

**ANNEX 8A**  
**VIET NAM SCHEDULE OF SPECIFIC COMMITMENTS**

*Explanatory Notes to Viet Nam's Schedule of Commitments*

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991).
2. The alphabetical and numerical divisions are only indicative of the description of specific commitments, but shall not be construed as being a part of the specific commitments.
3. The use of “\*\*\*” against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.
4. For greater certainty, Viet Nam does not recognise permanent residences as natural person, in accordance with its domestic laws and regulations.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) None, except:</p> <p>Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract<sup>1</sup>, joint venture enterprise, 100% foreign-invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities<sup>2</sup>.</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or</p>	<p>(3) None, except:</p> <p>Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p>	

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

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

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement.</p>		
	<p>Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In this case, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.</p>		

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be applied for capital contribution in the form of buying shares of joint-stock commercial banks, and for the sectors not committed in this Schedule. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.</p>		
	<p>(4) Unbound, except as measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) <u>Intra-corporate transferees</u></p> <p>Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

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	<p>commercial presence and who have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p> <p>Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel</p>		

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	<p>actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.</p> <p>Specialists are natural persons working within an organisation who possess knowledge at an advanced level of expertise and with knowledge of the organisation's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.</p> <p><u>(b) Other personnel</u></p> <p>Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a</p>		

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	<p>view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.</p> <p><u>(c) Service sales persons</u></p> <p>Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period.</p> <p><u>(d) Persons responsible for setting up a commercial presence</u></p> <p>Managers and executives (as</p>		

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	<p>defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Member when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a WTO Member other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.</p> <p>(e) <u>Contractual service suppliers (CSS)</u></p> <p>Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is less provided that the following conditions and requirements shall be applied:</p> <ul style="list-style-type: none"> <li>- The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent</li> </ul>		

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	<p>authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract.</p> <ul style="list-style-type: none"> <li>- These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector.</li> <li>- The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.</li> <li>- These persons should have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and</li> </ul>		

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	<p>have met the requirements prescribed for "specialist" above.</p> <p>The entry of these persons is allowed for computer and related services (CPC 841-845, 849) and engineering services (CPC 8672).</p>		

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<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services (CPC 861, excluding:  - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;  - legal documentation and certification services of the laws of Viet Nam)	(1) None. (2) None. (3) Foreign lawyers organisations <sup>3</sup> are permitted to establish commercial presence in Viet Nam in the following forms:  - Branches of foreign lawyers organisations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms <sup>4</sup> ; - Partnerships between foreign lawyers organisations and Viet Nam's law partnerships.  Commercial presences of foreign lawyers organisations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law	(1) None. (2) None. (3) None.	

<sup>3</sup> A "foreign lawyers organisation" is an organisation of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

<sup>4</sup> Foreign law firm is an organisation established in Viet Nam by one or more foreign lawyers organisations for the purposes of practicing law in Viet Nam.

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	practitioners.  (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(1) None. (2) None. (3) None, except:  Foreign enterprises have to be juridical persons of a WTO Member.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.   (4) Unbound, except as indicated in the horizontal section.	
(e) Engineering services (CPC 8672)  (f) Integrated engineering services (CPC 8673)	(1) None. (2) None. (3) None, except:  Foreign enterprises have to be juridical persons of a WTO Member.	(1) None. (2) None. (3) None, except:  The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization	

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	(4) Unbound, except as indicated in the horizontal section.	of the Government of Viet Nam <sup>5</sup> . (4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and urban landscape architectural services (CPC 8674)	(1) None.  (2) None. (3) None Foreign enterprises have to be juridical persons of a WTO Member.  (4) Unbound, except as indicated in the horizontal section.	(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organisation which has juridical entity status, and comply with relevant laws and regulations of Viet Nam. (2) None. (3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognised by the Government of Viet Nam. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service <sup>6</sup> .  (4) Unbound, except as indicated in the horizontal section.	

