

**ASEAN FRAMEWORK
AGREEMENT ON SERVICES**

VIET NAM

Final List of MFN Exemptions



VIET NAM – LIST OF MFN EXEMPTIONS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services				
Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.



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Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.
Sea transport services: <ul style="list-style-type: none"> - Internal road freight transportation by lorry; - Cargo storage and warehousing; and - Container yard. 	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.



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VIET NAM

Schedule of Specific Commitments



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Foreign auditors are allowed to provide auditing services in Viet Nam under the following conditions: <ul style="list-style-type: none"> - Legally resident in Viet Nam for at least 1 year. - Possess auditor certificate granted by Viet Nam Ministry of Finance or accountant/auditor certificate issued by foreign institution recognised by Viet Nam Ministry of Finance and pass an examination on Viet Nam laws and regulations; - Be registered in the list of practicing auditors managed by Viet Nam Ministry of Finance or Viet Nam Association of Certified Public Accountants (VACPA). - Have the employment contract with an auditing firm being established and operating under the laws of Vietnam. 	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Taxation Services (CPC 863)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Commitments.	
Architectural Services. (CPC 8671)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Engineering Services. (CPC 8672)</p> <p>Integrated engineering services (CPC 8673)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Foreign engineering services suppliers can bring into Viet Nam only management, technical personnel that Viet Nam can not provide. Other as indicated in the Horizontal Measures</p>	<p>(1) None</p> <p>(2) None</p> <p>(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 authorisation of the Government of Viet Nam³.</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	

³ 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban planning and urban landscape architectural services (CPC 8674)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (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 ⁴ . (4) Unbound except as indicated in the Horizontal Measures	

⁴ 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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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Computer and Related Services (CPC 841 – 845 + 849)	(1) None (2) None (3) None, except: The chief of the branch has to be a resident in Vietnam. Since 11 January 2010, branching is allowed. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Research & Development Services R&D services on natural sciences (CPC 851)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
D. Rental/Leasing Services without Operator Leasing and rental services relating to other machinery and equipment (CPC 83109)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Market research services (CPC 864, excluding CPC 86402)	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Management Consulting Services (CPC 865)	(1) None (2) None (3) None. After 11 January 2010, branching is allowed. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Production management consulting services (CPC 86505)	(1) None, except for mining, oil, and gas related fields (2) None (3) joint-venture or business co-operation contract, except for mining, gas, oil, and related fields (4) Unbound except as indicated in the Horizontal Measures	(1) None, except for mining, oil, and gas related fields (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Services related to management consulting (CPC 866, except CPC 86602 and arbitration and conciliation services for commercial disputes between business (CPC 86602**))	(1) None (2) None (3) None, except: After 2009, branching is allowed for: CPC 866, except CPC 86602: For Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**): before 2010: Unbound. Thereafter: None (4) Unbound except as indicated in the Horizontal Measures	(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 Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Technical testing and analysis services (CPC 8676 covering CPC 86761-9) (Including services related to composition testing, quality inspection)</p>	<p>(1) None , except for mining, oil, and gas related field</p> <p>(2) None</p> <p>(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 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 Measures</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Related scientific and technical consulting services. ⁵ (Covering CPC 86751-86753)	(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 outline in Viet Nam's applicable laws. (2) None (3) None, except Since 11 January 2009, joint venture with the foreign capital contribution not exceeding 51% shall be permitted. Since 11 January 2011, 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	
Leasing and rental services relating to aircraft without operator (CPC 83104)	(1) None ⁶ (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

⁵ The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

⁶ Excluding mining and oil field equipment; commercial radio, television and communication equipment



