

## ANNEX 4

### SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

#### LAO PDR

1. Lao PDR's commitments under Chapter 9 (Movement of Natural Persons), in relation to the temporary entry and temporary stay of natural persons of a Party into the territory of another Party, apply only in relation to the categories set out below.
2. In accordance with Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons), for the categories of persons set out in this Schedule, Lao PDR specifies below any terms, conditions, limitations or qualifications in relation to the temporary entry and temporary stay of those natural persons into the territory of Lao PDR.
3. For all categories of natural persons listed in this Schedule, unless otherwise specified in the Sectoral Section, these horizontal commitments apply to all sectors/subsectors listed in this Schedule, in all cases:
  - (i) application for labour quota is required in accordance with Article 68 of Labour Law No.43/NA, Date 24 Dec 2013;
  - (ii) total number of skilled foreign natural persons (using physical labour) of any establishment shall not exceed 15 per cent of the total staff;
  - (iii) total number of skilled foreign natural persons (using intellectual labour) of any establishment shall not exceed 25 per cent of the total staff;
  - (iv) if there is a need to hire the number of skilled labour more than the regulation allows, as mentioned above, one should seek for specific consideration or approval from the government.
4. In accordance with applicable domestic laws and regulations and bilateral and multilateral agreements which Lao PDR is a signatory of, foreign skilled workers:
  - (i) shall obtain working permit from the Government of Lao PDR;
  - (ii) shall comply with Labour Law and Law on Immigration and Foreigner Management of the Lao PDR; and
  - (iii) shall comply with Law on Taxation, in terms of taxes and other financial obligations and other relevant regulations on other non-financial requirement.

Description of Category	Conditions and Limitations (Including length of stay)
<b>A. Business Visitors</b>	
<p>A natural person seeking to enter or stay in the territory of Lao PDR temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of Lao PDR,</p> <ul style="list-style-type: none"> <li>(i) as a representative of a goods seller or service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller or service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public;</li> <li>(ii) as an employee of a juridical person as defined in Category B below only, for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of another Party;</li> <li>(iii) for the purpose of participating in business negotiations or meetings.</li> </ul>	<p>The temporary stay of business visitors is subject to a maximum duration of stay of 90 days.</p>
<b>B. Intra-Corporate Transferees</b>	
<p>Natural persons who have been employed by a juridical person of another Party outside the Lao PDR for a period of not less than one year immediately preceding the request for transfer to the Lao PDR, who seek temporary entry to provide services through commercial establishment of that juridical person in the Lao PDR, who cannot be substituted by Lao PDR nationals, and who fall within one of the following categories:</p> <ul style="list-style-type: none"> <li>(i) <b>Executive:</b> natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organisation; and</li> </ul>	<p>For the natural persons in the categories defined under intra-corporate transferees, temporary residency and work permit will be issued for one year which may be renewed every six months for up to three years as long as conditions indicated for each category are satisfied.</p>

Description of Category	Conditions and Limitations (Including length of stay)
<p>(ii) <b>Manager:</b> natural persons who possess knowledge at an advanced level of expertise or proprietary knowledge of a juridical entity product, service, research, equipment, techniques, or management, and who primarily direct the organisation or a department of the organisation; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. They do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service; or</p> <p>(iii) <b>Specialist:</b> natural persons within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's services, research equipment, techniques, or management and where there are shortages of Lao PDR nationals with requisite skills.</p>	

## Appendix A

### SECTORAL SPECIFIC COMMITMENTS

1. For the purposes of this Appendix, the term “CPC” means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). Letters indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification list (MTN.GNS/W/120 dated 10 July 1991).
2. Hotel and other lodging services (CPC 64110) and beverage serving services without entertainment (CPC 64310): No commitment, except that the following persons are permitted to enter and stay in Lao PDR for a period of up to six months, with provision for extension, subject to approval of the competent authority of the Government of Lao PDR: general manager, sales and marketing manager, operation manager, congress manager and tourism consultant.
3. Meal serving services with full restaurant services (CPC 64210) and travel agencies and tour operators services (part of CPC 7471): No commitment, except that the following persons are permitted to enter and stay in Lao PDR for a period of up to six months, with provision for extension, subject to approval of the competent authority of the Government of Lao PDR: general manager, sales and marketing manager, operation manager, congress manager and tourism consultant.
4. Lao PDR extends its commitments under Article 5 (Schedules of Specific Commitments on the Movement of Natural Persons) of Chapter 9 (Movement of Natural Persons) for the temporary entry and temporary stay of natural persons only for business visitors and intra-corporate transferees engaging in the following subsectors:

