: those contracted by private industry only. (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Protection of ambient air & climate: consultancy only (CPC 9404**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Remediation & cleanup of soil & water: consultancy only (CPC 9406**) ⁵	1) None 2) None 3) None	1) None 2) None 3) None	

⁵ New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Noise & vibration abatement: consultancy only (CPC 9405**)	1) None 2) None 3) None	1) None 2) None 3) None	
F. Protection of biodiversity & landscape: consultancy only (CPC 9406**) ⁶	1) None 2) None 3) None	1) None 2) None 3) None	
G. Other environmental & ancillary services: consultancy only (CPC 9409**)	1) None 2) None 3) None	1) None 2) None 3) None	

⁶ New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
<p>1. New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO GATS "Understanding on Commitments in Financial Services" (the Understanding).</p> <p>2. These commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p> <p>3. Market access and national treatment commitments in Modes (1) and (2) are bound to the extent of the obligations in paragraphs B.3 and B.4 of the Understanding.</p> <p>4. The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 17.4 (Prudential Measures).</p> <p>5. Mode 3 commitments are subject to the provisions of the Financial Reporting Act 1993 and the Companies Act 1993. These require overseas companies to prepare financial statements on an annual basis comprising a balance sheet, a profit and loss statement and (if required by an applicable financial reporting standard approved by the Accounting Standards Review Board) a statement of cash flows. The Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the following companies to deliver annual audited financial statements to the Registrar of Companies for registration: (a) issuers (i.e. those which have raised investment from the public); (b) overseas companies; (c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; (d) companies in which 25 per cent or more of the shares are held or controlled by : (i) a subsidiary of a company of body corporate incorporated outside New Zealand or a subsidiary of that subsidiary; (ii) a company or body corporate outside New Zealand; or (iii) a person not ordinarily resident in New Zealand.</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Insurance and Insurance-related services</u></p> <p>(a) Life insurance services (CPC 8121)</p> <p>(b) Non-life insurance services (CPC 8129)</p>	<p>3) None</p> <p>1), The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p>	<p>3) None</p> <p>3) None</p>	
	<p>1), The Earthquake Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.</p> <p>3)</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>1),2),Unbound for marketing and 3) sales related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).</p>		
(c) Reinsurance and retrocession (CPC 81299)	3) None	3) None	
(d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)	<p>1), The Accident Rehabilitation and 3) Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Corporation.</p>	3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>1), Under the Wheat Producers Levy 3) Act 1987 (or regulations enacted under the Commodities Levy Act 1990), United Wheat growers (NZ) Ltd) has the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.</p>		
	<p>1),2)Unbound for loss of 3) products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for loss of products related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Services Auxiliary to Insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140**)	3) None	3) None	
B. Banking and other Financial Services (excluding insurance) ⁷			
(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)	3) None	3) None	

⁷ As defined in paragraph 5(a) (v)-(xvi) of the WTO GATS Annex on Financial Services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(b) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transactions(CPC 8113)</p> <p>(c) Financial leasing (CPC 8112)</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts (CPC 81339**)</p> <p>(e) Guarantees and commitments (CPC 81199**)</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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"> (i) money market instruments (cheques, bills, certificates of deposits etc) (CPC 81339**) (ii) foreign exchange (CPC 81333) (iii) derivative products including, but not limited to, futures and options (CPC 81339**) 			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc (CPC 81339**) (v) transferable securities (CPC 81321) (vi) other negotiable instruments and financial assets, including bullion (CPC 81339**)			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 8132)</p> <p>(h) Money broking (CPC 81339**)</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 (CPC 8119**, 81323*)</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments (CPC 81339**, 81319**) (k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131)			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131, 8133)			
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	
B./ <u>Travel Agencies, Tour</u> C. <u>Guides and Tour Operator Services</u> (7471, 7472)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>	General conditions applicable to all maritime service sectors: marketing and sales of maritime transport and related services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound, except for marketing and sales related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).		
International Transport (freight and passengers) (CPC 7211 and CPC 7212 less cabotage-as defined in Attachment A. 3)	1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag.	1) None 2) None 3) Unbound as described in the market access column.	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Maritime Auxiliary Services</u>			
Storage and warehousing Services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Attachment A.4)	1) None 2) None 3) None	1) None 2) None 3) None	
<u>C. Air Transport Services</u>			