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

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

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(i) Veterinary services (CPC 932) <sup>7</sup>	(1) None. (2) None. (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorisation by the veterinary authorities. (4) Unbound, except as indicated in The horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>			
	(1) None. (2) None. (3) None.  Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
<b>C. Research and Development Services</b>			
(a) R&D services on natural sciences (CPC 851)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
<b>E. Rental/Leasing Services without Operators</b>			
(b) Relating to aircraft (CPC 83104)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(c) Relating to other transport equipment	(1) Unbound. (2) None.	(1) Unbound. (2) None.	

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

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- Relating to rail transport equipment (CPC 83105***)	(3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 70%. (4) Unbound, except as indicated in the horizontal section.	(3) None, except as indicated in the market access column.  (4) Unbound, except as indicated in the horizontal section.	
(d) Relating to other machinery and equipment (CPC 83109) (limited to industrial machinery and equipment)	(1) None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None. (2) None. (3) None, except:  Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorised to do advertising services.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.   (4) Unbound, except as indicated in the horizontal section.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
(b) Market research services (CPC 864, excluding 86402)	(1) None. (2) None. (3) None, except:  Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal	(1) None. (2) None. (3) None.	

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	capital of the joint venture. 100% foreign-invested enterprises shall be permitted.  (4) Unbound, except as indicated in the horizontal section.	   (4) Unbound, except as indicated in the horizontal section.	
(c) Management consultant services (CPC 865)	(1) None. (2) None. (3) None. Branching is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	
(d) Services related to management consulting  - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None. (2) None. (3) None. Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(1) Unbound. (2) None. (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those	(1) None. (2) None. (3) None.	

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	<p>private sector services suppliers have been granted such access: none.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>8</sup>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Access to certain geographical areas may be restricted.<sup>9</sup></p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>8</sup> Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

<sup>9</sup> For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Services incidental to mining (CPC 883)			
<p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			
	<p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.</p> <p>(2) None.</p> <p>(3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None, except as indicated in market access column.</p> <p>(2) None.</p> <p>(3) None, except as indicated in the market access column.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
(i) Services incidental to manufacturing (CPC 884 and 885)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except:  Only joint ventures with foreign capital contribution not exceeding 50% shall be permitted. 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

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(m) Related scientific and technical consulting services <sup>10</sup> (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None. (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None, except as indicated in the market access column. (2) None. (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None. (2) None. (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	
(q) Packaging services - Packaging services for food products (CPC 876**)	(1) None. (2) None. (3) Unbound, except joint venture with the foreign capital contribution not exceeding 49%	(1) None. (2) None. (3) None, except as indicated in the market access column	

<sup>10</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Packaging services for household cleaners (CPC 876**)</li> <li>- Packaging services for hardware (CPC 876**)</li> </ul>	<p>shall be permitted and only limited to packaging services for products manufactured from industrial zones.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<b>2. COMMUNICATION SERVICES</b>			
<p><b>B. Courier Services (CPC 7512**)</b></p> <p>* Express delivery services<sup>11</sup>, i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication<sup>12</sup>, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> <li>- Hybrid mail service;</li> <li>- Direct mail.</li> </ul> <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> <li>- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;</li> </ul>	<p>(1) None.<sup>14</sup></p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>Services and services suppliers of other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.</p>

<sup>11</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

<sup>12</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>14</sup> The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- US\$9 for international shipments; provided that the gross weight of these items is less than 2,000 grams. (b) Parcels <sup>13</sup> and other goods. * Handling of non-addressed items.			
<b>C. Telecommunication Services</b>  Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).			
<u>Basic telecommunication services</u> (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 7523**)	(1) None, except:  <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. Foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.
(f) Facsimile services			

<sup>13</sup> Books, catalogues are included hereunder.

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o*) Other services  - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting <sup>15</sup> - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) <sup>16</sup>	- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;  - Multinational companies <sup>17</sup> , which are licensed to use satellite-earth stations.  (2) None. (3) None, except:  <i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. <i>Facilities-based services:</i> Joint venture with	(2) None. (3) None.	