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except Since 11 January 2007, joint ventures with the foreign capital contribution not exceeding 49% shall be permitted. Since 11 January 2010, this limitation shall be 51%. Since 11 January 2012, 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	
Maintenance and repair equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None (2) None (3) None, except Since 11 January 2007, joint ventures with the foreign capital contribution not exceeding 49% shall be permitted. Since 11 January 2010, this limitation shall be 51%. Since 11 January 2012, 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	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Portrait Photography services (CPC 87504)	(1) None (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the Horizontal Measures	
Special Photography services except aerial photography (CPC 87504)	(1) None. (2) None (3) None, except only in the form of BBC or joint venture with Vietnamese supplier. There shall be no limitation on foreign equity distribution in the joint venture (4) Unbound, except as indicated in the Horizontal Measures (1) None.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the Horizontal Measures (1) None	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packaging services (CPC 876)	(1) None. (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 49% shall be permitted (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	
Printing, publishing (CPC 88442) for package only	(1) None. (2) None (3) None, except joint ventures with the foreign capital contribution not exceeding 49% shall be permitted. (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
<p>Courier Services (CPC 7512**)</p> <p>*Express delivery services⁷ i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication⁸, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> - Hybrid mail service; - Direct mail. <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> - 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments; - US\$9 for international shipments; <p>provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels⁹ and other goods.</p> <p>* Handling of non-addressed items</p>	<p>(1) None¹⁰</p> <p>(2) None</p> <p>(3) None, except that foreign ownership in joint ventures may be limited to 51% until 2011. Since 11 January 2012, 100% foreign-invested enterprises shall be permitted.</p> <p>(4) Unbound, except as indicated in the Horizontal Measures</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the Horizontal Measures</p>	<p>Services and services suppliers of any other Member shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.</p>

⁷ 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.

⁸ 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.

⁹ Books, catalogues are included hereunder.

¹⁰ 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Telecommunication Services Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the 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).</p>			
<p>Basic Telecommunications</p> <p>a. Voice telephone services including local, long distance and international (CPC 7521)</p> <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data transmission services (CPC 7523**)</p> <p>d. Telegraph services (CPC 7522)</p> <p>e. Telex services (CPC 7523**)</p> <p>f. Facsimile services (CPC 7521**+7529**)</p> <p>g. Private leased circuit services (CPC 7522**+7523**)</p>	<p>(1) None, except:</p> <p><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> <p>- Since 11 January 2007: 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 <i>satellite</i>-earth stations;</p>	<p>(1) None</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p> <p>For consortium submarine cable links where Viet Nam is 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. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to international VPN and IXP service suppliers licensed in Viet Nam.</p>



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>(o*) Other services</p> <ul style="list-style-type: none"> - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting¹¹ - Radio based services includes: <ul style="list-style-type: none"> - Mobile telephone (terrestrial and satellite) - Mobile data (terrestrial and satellite) - Paging - PCS - Trunking - Internet Exchange Service (IXP)¹² 	<ul style="list-style-type: none"> - Since 11 January 2010: multinational companies¹³, which are licensed to use satellite-earth stations. <p>(2) None</p> <p>(3) None, except: <i>Non facilities-based services:</i> Since 11 January 2007 joint ventures with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. <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. 51% gives management control of the joint venture.</p>	<p>(2) None</p> <p>(3) None</p>	

¹¹ 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.

¹² Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

¹³ 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.



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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> <p>(4) Unbound, except as indicated in the Horizontal Measures</p>	<p>(4) Unbound, except as indicated in the Horizontal Measures</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Basic telecommunication services (o*) Other services - Virtual Private Network (VPN) ¹⁴	(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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisation ¹ representative offices, diplomatic representatives and consulates, high tech and software	(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. Since 11 January 2011, foreign service suppliers shall be permitted to provide such capacity to

¹⁴ 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 off/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).



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>development parks who are licensed to use satellite-earth stations;</p> <ul style="list-style-type: none"> - Since 11 January 2010: multinational companies¹⁹, which are licensed to use satellite-earth stations. <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. <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 Measures</p>	<p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the Horizontal Measures</p>	<p>international VPN and IXP service suppliers licensed in Viet Nam.</p>



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Value added services:</p> <p>h. Electronic mail (CPC 7523**)</p> <p>i. Voice mail (CPC 7523**)</p> <p>j. On-line information and database retrieval (CPC 7523**)</p> <p>k. Electronic data interchange (EDI) (CPC 7523**)</p> <p>l. Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC7523**)</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"> - Since 11 January 2007: 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; - Since 11 January 2007: multinational companies¹⁹, which are licensed to use satellite-earth stations. 	<p>(1) None</p>	<p>Viet Nam undertakes the obligations in the Reference Paper attached hereto.</p>



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) None</p> <p>(3) None, except: <i>Non facilities-based services:</i> Since 11 January 2007: business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 11 January 2010: 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. 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>	<p>(2) None</p> <p>(3) None</p>	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the Horizontal Measures	(4) Unbound, except as indicated in the Horizontal Measures	
Value added services (o) Other - Internet Access Services IAS ¹⁵	(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. <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: - Since 11 January 2007: off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organisation ¹ representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Since 11 January 2010: multinational companies ¹⁹ , which are licensed to use	(1) None	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

¹⁵ Services providing internet access to the end users.