* Unbound due to lack of technical feasibility.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Selling and marketing of air transport services ⁸	1)2) Unbound for products &3) covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261, except for marketing and sales related to the following products in respect of which a commitment is made: CPC 21111, 21112, 21115, 21116 and CPC 21119** (edible offals of bovine and ovine origin only); CPC 2613-2615** (ovine wool only); and CPC 02961-02963** (ovine wool only).	1) None 2) None 3) None	
Computer reservation system services ⁹ (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
E. <u>Rail Transport Service</u> (CPC 711)	1) None 2) None 3) None	1) None 2) None 3) None	

⁸ As defined in Article 8.1(i) (Definitions)

⁹ As defined in Article 8.1(c) (Definitions).

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Commercial Road Transport Services</u> (passenger, goods, rental and vehicle recovery) (712 except 71235)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline Transport</u> (CPC 713)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
12. OTHER SERVICES NOT INCLUDED ELSEWHERE Other Services Washing, cleaning and dyeing services (CPC 9701)	1) None 2) None 3) None	1) None 2) None 3) None	

ATTACHMENT A

NOTES TO THE SCHEDULE

1. Specific commitments in this schedule are prepared in accordance with the WTO Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164). The classification of sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the WTO Secretariat in MTN.GNS/W/120. In the context of CPC listings in the schedule, the use of ** against individual CPC listings indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

Overseas Investment

2. An "overseas person" is defined as an individual not normally resident in New Zealand; a company not incorporated in New Zealand; a New Zealand-incorporated company in which 25 per cent or more of any class of shares or 25 per cent or more of the voting power is held by overseas persons; or a nominee of the overseas person, whether or not the nominee is himself/herself an overseas person.

Maritime Transport Services

3. Cabotage: for purposes of this schedule only, cabotage is defined as the transportation of passengers or goods between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port located in New Zealand.

4. Maritime Freight Forwarding Services: the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

ATTACHMENT B
REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services⁹.

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 supplier¹⁰ 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.

⁹ This applies only to suppliers of basic telecommunications services and not to end-users of such services.

¹⁰ The definition of "major supplier" will be interpreted consistently with New Zealand's competition policy regime, which in part regulates the activities of persons with a "substantial degree of power in a market".

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.

2.2 Interconnection to be ensured

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

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

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

Any procedures¹¹ 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.

¹¹ Such procedures may be administered by means of a variety of mechanisms, including laws and regulations, public tendering process and consultative processes.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HORIZONTAL SECTION			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<p>3) <u>Acquisition, Mergers and Take-overs</u> The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following:</p> <p>(a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM 10 million in value;</p> <p>(b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and</p> <p>(c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.</p> <p>Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p>	<p>3) <u>Land, Property and Real Estate</u> Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State.</p> <p><u>Incentives/Preferences</u> Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS¹			
BUSINESS SERVICES			
A. Professional Services			
Legal Services (CPC 8619) covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None (2) None (3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.	(1) None (2) None (3) None	
Accounting, auditing and book keeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 40 per cent.	(1) None (2) None (3) None	
Taxation Services (CPC 863 / 8630)	(1) None (2) None (3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate	(1) None (2) None (3) None	

¹ An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	foreign interests in the partnership shall not exceed 40 per cent.		
Architectural services (CPC 8671)	(1) None (2) None (3) a) Architectural services may be supplied only by natural person; b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(1) Architectural services must be authenticated by a licensed architect in Malaysia. (2) None (3) a) None b) Unbound	
Engineering services (CPC 8672) covering: (CPC 86721- 86729)	(1) None (2) None (3) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(1) Engineering services must be authenticated by a registered professional Engineer in Malaysia (2) None (3) None	
Integrated engineering	(1) None	(1) Integrated engineering services must	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
services (CPC 8673) covering: (CPC 86731, 86732, 86733, 86739)	(2) None (3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia. The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.	be authenticated by the relevant registered professionals in Malaysia (2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia (3) None	
Urban Planning Services Covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning. (CPC 86741)	(1) None (2) None (3) Unbound	(1) None (2) None (3) Unbound	
Landscaping services, covering the provision of	(1) None	(1) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(2) None	(2) None	
	(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent	(3) None	

B. Computer and Related Services Consultancy services related to the installation of computer hardware (CPC 841) Software implementation service (CPC 842) Data Processing Services (CPC 843) Data base services	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 844 / 84400) Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842*)			