<sup>15</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

<sup>16</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>17</sup> A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO Member; and e) is licensed to use satellite services in at least one WTO Member.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>telecommunications service suppliers duly licensed in Viet Nam will be allowed.</p> <p>Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> <p>51% gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p>		
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Basic telecommunication services:</u>  (o*) Other services  - Virtual Private Network (VPN) <sup>18</sup>	(1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam. Foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.

<sup>18</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organisation, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	software development parks who are licensed to use satellite-earth stations;		
	<p>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) None, except:  <i>Non facilities-based services:</i>            Joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<p><u>Value-added services</u></p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (incl. transaction processing) (CPC 843**)</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None.</p> <p>(3) None, except:</p> <p><i>Non facilities-based services:</i></p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>
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	<p>Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>Fifty-one % gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
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<p><u>Value added services</u></p> <p>(o) Other</p> <p>- Internet Access Services IAS<sup>19</sup></p>	<p>(1) <i>Wire-based and mobile terrestrial services:</i> None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organisation' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None.</p> <p>(3) <i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>
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	<p>65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
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Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>D. Audiovisual Services</b>			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) Unbound. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
- Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None. (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital	(1) Unbound. (2) None. (3) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>contribution shall not exceed 51% of legal capital.</p> <p>Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
(e) Sound recording	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Unbound.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Unbound.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None, except:</p>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None, except that the chief of the branch has to be a resident in Viet Nam.</p>	
B. General construction work for civil engineering (CPC 513)	<p>Branching is allowed.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
C. Installation and assembly work (CPC 514, 516)			
D. Building completion and finishing work			

\* Due to lack of technical feasibility.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 517)			
E. Other (CPC 511, 515, 518)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
<u>Measures applicable to all sub-sectors in Distribution Services:</u>			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>20</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)			
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>21</sup>	(2) None. (3) None, except: Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.  (4) Unbound, except as indicated in the horizontal section.	(2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
D. Franchising services (CPC 8929)	(1) None. (2) None. (3) None, Branching is allowed.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	

<sup>20</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

<sup>21</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>5 EDUCATIONAL SERVICES</b>			
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.			
With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in The horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None. (3) None	(1) Unbound. (2) None. (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.	
D. Adult education (CPC 924)			
E. Other education services (CPC 929 including foreign language training)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b>			
Access to certain geographic areas may be restricted for national security reasons <sup>22</sup> .			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except related consulting services. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402) <sup>23</sup>	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only	(1) None. (2) None. (3) None.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

