

ANNEX 6

NEW ZEALAND'S SCHEDULE OF MOVEMENT OF NATURAL PERSONS COMMITMENTS

1. The following sets out New Zealand's specific commitments with respect to Movement of Natural Persons, including the presence of natural persons made for the supply of services with respect to the services sectors set out in New Zealand's Annex 4 (Schedules of Specific Services Commitments).
2. For greater certainty, New Zealand remains unbound in respect of the supply of a service by a service supplier of one Party through a natural person of a Party in the territory of another Party except as set out in these specific commitments.

GENERAL COMMITMENTS

Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
Business visitors	With respect to all business visitors, the period of stay shall not exceed a total of 90 days in any calendar year.
Intra-corporate transferees	Senior Managers: A natural person, who has been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand, and whose role is supervising and controlling the work of other supervisory, professional or managerial employees; and who has the authority to establish goals and policies of the entire or a substantial part of the operations of the enterprise. This does not include a first-line supervisor unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service or

Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
	<p>operation of an investment.</p> <p>Entry for a period of initial stay up to a maximum of three years.</p> <p>Specialists: Specialists are responsible for or employed in a particular aspect of an organisation's operations in New Zealand. Skills are assessed in terms of the applicant's employment experience, qualifications, and suitability for the position.</p> <p>Entry for a period of initial stay up to a maximum of three years.</p>
Installers/Maintainers	Entry for periods not exceeding three months in any twelve-month period.

In addition to the general commitments above on business visitors, intra-corporate transferees and installers/maintainers, New Zealand makes the following sector-specific commitments –

SECTORAL COMMITMENTS

Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
<p>Independent Service Suppliers (Self-employed Services suppliers working on a contractual basis, without a requirement for commercial presence)</p> <p>In the following category only:</p> <p>A. Independent Professionals:</p>	<p>In respect of the services sectors set out in New Zealand's Annex 4 (Schedules of Specific Services Commitments) only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>

¹ These qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
<p><u>Definition:</u> Self-employed natural persons with advanced technical or professional skills, working under a valid contract in New Zealand, without the requirement for a commercial presence. Independent professionals must also have (i) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma and (ii) six or more years of experience. Both (i) and (ii) must be in the field in which the Independent Professionals wish to supply their professional services¹.</p>	

3 Notwithstanding the commitments set out above, New Zealand remains unbound in cases of labour/management disputes, and also with respect to ships' crews.

4. With respect to audiovisual services, the New Zealand Immigration policy, based on the Immigration Act 1987 and the Immigration Regulations 1999, stipulates a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, such applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers and the relevant performing artists' unions.

5. All the commitments in respect of the presence of natural persons made in New Zealand's Schedule of Specific Commitments in the WTO (as currently set out in GATS/SC/62), including any requirements, regulations and additional commitments, apply to the services suppliers of the other Party.

ANNEX 6

**MALAYSIA'S SCHEDULE OF MOVEMENT OF
NATURAL PERSONS COMMITMENTS**

1. Malaysia's commitments under Chapter 9 (Movement of Natural Persons), and under Article 8.4 (Market Access) and Article 8.5 (National Treatment), in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.
2. In accordance with Articles 8.4 (Market Access), 8.5 (National Treatment) and 8.7 (Schedules of Specific Commitments), for the categories of persons set out in this Schedule, Malaysia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Malaysia.
3. For National Treatment: Unbound, except for the following categories of natural persons.

GENERAL COMMITMENTS

Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
Business visitors	With respect to all business visitors, the period of stay shall not exceed a total of 90 days.

In addition to the general commitment above on business visitors, Malaysia makes the following sector-specific commitments –

Horizontal Section	
Entry in the following categories only	Conditions and Limitations (Including Length of Stay)
1. Intra-Corporate Transferees	<p>(a) Senior managers:</p> <ul style="list-style-type: none"> - Being persons within an organisation that provides services in Malaysia: <ul style="list-style-type: none"> • exercising wide latitude in decision making relating to the establishment, control and operation of the organisation; and