C. Research and Development Services Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent	(1) None (2) None (3) None	
E. Rental/Leasing Services without Operator Relating to ships exclude cabotage and offshore trades	(1) None (2) None (3) Only through a representative office, regional	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 83103) Relating to aircraft (CPC 83104)	office or Malaysian-controlled corporation acting as an agent		
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(1) None (2) None (3) None	
F. Other Business Services Advertising services (CPC 8711, 8712, 8719)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia	(1) Unbound (2) None (3) None	
Management Consulting Services a) covering advisory,	(1) None (2) None	(1) None (2) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p> <p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p>	<p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent</p>	<p>(3) None</p>	
<p>c) covering advisory and guidance in the field of pharmacy as follows:</p> <ul style="list-style-type: none"> - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing 			

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
drugs and vaccine; - Vaccine production. d) covering advisory and guidance on International Value-Added Network Services, rural telecom development in telecommunications (CPC8650*)			
Human Resource Management Consulting Services (CPC 86504)	(1) None (2) None (3) Only through joint venture with foreign equity not exceeding 30 %.	(1) None (2) None (3) None	
Public Relations Services (CPC 86506)	(1) None (2) None (3) Only through joint venture with foreign equity not exceeding 30 %.	(1) None (2) None (3) None	
Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including,	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
value-added services such as preservation techniques, etc. (CPC 881*, 882*)	and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent		
Services incidental to manufacturing (CPC 884, 885 except 88442)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None (2) None (3) None	
Technical Testing and Analysis Services (CPC 8676 except 86764)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None (2) None (3) None	
Convention Centre (CPC 87909) (Convention and exhibition management services covering the provision of planning, organisational, management and marketing services for conventions and other similar events)	(1) None (2) None (3) For Convention Centres with over 5,000 seating capacity, only through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%	(1) None (2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Supplied by natural person	(1) None (2) None (3) None	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent	(1) None (2) None (3) None	
Operational Headquarters (OHQ) Services covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management,	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) Only through a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of	(1) Unbound due to lack of technical feasibility (2) Unbound due to lack of technical feasibility (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or</p>	<p>a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ.</p> <p>OHQ must operate in Malaysia and fulfil the following criteria:</p>		
<p>sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)</p>	<p>a) carry out at least 3 of the OHQ service activities;</p> <p>b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies;</p> <p>c) have a well established foreign-owned company which is sizeable in terms of assets and employees;</p> <p>d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia;</p> <p>f) be able to contribute to the Malaysian economy by :</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> i. using services such as legal, accounting etc. provided by Malaysians; ii. creating job opportunities for Malaysians; iii. enabling greater inflow of foreign funds. 		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Telecommunication Services			
Basic Telecommunications	(1) None	(1) None	
1. Voice service (wired or wireless) (CPC 7521)	(2) None	(2) None	
2. Packet-switched data transmission services, including frame-relay services (CPC 7523)	(3) a) Only through acquisition of shares of existing appropriately licensed public telecommunications operators b) Foreign shareholding of up to 49 percent in these service providers is allowed	(3) None	
3. Circuit switched data transmission services (CPC 7523)			
4. Facsimile Service (CPC 7521**, PCPC 7529**)			
5. Private leased circuit service (CPC 7522** & CPC 7523**)			

Basic Telecommunications	(1) None	(1) None	
--------------------------	----------	----------	--

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. Paging services (CPC 75291)	(2) None (3) Only through locally incorporated joint-venture corporation with Malaysian individuals or Malaysia controlled corporations or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 per cent in these service providers is allowed.	(2) None (3) None	
Other telecommunication services 7. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite) 8. Satellite earth station 9. International switching and other international gateway 10. Mobile services analogue/digital cellular 11. Trunked radio services 12. Video transport services	(1) None (2) None (3) a) Only through acquisition of shares of existing appropriately licensed service providers. b) Foreign shareholding of up to 49 percent in these service providers is allowed.	(1) None (2) None (3) None	
Data and message transmission services	(1) None	(1) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)	(2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers Foreign shareholding of up to 49 percent in these service providers is allowed.	(2) None (3) None	
Voice telephone service (CPC 7521)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or Only through acquisitions of shares of an existing appropriately licensed service providers. Foreign shareholding of up to 49 per cent in these service providers is allowed.	(2) None (2) None (3) None	
Mobile telephone service (CPC 75213)	(1) None (2) None	(1) None (2) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 percent in these service providers is allowed.</p>	<p>(3) None</p>	
<p>Telegraph services (CPC 7522)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 percent in these service providers is allowed.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Telex services (CPC 7523)</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing licensed service providers</p> <p>Foreign shareholding shall not exceed 49 per cent in these service providers is allowed.</p>	<p>(3) None</p>	
<p>Mobile data services (CPC 7523)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing appropriately licensed service providers.</p> <p>Foreign shareholding of up to 49 per cent in these service providers is allowed.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
---------------------	-----------------------------	----------------------------------	------------------------