<sup>22</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

<sup>23</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
C. Sanitation and similar services (CPC 9403)	(1) None. (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
D. Other services  - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except related consulting services. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	
- Environmental impact assessment services (CPC 94090*)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
- Nature and landscape protection services (CPC 9406)	(1) None. (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<b>A. Insurance and Insurance-Related Services</b>	(1) None for:	(1) None.	
a. Direct insurance	- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;		
(a) Life insurance, excl. health insurance services	- Reinsurance services;		
(b) Non-life insurance services	- Insurance services in international transportation, including insurance of risks relating to:		
b. Reinsurance and retrocession			
c. Insurance intermediation (such as brokerage and agency)	+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and		
d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>+ goods in international transit;</li> <li>- Insurance broking and reinsurance broking services;</li> <li>- Consultancy, actuarial, risk assessment and claim settlement services.</li> </ul>		
	(2) None.	(2) None.	
	(3) None. Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.	(3) None.	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. Banking and Other Financial Services</b>			
<p>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services.</p> <p>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.</p>			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:	
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:	(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:	
(c) Financial leasing	(i) With respect to foreign commercial banks:	- The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.	
(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts	representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company, and 100% foreign-owned banks.		
(e) Guarantees and commitments		(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	(ii) With respect to foreign finance companies:	- The parent bank has total assets of more than US\$10 billion at	
- Money market instrument (including cheques, bills, certificates of deposits);	representative office, joint venture finance company, 100% foreign-invested		
- Foreign exchange;			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;</li> <li>- Bullion.</li> <li>(h) Money broking</li> <li>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</li> <li>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</li> <li>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</li> <li>(l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</li> </ul>	<ul style="list-style-type: none"> <li>finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company.</li> <li>(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</li> <li>(b) Equity participation: <ul style="list-style-type: none"> <li>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</li> <li>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>the end of the year prior to application.</li> </ul>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(c) A branch of foreign commercial bank:</p> <ul style="list-style-type: none"> <li>- is not allowed to open other transaction points outside its branch office.</li> </ul> <p>(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <ul style="list-style-type: none"> <li>- The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. <u>Securities</u></b>	(1) Unbound, except services C(k) and C(l).	(1) Unbound.	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion.	(2) None. (3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%.  Securities service suppliers with 100% foreign-invested capital shall be permitted.	(2) None. (3) None.	
(g) Participation in issues of all kinds of securities incl. underwriting and placement as an agent (publicly or privately), provision of services related to such issues	For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.		
(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments			
(k) Provision and transfer of financial information, and related software by suppliers of securities services			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311)	(1) None. (2) None. (3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract.	(1) None. (2) None. (3) None.	
B. Medical and dental services (CPC 9312)	The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.  (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including  - Lodging services (CPC 64110)  - Catering food (CPC 642) and drink services (CPC 643)	(1) None. (2) None. (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
Hotel and restaurants (only CPC 641 **):	(1) Unbound. (2) Unbound. (3) Unbound, except that joint ventures with foreign capital	(1) Unbound. (2) Unbound. (3) Unbound.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>contribution not exceeding 49 % can be established.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>B. Travel agencies and tour operator services (CPC 7471)</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except that: foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
<p>A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Unbound except joint ventures with foreign capital contribution not exceeding 49% are permitted.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>D. Other</p> <p>- Electronic games business (CPC 964**)</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>	(1) Unbound, except international freight transportation: None.	(1) Unbound, except international freight transportation: None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services. <sup>24</sup>
(a) Passenger transportation less cabotage (CPC 7211)	(2) None.	(2) None.	
(b) Freight transportation less cabotage (CPC 7212)	(3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.	(3) None.	

<sup>24</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>25</sup>: Foreign shipping companies can establish joint ventures with 51% foreign ownership. Foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</li> </ol>		

<sup>25</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.		
	6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.	(4) Unbound, except as indicated in the horizontal section.	
(c) Rental of vessels with crew (CPC 7213)	(1) Unbound. (2) Unbound. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 49 %. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
(d) Maintenance and repair vessels (CPC 8868**):	(1) Unbound. (2) Unbound. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 70 %. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) Unbound. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Container handling services (CPC 7411) <sup>26</sup> :	(1) Unbound. (2) Unbound. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 50% (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) Unbound. (3) Unbound.  (4) Unbound, except as indicated in the horizontal section.	
(f) Maritime agency services <sup>27</sup> (CPC 748*):	(1) Unbound. (2) Unbound. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 49 %. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) Unbound. (3) Unbound.  (4) Unbound, except as indicated in the horizontal section.	
<b>Maritime Auxiliary Services</b>  - Container handling services (CPC 7411) <sup>28</sup>	(1) Unbound. (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.  (4) Unbound, except as indicated in the horizontal section.	

<sup>26</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>27</sup> Maritime agency services or ship agency is a service which the ship agent is authorised to undertake, in the name of the shipowner or the ship operator, to perform services connected with the ship's operations at the port including arrangement of the ship's entry and departure; concluding contracts of carriage, marine insurance contracts, contracts for cargo handling, charter parties, and recruitment agreements; issuing and signing bills of lading or similar documents; supplying stores, bunkers and provisions to the ship; submitting ship's sea protests; communicating with the ship owner or the ship operator; arranging relevant services for ship crew; receiving and paying all amounts incident to the ship's operation; handling claims arising from contracts of carriage and or marine accidents, and supplying other services in connection with the ship as required.