MALAYSIA'S SCHEDULE OF MOVEMENT OF NATURAL PERSONS COMMITMENTS

	<ul style="list-style-type: none"> • primarily direct the management of the organisation. - The period of stay shall not exceed a total of 10 years. <p>(b) Specialists:</p> <ul style="list-style-type: none"> - Three specialists or experts per organisation that provides services in Malaysia. Additional specialists may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or subsector; - Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date of their application for a work permit and he is to serve in at least a similar capacity. - The period of stay shall not exceed a total of 10 years.
<p>2. Specialists or experts</p>	<p>Persons who possess knowledge at an advanced level of continued expertise and subject to market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or subsector;</p> <p>The period of stay shall not exceed a total of 10 years.</p>
<p>3. Professionals</p>	<p>Persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognized by the professional bodies in Malaysia and registered with those respective professional bodies; and are carrying out respective professional activities</p>

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	The period of stay shall not exceed a total of 10 years.
4. Installers or maintainers	The period of stay shall not exceed a total of six months.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
SECTORAL SECTION			
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	Unbound, except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Accounting, auditing and bookkeeping services (CPC 862)	5 specialists/experts for each institution, subject to registration with Malaysian Institute of Accountants and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.	Unbound, except for the categories of natural persons referred to in the market access column.	The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the Malaysian Institute of Accountants will be conducted in the English language.
Taxation Services (CPC 863 / 8630)	2 specialists/experts for each institution, subject to registration as a tax agent under Section 153 of the Income Tax Act 1967 and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.	Unbound, except for the categories of natural persons referred to in the market access column.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	Unbound except as indicated in the horizontal section and in respect of 3 only an architect who is a consultant to a project in collaboration with a Malaysian Professional Architect for wholly foreign funded projects.	Unbound, except for the categories of natural persons referred to in the market access column.	The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.
Engineering services (CPC 8672) covering: (CPC 86721- 86729)	Unbound, except as indicated in the horizontal sector and in respect of 3, subject to temporary registration with renewal for a period of one year.	Unbound, except for the categories of natural persons referred to in the market access column.	The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.
Integrated engineering services (CPC 8673) covering: (CPC 86731, 86732, 86733, 86739)	Unbound, except as indicated in the horizontal section and in respect of 3, for a period of up to one year or the duration necessary to complete the services contract.	Unbound, except for the categories of natural persons referred to in the market access column.	The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>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.</p> <p>(CPC 86741)</p>	<p>Unbound except for:</p> <p>i) independent professionals² with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;</p> <p>ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company.</p> <p>Any other requirements or provisions as spelt out under the relevant legislation.</p>	<p>Unbound</p>	
<p>Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)</p>	<p>Unbound, except as indicated in 1 (a) and (b) and 2 in the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<p>B. Computer and Related</p>	<p>Unbound, except as indicated in 1 (a) and</p>	<p>Unbound, except for the categories</p>	

² Independent professional is as defined in paragraph 3 of the horizontal section.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services</p> <p>Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>Software implementation service (CPC 842)</p> <p>Data Processing Services (CPC 843)</p> <p>Data base services (CPC 844 / 84400)</p> <p>Computer software development services covering development of new software for general application, including, ready-made software packaged for general application (CPC 842*)</p>	<p>(b) and 2 in the horizontal section.</p>	<p>of natural persons referred to in the market access column.</p>	
<p>C. Research and</p>	<p>Unbound, except as indicated in 1 (a) and</p>	<p>Unbound, except for the categories</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Development Services</p> <p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>(b) and 2 in the horizontal section.</p>	<p>of natural persons referred to in the market access column.</p>	
<p>E. Rental/Leasing Services without Operator</p> <p>Relating to ships exclude cabotage and offshore trades (CPC 83103)</p> <p>Relating to aircraft (CPC 83104)</p>	<p>Unbound, except as indicated in the horizontal section</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<p>Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)</p>	<p>Unbound, except as indicated in the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<p>F. Other Business</p>	<p>Unbound, except as indicated in 1 (a) and</p>	<p>Unbound, except for the categories</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services</p> <p>Advertising services (CPC 8711, 8712, 8719)</p>	<p>(b) and 2 in the horizontal section.</p>	<p>of natural persons referred to in the market access column.</p>	
<p>Management Consulting Services</p> <p>a) covering advisory, 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>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 	<p>Unbound, except as indicated in 1 (a) and (b) and 2 in the horizontal section</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<ul style="list-style-type: none"> - manufacture of drugs in raw material form; 			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - 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 drugs and vaccine; - Vaccine production. <p>d) covering advisory and guidance on International Value-Added Network Services, rural telecom development in telecommunications (CPC8650*)</p>			
Human Resource Management Consulting Services (CPC 86504)	Unbound except as indicated in the horizontal section.	Unbound	
Public Relations Services (CPC 86506)	Unbound except as indicated in the horizontal commitments.	Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc. (CPC 881*, 882*)	Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Services incidental to manufacturing (CPC 884, 885 except 88442)	Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound except for the categories of natural persons referred to in the market access column.	
Technical Testing and Analysis Services (CPC 8676 except 86764)	Unbound, except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Convention Centre (CPC 87909) (Convention and exhibition management services covering the provision of planning, organizational, management and marketing services for conventions and other similar events)	Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	No limitation subject to domestic regulation.	No limitation subject to domestic regulation.	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Market research and public opinion polling services (CPC 864)	Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
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, provision of treasury and fund management services and research and	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>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 sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)</p>			