Explanatory Note

- 1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.
- 2) Definitions as per Communications and Multimedia Act 1998
 - a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
Network facilities provider means a person who is an owner of any network facilities.
 - b. Network services means a service for carrying communications by means guided and unguided electromagnetic radiation.
Network service provider means a person who provides network services.
 - c. Application service means a service provided by means of, but not solely by means of, one or more network services.
Application service provider means a person who provides an applications service.
- 3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001
 - a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.
 - b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.
 - c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

Audiovisual Services	(1) Commercial presence is required	(1) Unbound	
----------------------	-------------------------------------	-------------	--

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Motion picture, video tape and audio recording distribution services (CPC 96113)	(2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent	(2) None (3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) (a) None except through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 49%	(3) None	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)	(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:		
Installation Work (CPC 516)	i. Construction projects wholly financed by foreign investment and/or grants		
Building Completion and Finishing Work (CPC 517)	ii. Construction projects financed by loans of international tendering according to the terms of loans		
	iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available;		
	iv. 100% Malaysian funded construction projects where local expertise is not available.		
	Subject to compulsory sub-contracting to local sub-contractors.		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
Primary education services (CPC 921) General secondary education services (CPC 9221) Higher Secondary Education Services (CPC 9222) In private institution only, only international schools	(1) None, except for requirement for commercial presence (2) None (3) Only through a joint venture with foreign equity not exceeding 49%. <i>Note:</i> <i>From 31 December 2010, foreign equity not exceeding 51% is allowed.</i> <i>From 31 December 2015, foreign equity not exceeding 70% is allowed.</i>	(1) None, except for requirement for commercial presence (2) None (3) None	Any new establishment of international schools should be established at Economic Corridor Region (Iskandar, North, East, Sabah and Sarawak)
Technical and vocational secondary education services (CPC 9223) Technical and vocational secondary school-type education services for handicapped students (CPC 9224) In private institution only.	(1) None, except for requirement for commercial presence (2) None (3) Only through a joint venture with foreign equity not exceeding 49%. <i>Note:</i> <i>From 31 December 2010, foreign equity not exceeding 51% is allowed.</i> <i>From 31 December 2015, foreign equity not exceeding 70% is allowed.</i>	(1) None, except for requirement for commercial presence (2) None (3) None	For technical and vocational secondary education services (private education services) (CPC 9223) are required to use National Curriculum; and Technical and vocational secondary education school-type education services for handicapped students (private education) (CPC 9224), are required to use National curriculum.
Other education services in	(1) None, except for requirement for commercial	(1) None, except for requirement for	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
private institutions only (CPC 929 / 9290 / 92900)	<p>presence</p> <p>(2) None</p> <p>(3) Only through a joint venture with foreign equity not exceeding 49%.</p> <p><i>Note:</i> From 31 December 2010, foreign equity not exceeding 51% is allowed.</p> <p>From 31 December 2015, foreign equity not exceeding 70% is allowed.</p>	<p>commercial presence</p> <p>(2) None</p> <p>(3) None</p>	
Other Higher Education Services provided by privately funded higher education institutions ² other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)	<p>(1) Unbound except for requirement for commercial presence</p> <p>(2) None</p> <p>(3) Only through a joint venture with foreign equity not exceeding 49% and subject to the requirement of a needs test if necessary</p> <p>Up to 51% foreign equity will be considered subject to additional criteria which include</p>	<p>(1) (2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents</p> <p>(3)</p>	
	<p>among others:</p> <p>a) courses deemed important to attain Malaysia's educational objective</p>		

² as defined in Malaysian Legislation

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p align="center">have export potential</p> <p align="center">b) have export potential</p> <p><i>Note:</i> <i>From 31 December 2010, foreign equity not exceeding 51% is allowed.</i></p> <p><i>From 31 December 2015, foreign equity not exceeding 70% is allowed.</i></p>		