#### 1. BUSINESS SERVICES

##### A. Professional Services

- (a) Legal services, excluding:
  - Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR;
  - Legal documentation and certification services of the laws of Lao PDR (part of CPC 861)
- (b) Accounting, auditing and bookkeeping services (CPC 862)
- (c) Taxation consulting services (part of CPC 863)
- (d) Architectural services (CPC 8671)
- (e) Engineering services (CPC 8672)
- (f) Integrated engineering services (CPC 8673)
- (g) Urban planning and landscape architectural services (CPC 8674)

##### B. Computer and Related Services

Computer and related services (CPC 84)

**C. Research and Development Services**

- (a) R&D services on natural sciences and engineering (CPC 851)
- (b) Research and experimental development services (CPC 852)
- (c) Interdisciplinary R&D services (CPC 853)

**E. Rental or Leasing Services without Operators**

- (d) Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)

**F. Other Business Services**

- (a) Advertising services:
  - Planning, creating and placement services of advertising (CPC 87120)
- (b) Market research and public opinion polling services (CPC 864):
  - Market research services (CPC 86401)
- (c) Management consulting services (CPC 865)
- (d) Services related to management consulting (CPC 866)
- (e) Technical testing and analysis services (CPC 8676)
- (h) Services incidental to mining (CPC 883+ 5115):
  - Services incidental to mining (CPC 5115)
- (m) Related scientific and technical consulting services (CPC 86751 and 86752 only)
- (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866):
  - Repair of energy equipment (part of CPC 88620)
- (q) Packaging services (CPC 876)
- (t) Other (CPC 8790):
  - Specialty design services (CPC 87907)

**2. COMMUNICATION SERVICES**

**B. Courier services**

Courier services (CPC 7512) consisting of express delivery services, except for the following services:

- (a) The collection, transport, and delivery of domestic and cross-border addressed mail to Post Office (PO) boxes in the following categories:
  - (i) addressed letters weighing not more than 200 grams;
  - (ii) small items or packages weighing up to two kilograms;
- (b) The collection, transport, and delivery to PO boxes of domestic and international postal parcels weighing up to 20 kilograms;
- (c) The provision of PO boxes; and
- (d) Issuing of postage stamps.

### **C. Telecommunication services**

The following services (a-o) can be supplied only on a facilities basis, and for public use services:

#### Basic telecommunication services

- (a) Voice telephone services (CPC 7521)
- (b) Packet-switched data transmission services (CPC 7523\*\*)
- (c) Circuit-switched data transmission services (CPC 7523\*\*)
- (d) Telex services (CPC 7523\*\*)
- (e) Telegraph services (CPC 7522)
- (f) Facsimile services (CPC 7521\*\*\*+ 7529\*\*)
- (g) Private leased circuit services (CPC 7522\*\*+7523\*\*)
- (o) Other:
  - Terrestrial-based mobile phone services

#### Value-added telecommunication services

- (h) Electronic-mail (CPC 7523\*\*)
- (i) Voice mail (CPC 7523\*\*)
- (j) Online information and data base retrieval (CPC 7523\*\*)
- (k) Electronic data interchange (EDI) (CPC 7523\*\*)
- (l) Enhanced or value-added facsimile services, including store and forward, store, and retrieve (CPC 7523\*\*)
- (m) Code and protocol conversion
- (n) On-line information or data processing (including transaction processing) (CPC 843\*\*)
- (o) Other:
  - Public pay phone services (CPC 75211)
  - Electronic message and information services (CPC 75232)
  - Paging services (CPC 75291)
  - Data and message transmission services (CPC 7523)