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Telecommunication Services			
Basic Telecommunications 1. Voice service (wired or wireless) (CPC 7521) 2. Packet-switched data transmission services, including frame-relay services (CPC 7523) 3. Circuit switched data transmission services (CPC 7523) 4. Facsimile Service (CPC 7521**, PCPC 7529**) 5. Private leased circuit service (CPC 7522** & CPC 7523**) 6. Paging services (CPC 75291)	Unbound	Unbound	
Other telecommunication	Unbound	Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>services</p> <p>7. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite)</p> <p>8. Satellite earth station</p> <p>9. International switching and other international gateway</p> <p>10. Mobile services analogue/digital cellular</p> <p>11. Trunked radio services</p> <p>12. Video transport services</p>			
<p>Data and message transmission services</p> <p>Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)</p>	<p>Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.</p>	<p>None</p>	
<p>Voice telephone service (CPC 7521)</p>	<p>Unbound</p>	<p>Unbound</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile telephone service (CPC 75213) Telegraph services (CPC 7522) Telex services (CPC 7523**)			
Mobile data services (CPC 7523**)	Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.	Unbound, except for the categories of natural persons referred to in the market access column.	
Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113)	Unbound, except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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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) Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 5 13) Assembly and Erection of Prefabricated Constructions (CPC 514) Special Trade Construction (CPC 515) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517)	Unbound except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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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 (CPC 9222) In private institutions only, only international school	Unbound, except as indicated in the horizontal section.	Unbound, except as indicated in the horizontal section.	
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	Unbound except as indicated in the horizontal section and as below. <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institutions, possessing the necessary qualifications, knowledge, credentials and/or experience. (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution.	Unbound, except for the categories of natural persons referred to in the market access column.	
Other education services	(4) Unbound except as indicated in the	(4) Unbound, except as indicated in the	

Malaysia's Schedules of Movement of Natural Persons Commitments

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(CPC 929 / 9290 / 92900)	<p>horizontal section and as below.</p> <p><u>Lecturers and experts</u></p> <p>(a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institutions, possessing the necessary qualifications, knowledge, credentials and/or experience.</p> <p>(b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution.</p>	horizontal section.	
<p>Other Higher Education Services provided by privately funded higher education institutions ¹ other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)</p>	<p>Entry and stay of natural persons defined in categories 1(a), 1(b), 2(a), 2(b) and 2(c) shall not exceed a total of 10 years.</p> <p>Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. Intra-corporate Transferees</p>	Unbound, except for the categories of natural persons referred to in the market access column.	
	a) senior managers being persons with an		

¹ as defined in Malaysian Legislation

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>organization having propriety information of the organization and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of directors or partners of the organisation.</p> <p>(b) Lecturers and experts</p> <p>10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience.</p> <p>2. Others</p> <p>(a) Professionals</p> <p>2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution.</p> <p>(b) Business visitors</p> <p>Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who is an investor or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the purposes of evaluating</p>		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>business opportunities.</p> <p>(c) Contractual Service Suppliers</p> <p>(i) Independent Professionals</p> <ul style="list-style-type: none"> - the natural person has obtained a service contract in the territory of the Member where the service is to be provided; - possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies; - commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; - commitment applies only to the list of sectors specified in the schedule. <p>(ii) Employees of Juridical Persons</p>		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> (a) Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Member where the service is to be provided; (b) The juridical person has obtained a service contract to be provided in the territory of another Member; (c) The employees receive remuneration from their employer while abroad; (d) The employees may not engage in other employment in the territory of the Member where the service is to be provided; (e) The employees have appropriate educational and professional qualifications relevant to the service to be provided; (f) Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the 		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Member State concerned; (g) Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
<p>Wastewater Management (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, provincial, district or municipalities or contracted out by them)</p>	<p>Unbound, except as indicated in paragraph 1(a), 1(b) and 2 of the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</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</p>	<p>Unbound, except as indicated in paragraph 1(a) and (b) and 2 and 3 of the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	