ENVIRONMENTAL SERVICES			
Wastewater Management	(1) None	(1) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>(CPC 9401)-Covers only removal and treatment of industrial effluents.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government or contracted out by them)</p>	<p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 percent.</p>	<p>(2) None</p> <p>(3) None</p>	
<p>Cleaning services of exhaust gases (CPC 9404- corresponds to Cleaning Services of Exhaust Gases)</p> <p>Covers only services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government contracted out by them).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 percent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Noise abatement services (CPC 9405-corresponds to Noise Abatement Services)</p> <p>Covers only monitoring programmes, and installation of noise reductions and screens in residential, commercial and industrial premises.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government or contracted out by them).</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 percent.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
<p>Nature and Landscape Protection Services – covering only contaminated soil cleanup and remediation (part of CPC 94060)</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, state or local government or contracted out by them).</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture with Malaysian control corporations or both and aggregate foreign shareholding shall not exceed 30 percent.</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES, INCLUDING INSURANCE</p> <p>Horizontal Commitments Applicable to the Financial Services Sector:</p> <ol style="list-style-type: none"> 1. The commitments in the financial services sector are in accordance with the World Trade Organisation (WTO) General Agreement on Trade in Services (GATS) Annex on Financial Services. 2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks and merchant banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule. 			
ALL FINANCIAL SERVICES	3) Limitations on investments as contained in the all-sector horizontal section.	<p>3) Limitations on land and other immovable property as contained in the all-sector horizontal section.</p> <p>Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.</p>	<p>1), 2) Unbound, except as otherwise specified in this schedule.</p> <p>3) None.</p>	
<p>2. Commercial banks and merchant banks.</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders.</p> <p>Unbound for new licences.</p>	<p>1), 2) Unbound except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.</p> <p>Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria:</p>	

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(All financial services-commercial banks and merchant banks - cont'd)	<p>Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent.</p> <p>A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank.</p> <p>A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank.</p> <p>Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution.</p> <p>Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.</p>	<p>(a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign bank has significant trade and investment interests in Malaysia; and</p> <p>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>3. Direct insurance companies.</p> <p>(All financial services-</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted.</p> <p>Foreign shareholding not exceeding 51 percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent.</p> <p>New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for new licences.</p> <p>An insurance company is not allowed to acquire more than 5 percent share:</p> <p>(a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or</p> <p>(b) In an insurance broking company.</p>	<p>1), 2)* Unbound except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.</p> <p>Acquisition by a foreign insurance company of an aggregate of more than 5 percent shareholding in a locally incorporated insurance company must meet at least one of the following criteria:</p> <p>(a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia;</p> <p>(b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;</p> <p>(c) The country of the foreign insurance company does not have a significant representation in the Malaysian insurance industry; or</p> <p>(d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.</p>	