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

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Customs Clearance Services <sup>29</sup>	(1) Unbound.* (2) None. (3) None, except that joint ventures can be established with no foreign ownership limitation. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound.* (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
- Container Station and Depot Services <sup>30</sup>	(1) Unbound.* (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound.* (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
<b>B. Internal Waterways Transport</b>  (a) Passenger transport (CPC 7221)  (b) Freight transport (CPC 7222)	(1) Unbound. (2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
<b>C. Air Transport Services</b>  (a) Sales and marketing air products services	(1) None. (2) None. (3) Airlines are permitted to provide service in Viet Nam	(1) None. (2) None. (3) None.	

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

\* A commitment on this mode of delivery is not feasible.

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

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	through their ticketing offices or agents in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. (2) None, except as indicated in Mode 1. (3) None, except as indicated in Mode 1. (4) Unbound, except as indicated in the horizontal section.	(1) None.  (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None. (3) Joint-ventures are permitted with the capital contribution of foreign side not exceeding 51%. 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(d) Ground-handling services, excluding aircraft servicing and cleaning, surface transport, airport management and air service navigation	(1) Unbound. (2) Unbound. (3) Unbound. Five years after Viet Nam allows private suppliers access to an airport or terminal, foreign service suppliers are permitted to provide services to such airport or terminal only through the establishment of joint ventures with Vietnamese partners, with foreign equity not exceeding 49 %. Three years	(1) Unbound. (2) Unbound. (3) None, except:  Any transfer of foreign capital in the joint ventures shall be subject to prior approval of Viet Nam's relevant authorities. The relevant Vietnamese partner(s) in joint ventures shall have first refusal right in such transfers.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>thereon, this capital limitation shall be 51 %.</p> <p>Categories of activities depend on the size of the airport. The number of service suppliers in each airport can be limited, due to available-space constraints.</p> <p>For greater certainty, Viet Nam reserves the rights to consider the authorisation and/or licensing of the above-mentioned joint-venture(s) based on the following considerations, among others: (i) the net socio-economic benefits that the Union investor(s) can generate, including but not limited to their long-term commitments, capacity building and technology transfer for Viet Nam, their prior contribution to Viet Nam's economy; (ii) their financial capability and relevant experience; and (iii) possible impact of Viet Nam national security and defence.</p> <p>The private access to the sector mentioned above means the authorisation for the participation of at least one Vietnamese 100 % privately owned company or one joint-venture in which Viet Nam's private capital contribution accounts for at least 51 %.</p>	<p>For greater certainty, the commitments in this sector do not preclude Viet Nam, with respect to significant socio-economic projects (e.g. infrastructure) that require a licence by or concession agreement with Viet Nam, from taking action, on terms not inconsistent with this Agreement, to:</p> <p>(i) require prior consent to the transfer of a licence or concession;</p> <p>(ii) prohibit the transfer of a licence or concession to a national or enterprise of a country that is not an Union Member State on the date hereof; or</p> <p>(iii) require its prior consent to the transfer of control of a licensee or concessionaire.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>E. Rail Transport Services</b>	(1) Unbound. (2) None. (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound.  (4) Unbound, except as indicated in the horizontal section.	
(a) Passenger transportation (CPC 7111)			
(b) Freight transportation (CPC 7112)			
<b>F. Road Transport Services</b>	(1) Unbound. (2) None. (3) None, except:  Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%.  Subject to the needs of the market <sup>31</sup> , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services.	(1) Unbound. (2) None. (3) None.	
(a) Passenger transportation (CPC 7121+7122)			
(b) Freight transportation (CPC 7123)			

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

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>One hundred % of joint-venture's drivers shall be Vietnamese citizen.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p><b>H. Services Auxiliary to all Modes of Transport</b></p> <p>(a) Container handling services, except services provided at airports (part of CPC 7411)</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>(b) Storage and warehouse services (CPC 742)</p> <p>(c) Freight transport agency services (CPC 748)<sup>32</sup></p>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>32</sup> Including freight forwarding services. These services mean the activities 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.

\* A commitment on this mode of delivery is not feasible.