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>satellite-earth stations.</p> <p>(2) None</p> <p>(3) <i>Non facilities-based services:</i> Since 11 January 2007: joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 51% of legal capital of the joint ventures. Since 11 January 2010: joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><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 Measures</p>	<p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the Horizontal Measures</p>	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Audiovisual Services With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(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 authorised 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 Measures	(1) Unbound. (2) Unbound. (3) None (4) Unbound, except as indicated in the Horizontal Measures	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Motion picture distribution (CPC 98113, excl. video tape)	(1) Unbound. (2) None (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorised 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.	



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(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 authorised to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital. Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
(e) Sound recording	(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.	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND ENGINEERING RELATED SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) None, except: since 11 January 2010, branching is allowed.	(3) None, except that the chief of the branch has to be a resident in Viet Nam.	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)	(4) Foreign construction contractor can bring into Viet Nam only management, technical personnel and foremen that Viet Nam cannot provide.	(4) Unbound except as indicated in the Horizontal Measures	
Installation Work (CPC 516)			
Building Completion and Finishing Work (CPC 517)	Others as indicated in the Horizontal Measures.		
Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)			



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
DISTRIBUTION SERVICES			
Measures applicable to all sub-sectors in Distribution Services: Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs ¹⁶ , 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) ¹⁷	(2) None (3) None Since 11 January 2007: 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 except for: cement and cement clinkers; tyres (excluding	(2) None (3) None	

¹⁶ For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

¹⁷ 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.



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>tyres of airplanes); papers; tractors; motor vehicles; cars and motorcycles; iron and steel; audiovisual devices; wines and spirits; and fertilizers.</p> <p>As of 1 January 2009, foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of tractors; motor vehicles; cars and motorcycles.</p> <p>Since 11 January 2010 foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.</p> <p>The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)¹⁸.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	

¹⁸ Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Franchising services (CPC 8929)	(1) None (2) None (3) None Since 11 January 2010, 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.	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATIONAL SERVICES 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 Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
C. Higher education services (CPC 923) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	(1) Unbound (2) None (3) None, except: Since 11 January 2007: only in the form of joint-ventures. Majority foreign ownership of such joint ventures is allowed. As of 1 January 2009, 100% foreign-invested education entities are permitted. Since 11 January 2010: none. (4) Unbound except as indicated in the Horizontal Measures	(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 recognised by the competent authority. (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ENVIRONMENTAL SERVICES			
Access to certain geographic areas may be restricted for national security reasons ¹⁹			
Sewage services (CPC 9401)	(1) Unbound due to technical feasibility (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. joint ventures with foreign capital contribution not exceeding 51 % are allowed until 11 January 2011. After that, none. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

¹⁹ 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.



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Other services</p> <ul style="list-style-type: none"> - Cleaning services of exhaust gases (CPC 94040) and - noise abatement services (CPC 94050) 	<p>(1) Unbound due to technical feasibility (except related consulting services)</p> <p>(2) None</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. Foreign ownership is limited to 51 % until 11 January 2011. After that, none.</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>Environmental impact assessment services (CPC 9409)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except that foreign ownership is limited to 51% until 11 January 2011. After that: None.</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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
HEALTHCARE SERVICES			
Medical and Dental Services (CPC 9312) covering: - General medical services (CPC 93121) - Specialised medical services (CPC 93122) - Dental services (CPC 93123) Nursing services, physiotherapists and para-medical personel (CPC 93191) 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 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 speciality unit. (4) Unbound, except as indicated in the Horizontal Section	(1) None (2) None (3) None (4) Unbound, except as indicated in the Horizontal Section	
Veterinary Services (CPC 932/9320) ²¹	(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	

²¹ Excluding keeping micro-organism strain for veterinary.