Malaysia's Schedules of Movement of Natural Persons Commitments

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
sector. Does not include public works functions owned and operated by federal, provincial, district or municipalities or contracted out by them).			
<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, provincial, district or municipalities or contracted out by them).</p>	<p>Unbound, except as indicated in paragraph 1(a) and (b) and 2 and 3 of the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<p>Nature and Landscape Protection Services – covering only contaminated soil cleanup and remediation (part of</p>	<p>Unbound, except as indicated in paragraph 1(a) and (b) and 2 and 3 of the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>CPC 94060)</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, provincial, district or municipalities or contracted out by them).</p>			

Malaysia's Schedules of Movement of Natural Persons Commitments

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"> The commitments in the financial services sector are in accordance with the World Trade Organization (WTO) General Agreement on Trade in Services (GATS) Annex on Financial Services. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 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 movement of natural persons 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. Unless specified otherwise, references made to the "all-sector horizontal section" in Malaysia's Schedule of Specific Commitments on Movement of Natural Persons for the financial services, including insurance, refer to the non-financial services horizontal section of the schedule. 			
ALL FINANCIAL SERVICES	Limitations in the all-sector horizontal section will apply when indicated in each activity.	Limitations in the all-sector horizontal section will apply when indicated in each activity	
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers	Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence	

Malaysia's Schedules of Movement of Natural Persons Commitments

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>2. Commercial banks and merchant banks.</p>	<p>Unbound except the following:</p> <ul style="list-style-type: none"> (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (b) Two senior managers and five specialists or experts for each bank. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. <p>Specialists or experts for each bank for areas relating to:</p> <ul style="list-style-type: none"> (i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology. <ul style="list-style-type: none"> (c) For a representative office, two foreign nationals. Only one foreign national for the two top posts. (d) Entry shall be limited to a maximum period of ten years. 	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	

Malaysia's Schedules of Movement of Natural Persons Commitments

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance companies	<p>Unbound except the following:</p> <p>(a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p> <p>(b) One senior manager and five specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts for each institution for areas relating to:</p> <p>(i) underwriting of specialized classes of general business;</p> <p>(ii) information technology; and</p> <p>(iii) actuarial functions.</p> <p>(c) Entry shall be limited to a maximum period of ten years.</p>	<p>Unbound except for the categories of natural persons referred to in the market access column.</p>	

Malaysia's Schedules of Movement of Natural Persons Commitments

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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>Unbound except as indicated in the all financial services horizontal section.</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment.</p> <p>For representative offices of scheduled businesses, two foreign nationals subject to only one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of ten years.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except for the categories of natural persons referred to in the market access column.</p>	
<p>Financial leasing</p>	<p>Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment.</p> <p>For representative offices, two foreign</p>	<p>Unbound except for the categories of natural persons referred to in the market access column.</p> <p>For offshore leasing companies,</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>nationals subject to one foreign national for the two top posts.</p> <p>Entry shall be limited to a maximum period of ten years.</p> <p>For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

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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>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment.</p> <p>Entry shall be limited to a maximum period of ten years.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except for the categories of natural persons referred to in the market access column.</p>	
Charge cards.	<p>Unbound except two senior managers for each establishment.</p> <p>Entry shall be limited to a maximum period of ten years.</p>	Unbound except for the categories of natural persons referred to in the market access column.	
Guarantees and commitments.	Unbound except as indicated in the all financial services and all-sector horizontal section.	Unbound except as indicated in the all financial services and all-sector horizontal section.	
Money and foreign exchange broking services.	<p>Unbound.</p> <p>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	<p>Unbound</p> <p>For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.</p>	