### **3. CONSTRUCTION AND RELATED ENGINEERING SERVICES**

- A. Construction work for buildings (CPC 512)
- B. Construction work for civil engineering (CPC 513)
- C. Assembly and erection of prefabricated construction (CPC 514) + Installation work (CPC 516)
- D. Building completion and finishing work (CPC 517)
- E. Rental services related to equipment for construction or demolition of buildings works with operator (CPC 518)
- F. Other:
  - Pre-erection work at construction site (CPC 511)
  - Special trade construction (CPC 515)

### **4. DISTRIBUTION SERVICES**

- B. Wholesale trade services (part of CPC 61111, 6113, 6121)
- C. Retailing services (part of CPC 61112, 6113, 6121)
- D. Franchising (part of CPC 8929)

## 5. PRIVATE EDUCATIONAL SERVICES

- A. Primary education services (part of CPC 921)
- B. Secondary education services\*\*
  - Technical and vocational training (Part of CPC 922)
- C. Higher education services (CPC 923)
- D. Adult education (CPC 924)
- E. Other education services (Including foreign language training) (CPC 929)

## 6. ENVIRONMENTAL SERVICES

- A. Sewage services (CPC 9401)
- B. Refuse disposal services (CPC 9402)
- C. Sanitation and similar services (CPC 9403)
- D. Other:
  - Nature and landscape protection services (CPC 9406)

(Urban area only)

- Cleaning of exhaust gases (CPC 9404)
- Noise abatement services (CPC 9405)

## 7. FINANCIAL SERVICES

### A. All insurance and insurance-related services

Direct insurance

- (a) Life, accident and health insurance services (CPC 8121) Life insurance
- (b) Non-life insurance (CPC 8129)
- (c) Reinsurance and retrocession (CPC 81299\*)
- (d) Services auxiliary to insurance (including broking and agency services) (CPC 8140) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

### B. Banking and other financial services (excluding insurance)

- (a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)
- (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions (CPC 8113)
- (c) Financial leasing (CPC 8112)
- (d) All payment and money transmission services including credit, charge and debit cards, travellers cheques, and bankers drafts (CPC 81339\*\*)
- (e) Guarantees and commitments (CPC 81199\*\*)
- (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
  - money market instruments (including cheques, bills, certificates of deposits)

- foreign exchange;
- derivative products, including, but not limited to, futures and options;
- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
- transferable securities;
- other negotiable instruments and financial assets, including bullion.

## 8. PRIVATE HEALTH RELATED AND SOCIAL SERVICES

- Private hospital services )Modern hospital with more than 100 beds in big cities only( )part of CPC 93110(

## 9. TOURISM AND TRAVEL RELATED SERVICES

- A. Hotel and restaurants (incl. catering) (CPC 641-643)
  - Hotel and other lodging services (CPC 64110)
  - Beverage serving services without entertainment (CPC 64310)
  - Meal serving services with full restaurant services (CPC 64210)
- B. Travel agencies and tour operators services (Part of CPC 7471)
- D. Other:
  - Tourism consultancy services

## 11. TRANSPORT SERVICES

### A. Maritime transport services

- (a) Passenger transportation (CPC 7211)
- (b) Freight transportation (CPC 7212)
- (c) Rental of vessels with crew (CPC 7213)
- (d) Pushing and towing services (CPC 7214)
- (e) Maintenance and repair of vessels (CPC 8868\*\*)
- (f) Vessels salvage and re-floating services (not applicable in harbour) (CPC 7454)

### B. Internal water way transport

- (d) Maintenance and repair of vessels (CPC 8868\*\*)

### C. Air transport services

- (d) Maintenance and repair of aircraft (CPC 8868\*\*) (part of CPC 8868)
- (e) Supporting services for air transport (CPC 746)
  - Selling and marketing of air transport services
  - Computer reservation system (CRS) services

### E. Rail transport services

- (a) Passenger transportation (CPC 7111)



- (b) Freight transportation (CPC 7112)
- (c) Pushing and towing services (CPC 7113)
- (d) Maintenance and repair of rail transport equipment (CPC 8868\*\*)

**F. Road transport services**

- (b) Freight transportation (CPC 7123)