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Health related and social services Social services (CPC 933) - Social services with accommodation (CPC 9331) - Social services without accommodation (CPC 9332)	(1) None (2) None (3) Unbound, except for foreign equity ownership permitted up to 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) As indicated in the limitation on Market Access (4) Unbound, except as indicated in the horizontal section	



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110) Food serving services (CPC 642) Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) None except for 8 years since 11 January 2007 the services provided should be in parallel with the investment in the hotel construction, renovation, restoration or acquisition. None afterwards. (4) Unbound except as indicated the Horizontal Section	(1) None (2) None (3) None (4) Unbound except as indicated the Horizontal section	
Travel agencies and tour operator services (CPC 7471)	(1) None (2) None (3) None, except that: Foreign service supplying companies are permitted to provide services in the form of joint venture with Vietnamese partners, with no limitation on foreign capital contribution. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (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. (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Others</p> <p>Tourist theme park</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Foreign service supplying companies are permitted to provide services in the form of joint venture with Vietnamese partners</p> <p>The capital contributions of the foreign side shall not exceed 51% of the legal capital of the joint venture.</p> <p>(4) Unbound except as indicated the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except as indicated the Horizontal section</p>	



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound (2) None (3) Unbound except that since 11 January 2012, joint ventures with foreign capital contribution not exceeding 49% are permitted. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
D. Other - Electronic games business (CPC 964**)	(1) Unbound (2) None (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorised to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services	(1) None	(1) 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;
Passenger Transportation less Cabotage (CPC 7211)	(2) None	(2) None	
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	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>b) Other forms of commercial presence for the supply of international maritime transport services²²:</p> <p>Since 11 January 2007, foreign shipping companies can establish joint ventures with 51% foreign ownership. Since 11 January 2012, foreign shipping companies can establish 100% foreign-invested enterprises.</p> <p>Since 11 January 2007, foreign-invested enterprises are only permitted to carry out activities from (1) to (5) as indicated below:</p> <ol style="list-style-type: none"> 1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing; 2. Acting on behalf of the cargo owners; 3. Provision of required business information; 		<ol style="list-style-type: none"> 9. Anchorage, berth and berthing services; 10. Access to maritime agency services.²³

²² "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.

²³ 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.



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</p> <p>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</p> <p>Since 11 January 2012, activities from (6) to (7) shall be allowed.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>The number of joint ventures by foreign shipping companies will be limited to 5 companies since 11 January 2007. Three additional companies will be allowed every two years thereafter. Since 11 January 2012, no limitation on the number of joint ventures.</p> <p>(4) Unbound except as indicated in the Horizontal Measures</p>	<p>(4) Unbound except as indicated in the Horizontal Measures</p>	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental of vessels with crew (CPC 7213)	(1) None. (2) None (3) None, except joint venture with the foreign capital contribution not exceeding 49% shall be permitted (4) Unbound, except as indicated in the Horizontal Measures	(1) None (2) None (3) None, except as indicated in the market access column (4) Unbound, except as indicated in the Horizontal Measures	
Maintenance and repair of vessels (CPC 8868*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting Services for Maritime Transport Customs Clearance Services ²⁴	(1) Unbound.* (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. After 5 years, joint ventures can be established with no foreign ownership limitation. (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound.* (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

²⁴ "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.

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



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Agency Services (CPC 7454*)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Container Station and Depot Services ²⁵	(1) None (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014, none. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	

²⁵ "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.



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport	(1) Unbound.	(1) Unbound.	
Passenger transport (CPC 7221)	(2) None	(2) None	
Freight transport (CPC 7222)	(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.	(3) None	
	(4) Unbound except as indicated in the Horizontal Measures	(4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services Passenger transportation (CPC 7111) Freight transportation (CPC 7112)	(1) None (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 Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services	(1) Unbound.	(1) Unbound.	
Passenger transportation (CPC 7121+7122)	(2) None	(2) None	
Freight transportation (CPC 7123)	(3) None, except: Since 11 January 2007, 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%. Since 11 January 2010, subject to the needs of the market ²⁶ , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. 100% of joint-venture's drivers shall be Vietnamese citizen.	(3) None	
	(4) Unbound except as indicated in the Horizontal Measures	(4) Unbound except as indicated in the Horizontal Measures	

²⁶ 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.



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport Maritime cargo handling services (CPC 741)	(1) None (2) None (3) Commercial presence may be in the form of joint venture. Maximum share of foreign equity in the joint venture company allowable up to 49% (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Container handling services, except services provided at airports (part of CPC 7411)	(1) None (2) None (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%. (4) Unbound except as indicated in the Horizontal Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Container handling services (CPC 7411) ²⁷	(1) Unbound (due to lack of technical feasibility) (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 Measures	(1) None (2) None (3) None (4) Unbound except as indicated in the Horizontal Measures	
Storage and warehouse services (CPC 742)	(1) None (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014: 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.	

²⁷ Public utility concession or licensing procedures may apply in case of occupation of the public domain.