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance companies- cont'd)	<p>Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in:</p> <p>(a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or</p> <p>(b) An insurance broking company.</p>		
FINANCIAL SERVICES ACTIVITIES			
<p>A. BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE</p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p>	<p>1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed.</p> <p>2) None.</p> <p>3) Only permitted through a commercial bank, a merchant bank or an offshore bank.</p> <p>Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p> <p>(Lending of all types- cont'd)</p>	<p>1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>3) Entry as a non-bank for scheduled businesses is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent.</p> <p>Merchant banks are not permitted to provide consumer credit and home mortgages.</p> <p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.</p>	<p>1), 2) None.</p> <p>3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions.</p> <p>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial leasing.	<p>1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.</p> <p>3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign controlled commercial bank shall not exceed 49 percent.</p> <p>Entry as a non-bank is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies.</p> <p>Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only.</p>	<p>1), 2) None.</p> <p>3) None.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All payment and money transmission services namely credit and debit cards, travellers cheques and bankers drafts.	<p>1) Electronic fund transfer system requires approval.</p> <p>2) None.</p> <p>3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 per cent.</p>	
Charge cards.	<p>1), 2) None</p> <p>3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required.</p>	<p>1), 2) None</p> <p>3) None</p>	
Guarantees and commitments.	<p>1), 2) None except banks established in Malaysia may be given the right of first refusal.</p> <p>3) None.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Money and foreign exchange broking services.</p>	<p>1), 2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorised dealers and money and foreign exchange brokers incorporated in Malaysia.</p> <p>3) Entry is limited to:</p> <p>(a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or</p> <p>(b) the establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.</p> <p>Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion 	<ol style="list-style-type: none"> 1) Dealing is limited to contracts traded on specified exchanges abroad. 2) None 3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorised banks in Malaysia. <p>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.</p> <p>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.</p>	<ol style="list-style-type: none"> 1) None 2) None 3) None 	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(Trading for own account or account of customers - cont'd)	<p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to participating organisations of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized.</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).</p>	<p>1), 2) Participation in issues and services related to such issues requires authorization.</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>Only merchant banks are permitted to make submissions to the Securities Commission for new issues.</p> <p>Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Unbound for appointment as principal dealers.</p>	<p>1), 2) None</p> <p>3) None</p>	
<p>Underwriting.</p>	<p>1) Commercial presence is required.</p> <p>2) Authorization is required.</p> <p>3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent.</p> <p>Commercial banks are permitted to underwrite private debt securities only.</p>	<p>1) Unbound.</p> <p>2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Underwriting.(cont'd)	Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.		
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	1) Commercial presence is required. 2) None. 3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings.	1) None 2) None 3) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(Asset management - cont'd)	<p>Entry as a non-bank, other than a Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 per cent.</p> <p>Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.</p> <p>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission.</p>		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy.</p>	<p>1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.</p> <p>3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or</p> <p>(b) A representative office.</p> <p>Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only.</p> <p>Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia.</p> <p>Notwithstanding 3(a), locally incorporated joint venture companies licensed by the Securities</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
(Advisory, intermediation and	Commission to carry on the regulated activity of		

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy - cont'd)	<p>financial planning, with aggregate foreign shareholding in such companies not exceeding 49 percent, will be permitted to provide financial planning services in Malaysia.</p> <p>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.</p>		
<p>Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).</p> <p>(Operational headquarters (OHQ) for financial sector -</p>	<p>1), 2) Unbound*</p> <p>3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.</p> <p>An OHQ must operate in Malaysia and fulfill the following criteria:</p> <p>(a) Carry out at least three of the OHQ service activities;</p> <p>(b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies;</p> <p>(c) Have a well established foreign-owned</p>	<p>1), 2) Unbound *</p> <p>3) None</p>	

* Due to lack of technical feasibility

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
cont'd)	<p>company which is sizeable in terms of assets and employees;</p> <p>(d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>(e) Be able to make decisions independently without consultation with its head office or parent company located outside Malaysia;</p> <p>(f) Be able to contribute to the Malaysian economy by:</p> <p>(i) Using services such as legal, accounting etc. provided by Malaysians;</p> <p>(ii) Creating job opportunities for Malaysians;</p> <p>(iii) Enabling greater inflow of foreign funds.</p>		
<p>Securities broking services comprising:</p> <ul style="list-style-type: none"> - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research 	<p>1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the exchange.</p> <p>Promotion in Malaysia of Malaysian stocks requires approval.</p> <p>Provision of investment advisory services and credit reference services to residents requires commercial presence.</p>	1) None	
(Securities broking services - cont'd)	2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of	2) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>the exchange.</p> <p>3) Entry is limited to recognized foreign stock broking companies through:</p> <p>(a) Equity participation in an existing stockbroking company; or</p> <p>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company.</p> <p>And aggregate foreign shareholding in such company shall not exceed 49 percent.</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognized foreign stockbroking companies is also permitted through a representative office.</p> <p>Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p> <p>New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</p>	<p>3) None</p>	
Commodity futures broking services	<p>1), 2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p>	<p>1), 2) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>3) Entry is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or</p> <p>(b) A representative office. Representative offices are permitted to undertake research, information and liaison services only.</p> <p>Total participation of the exchange will be based on economic needs.</p>	<p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>B. INSURANCE SERVICES Direct insurance (non-life).</p>	<p>1) Soliciting and advertising in Malaysia are not allowed. Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>2) Direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party requires approval</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p>	<p>1) None</p> <p>2) None</p> <p>3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	<p>1), 2) Unbound</p> <p>3) Only permitted through direct insurance companies.</p> <p>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval.</p> <p>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.</p>	<p>1), 2) Unbound</p> <p>3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	
Reinsurance and retrocession (non-life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.</p>	<p>1), 2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Reinsurance and retrocession (non-life) - (cont'd)	<p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>		
Reinsurance and retrocession (life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licences.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 percent.</p> <p>Entry as an offshore reinsurance company is confined to Labuan.</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Insurance intermediation - insurance broking (excluding agency).	<p>1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks.</p>	<p>1), 2) None</p> <p>3) None</p>	
Insurance intermediation - insurance underwriting and insurance management.	<p>1), 2) Insurance underwriting and insurance management are not permitted.</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p> <p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.</p>	<p>1), 2) None</p> <p>3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>1) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>2) None.</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p> <p>Offshore companies are not permitted to provide services to Malaysian residents.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