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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 	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	
Underwriting.	<p>For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	
<p>Asset management as follows:</p> <ul style="list-style-type: none"> - cash or portfolio management - all forms of collective investment management - custodial and depository services 	<p>For commercial banks and merchant banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	

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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>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section.</p> <p>For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of ten years.</p>	<p>For banks, unbound except as indicated in the all financial services horizontal section.</p> <p>For non-banks, unbound except as indicated in the all-sector horizontal section</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>Unbound except as indicated in the all-sector horizontal section.</p>	<p>None</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<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>Unbound for a stockbroking company, except as indicated in the all-sector horizontal section.</p> <p>For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of ten years.</p>	<p>Unbound except for the categories of natural persons referred to in the market access column.</p>	
<p>Commodity futures broking services</p>	<p>Unbound except one foreign national for a management post per establishment, subject to market test.</p>	<p>Unbound except for the categories of natural persons referred to in the market access column.</p>	
<p>B. INSURANCE SERVICES</p>			
<p>Direct insurance (non-life).</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Direct insurance (life).</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p>	
<p>Reinsurance and retrocession (non-life).</p> <p>Reinsurance and retrocession (non-life) - cont'd.</p>	<p>Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment,</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>control and operation of the services of the financial service supplier.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.</p> <p>(b) Entry shall be limited to a maximum period of ten years.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Reinsurance and retrocession (life).	<p>Unbound except for:</p> <p>(a) Two senior managers and three specialists or experts for each institution are permitted.</p> <p>A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier.</p> <p>Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.</p> <p>(b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise.</p> <p>(c) Entry shall be limited to a maximum period of ten years.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	<p>Unbound except as indicated in the all financial services horizontal section.</p> <p>For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Insurance intermediation - insurance broking (excluding agency).	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Insurance intermediation - insurance underwriting and insurance management.	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
<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>	Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
<p>Medical speciality services (CPC 93122)</p> <p>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</p>	<p>Unbound, except indicated in 2 in the horizontal section</p>	<p>None other than:</p> <ul style="list-style-type: none"> - practice only in private hospitals of at least 50 beds; - practice to be only at a specified location and a change of location requires approval; and - the setting up of individual or joint group practices is not permitted 	<p>The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.</p>
<p>Veterinary Services CPC932</p>	<p>Unbound, except as indicated in 2 in the horizontal section.</p>	<p>Unbound, except indicated in the horizontal section.</p>	<p>1. Subject to the provisions in the Veterinary Surgeons Act, 1974 (Act 147)</p>
<p>Private hospital services (CPC 93110*)</p>	<p>Unbound, except as indicated in the horizontal section.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
<u>Hotel, tourist resort and restaurant services</u> covering the management and operation of hotels or resorts including, outlets which may not necessarily include ownership of such properties. (CPC 641, 642,643)	Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Travel Agency and Tour Operator Services (CPC 7471)	Unbound except as indicated in 1 (a) in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Tourist Guide Services (CPC 7472)	Unbound except as indicated in 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192)	Unbound except as indicated in 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column. Participation of Malaysian entertainers/ artistes may be required based on the guidelines of the relevant Ministry	
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)	Unbound except as indicated in 1(a) and (b) and 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Sports events management services (CPC 96411, 96412)	Unbound, except as indicated in 2 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
<p>A. Maritime Transport Services</p> <p>International maritime transportation services, excludes cabotage (CPC 7211, 7212)</p>	<p>Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth.</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	
<p>Maritime agency services covering marketing and sales of maritime transport and 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>Unbound except as indicated in 1 (a) and (b) and 2 in the horizontal section</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</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</p>	<p>Unbound, except as indicated in the horizontal section</p>	<p>Unbound, except for the categories of natural persons referred to under market access.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>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 discharge.</p>			
<p>Classification Societies² (Except for statutory services for Malaysian flag vessels)</p>	<p>Unbound, except as indicated in the horizontal commitments</p>	<p>Unbound, except for the categories of natural persons referred to in the market access column.</p>	<p>² 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.</p>

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES			
<p>Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows:</p> <ol style="list-style-type: none"> 1. automated manufacturing technology; 2. advanced materials technology; 3. biotechnology; 4. electronics; 5. information technology; and 6. avionics/aviation technology (CPC 97090) 	<p>Unbound, except as indicated in the horizontal section</p>	<p>Unbound, except for the categories of natural persons referred to under market access</p>	