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Freight transport agency services (CPC 748) ²⁸	(1) Unbound (due to lack of technical feasibility)* (2) None (3) None, except that since 11 January 2007 joint ventures with foreign capital contribution not exceeding 51% can be established. Since 11 January 2014: none. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

²⁸ 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.



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Ship broking services	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the Horizontal Measures	
Other (part of CPC 749) ²⁹	(1) Unbound, except freight brokerage services: None since 11 January 2012. (2) None (3) Since 11 January 2007, 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 49%. Since 11 January 2010, this limitation shall be 51%. Four years thereon, this capital limitation shall be abolished. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except freight brokerage services: None since 11 January 2012. (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	

Note: * indicates that the services specify is constitutes only a part of the total range of activities covered by CPC concordance

²⁹ Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.



Definition

"Business Cooperation Contract" A Business Cooperation Contract is one of Foreign Investment Form in Vietnam, that is regulated by Investment Law in Vietnam and come into effect on 29 Nov. 2005

According to the Investment Law in Vietnam, "Business cooperation contract (hereinafter called BCC for short) means a form of investment signed between investors for business cooperation with profit-sharing or product-sharing, without creating a legal entity".

Article 9 of Decree No. 1082006/ND-CP dated 22/9/2006 providing guidelines of a number articles of Law on Investment says that :

1. In the case of investment in the form of a business co-operation contract signed between one or more foreign investors with one or more domestic investors (hereinafter referred to as *the co-operating parties*), the business co-operation contract must stipulate the interests and responsibilities of, and the sharing of business results as between each investor.
2. A business co-operation contract in the sector of prospecting, exploration for and mining petroleum and a number of other natural resources in the form of a product sharing contract shall be performed in accordance with relevant laws and the *Law on Investment*.
3. A business co-operation contract signed between domestic investors to conduct investment and business shall be in accordance with the law on economic contracts and relevant laws.
4. During the process of business, the co-operating parties may agree to establish a coordination board to perform the business co-operation contract. The functions, duties and powers of the co-ordination board shall be as agreed by the co-operating parties. The coordination board shall not be the leadership body of the co-operating parties.
5. The foreign co-operating party shall be permitted to establish an operating office in Vietnam to act as its representative during the performance of the business co-operation contract. The operating office of a foreign co-operating party shall have a seal, may open bank accounts, recruit employees, sign contracts and conduct all business activities within the scope of the rights and obligations stipulated in the Investment Certificate and business co-operation contract.

"Ship Broking Services" is the work of a shipbroker who undertakes for remuneration to act, on the individual authority of his principal, as an intermediary in concluding contracts of carriage, of marine insurance, of charter, of sale and purchase of vessel, towage contracts, recruitment agreement and contracts of other activities pertaining to maritime shipping activities"



REFERENCE PAPER

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service. A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:
 - (i) control over essential facilities; or
 - (ii) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

2. Interconnection

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

2.2 Interconnection to be ensured

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

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



- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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



**ASEAN FRAMEWORK
AGREEMENT ON SERVICES**

VIET NAM

Horizontal Commitments



VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(3) None, except: 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 contract¹, 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 activities².</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p>	<p>(3) None, except: 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 subsidisation 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>	

¹ 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.

² 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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorising the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist.</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. 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 authorised by Viet Nam's competent authority.</p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>After 2007, the 30% foreign equity limitation for acquisition of Vietnamese enterprises shall be eliminated, except for capital contribution in the form of buying shares of joint-stock commercial banks, and except for the sectors not committed in this Schedule. For the other sectors and sub-sectors 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 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> 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 commercial presence and who have been previously employed by the foreign enterprise for at least</p>	<p>(4) Unbound, except as indicated in market access column.</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>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.</p> <p>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</p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>personnel 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>(b) <u>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</p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>territory of Viet Nam with a 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>(c) <u>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>d) <u>Persons responsible for setting up a commercial presence</u></p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Managers and executives (as 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"> - The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent 		

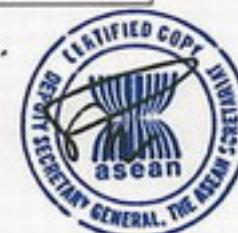


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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract.</p> <ul style="list-style-type: none"> - 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. - 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. - These persons should have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less 		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>than 2 years and have met the requirements prescribed for "specialist" above.</p> <p>The entry of these persons is allowed for computer and related services (CP 841 845, 849) and engineering services (CPC 8672).</p>		