HEALTHCARE SERVICES

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Medical speciality services (CPC 93122) covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(1) None (2) None (3) Medical specialty services may be supplied only by a natural person	(1) None (2) None (3) None	
Veterinary Services (CPC 932)	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both.	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both.	1. Subject to the provisions in the Veterinary Surgeons Act, 1974 (Act 147)
Private hospital services	(1) None	(1) None	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 93110*)	<p>(2) None</p> <p>(3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and</p> <p>The joint-venture corporation shall operate a hospital with a minimum of 100 beds.</p>	<p>(2) None</p> <p>(3) Establishment of feeder out patient clinics is not permitted</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643) Hotel and restaurant services	(1) None (2) None (3) For CPC 64110 covering 4 & 5 star establishments, only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Travel Agency and Tour Operator Services (CPC 7471)	(1) None (2) None (3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) Tourist guide services only to be supplied by a natural person.	(1) None (2) None (3) None	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other entertainment services (CPC 96191, 96192)	(1) Unbound due to lack of technical feasibility (2) None (3) Entertainment services may be supplied only by a natural person	(1) Unbound due to lack of technical feasibility (2) None (3) None	
Theme Park (part of CPC 96194) (A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both)	(1) Unbound due to lack of technical feasibility (2) None (3) Only through joint venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49%.	(1) None (2) None (3) None	
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility (2) None (3) Only through a Malaysian-controlled corporation acting as the local sponsor	(1) Unbound due to lack of technical feasibility (2) None (3) None	
TRANSPORT SERVICES			
A. Maritime Transport	(1) None	(1) None	The following services at the port

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services</p> <p>International maritime transportation services, excludes cabotage (CPC 7211, 7212)</p>	<p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49% per cent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p> <p>1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2) Majority shareholding to be held by Malaysians; 3) Majority of the board of directors to be Malaysians; and 4) Principal place of business to be in Malaysia.</p>	<p>(2) None</p> <p>(3) None</p>	<p>are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>1) Pilotage 2) Towing and tug assistance 3) Provisioning, fuelling and watering 4) Garbage collection and ballast waste disposal 5) Port Captain's services 6) Navigation aids 7) Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8) Emergency repair facilities 9) Anchorage, berth and berthing services</p>
<p>Maritime agency services covering marketing and sales of maritime transport and</p>	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>related services and acting on behalf of the companies organizing the call of the ship or taking over cargoes when required (CPC 7454*)</p> <p>Vessel salvage and refloating services except on inland waters (CPC 74540)</p>	<p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30 per cent.</p>	<p>(3) None</p>	
<p>Maritime Cargo Handling Services (CPC 741**)</p> <p>(Limited only for sea transport)</p> <p>Maritime Cargo Handling Services limited to activities exercise by terminal operators but not including the direct activities of dockers, when this workforce is organised independently of stevedoring or operator companies. The activities covered include the organisation and supervision of the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo and the reception/delivery and safekeeping of cargoes before shipment or after</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent .</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
discharge.			
Classification Societies ¹ (Except for statutory services for Malaysian flag vessels)	(1) Unbound ² (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent.	(1) None (2) None (3) None	¹ Provision of rules on construction and safety of ships and issuance of certificate should be in accordance with specified rules stated in domestic legislation. Exclude survey and classification of Malaysian flag vessels which requires specific authorization by the relevant authority. ² Malaysian flag vessels should legally obliged to the ship survey regulations imposed and stipulated by national Maritime Administration.

ANNEX 4

MALAYSIA 'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1. automated manufacturing technology; 2. advanced materials technology; 3. biotechnology; 4. electronics; 5. information technology; and 6. avionics/aviation technology (CPC 97090)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and Establishment of local branches requires additional licenses	(1) None (2) None (3) None	