

**ASEAN FRAMEWORK  
AGREEMENT ON SERVICES**

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**BRUNEI DARUSSALAM**

**Final List of MFN Exemptions**

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# BRUNEI DARUSSALAM - LIST OF MFN EXEMPTIONS

For the 7<sup>th</sup> 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	Future liberalisation of measures affecting limitations on foreign equity or interest in companies established in Brunei Darussalam shall be carried out in a differentiated manner, and at the discretion of the relevant authorities.	All Countries	Indefinite	The measure would be applied in a differentiated manner to those investment that match Brunei Darussalam's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximise economic benefits of foreign participation in the Brunei Darussalam economy.
	Preferences for entry and temporary stay of workers from traditional sources of supply.	Traditional sources	Indefinite. Brunei Darussalam will periodically review this in the light of domestic and national policy considerations.	Due to the small population base the government needs to regulate the flow of foreign workers, both skilled and unskilled, to ensure social cohesion in Brunei Darussalam.
Legal Services	All measures pertaining to the provision of legal services in Brunei Darussalam.	All countries	Indefinite. Brunei Darussalam will keep the possibility of removing this exemption under review.	The exemption is necessary as the establishment of foreign law firms in Brunei Darussalam is based on case-by-case approval.



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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
<p>Radio and Television</p> <p>Radio and television is defined to include:</p> <ul style="list-style-type: none"> <li>- Free-to-air broadcasting</li> <li>- Cable and Pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Tele text</li> <li>- All broadcasting services listed in Services Sectoral Classification List, MTN.GNS/W/120.</li> </ul>	<p>The Radio Television Brunei (RTB) accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements.</p>	<p>All countries. Currently, only Singapore, Malaysia and Indonesia are given preferential broadcast and transmission rights.</p>	<p>Brunei Darussalam will keep the possibility of removing the exemption under review.</p>	<p>To promote social economic and cultural relations.</p>



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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
Financial Services	Treatment with respect to the granting of approval to establish offshore banks and merchant banks, to expand existing operations and conduct new activities in the financial services sector may be accorded to service suppliers of another member in a differentiated manner or on the basis of reciprocity and at the discretion of the relevant authority.	All countries	Indefinite	To accord differentiated treatment to another member which accords favourable treatment to Brunei Darussalam financial institutions.
Reinsurance and retrocession	Exception granted to ASEAN Reinsurance Corporation (ASEAN Re), a private-sector venture with equal shareholdings from six ASEAN countries, to be established with paid-up capital of B\$6 million instead of the minimum B\$10 million stipulated in the Insurance Act. Other than this, ASEAN Re is subject to the same rules and regulations applied to all reinsurers in Brunei Darussalam.	ASEAN	Indefinite	To promote greater cooperation among ASEAN in the reinsurance sector.



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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
Banking and other financial services	<p>Under a currency interchange ability agreement between Brunei Darussalam and Singapore, the currency issuing authorities of Brunei Darussalam and Singapore would:</p> <ul style="list-style-type: none"> <li>- accept from banks, notes and coins by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and</li> <li>- arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.</li> </ul>	Singapore	Indefinite, until either country terminates the agreement.	The currency interchange ability agreement was entered into in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore.





# **ASEAN FRAMEWORK AGREEMENT ON SERVICES**

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## **BRUNEI DARUSSALAM**

### **Schedule of Specific Commitments**

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# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>BUSINESS SERVICES</b>  Mode 1 'None, except...' due to bona fide regulatory reasons: Health and Safety reasons: Foreign professionals who intend to practice in Brunei Darussalam should submit plans of the proposed developments through licensed practicing companies/partnerships/architects in Brunei Darussalam to provide for an entity or a body that will be liable for the development.			
<b>A. Professional Services</b>  Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:  <u>A. For accounts kept in English</u> Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants  <u>B. For accounts kept in language other than English</u> (a) Associate membership of one of the Bodies set out in A(a) above; and (b) Evidence of competency in the language concerned.	



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	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	<p>In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p> <p>(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications:</p> <p><u>A. For accounts kept in English</u> Associate membership of one of the following bodies:</p> <p>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</p> <p>(b) The Association of Certified Accountants.</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p><u>B. For accounts kept in languages other than English.</u></p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <p>Maximum number of partners in an audit firms is twenty.</p> <ul style="list-style-type: none"> <li>- A partnership may consist of only individuals, local companies and/or branches of foreign companies.</li> <li>- Principal or only place of residence within Brunei Darussalam.</li> </ul> <p>(4) Unbound, except as indicated under horizontal measures.</p>	<p>(3) Must prove commitment to recruit and develop more local human resources.</p> <p>(4) Unbound, except as indicated under horizontal measures.</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural Services (CPC 8671)	<p>(1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam. *</p> <p>(2) None</p> <p>(3) a. The company should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers</p> <p>b. Not less than 50% equity should be held by Brunei Citizens.</p> <p>c. The company should be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practicing architects should have recognised academic and professional qualifications and registered as "qualified persons" with the Ministry of Development.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC 8672)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam.*	(1) None	
	(2) None	(2) None	
	(3) The company should comply with the Company Registration Act and Registration of Professional Act	(3) Unbound	
	(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated Engineering Services (CPC 8673)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam. *	(1) None	
- for Transportation Infrastructure Turnkey Projects (CPC 86731)			
- for Water Supply and Sanitation Works Turnkey Projects (CPC 86732)	(2) None	(2) None	
- for the Construction of Manufacturing Turnkey Projects (CPC 86733)	(3) The company should comply with the Company Registration Act and Registration of Professional Act  Foreign equity participation is opened up to 55% max.	(3) Unbound	
- for Other Turnkey Projects (CPC 86739)	(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban planning and landscape architectural services CPC 8674	<p>(1) None, other than plans should be submitted through licensed practicing Urban Planners in Brunei Darussalam</p> <p>(2) None</p> <p>(3) a. The company registered should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers b. Foreign equity participation is opened up to 50%. c. The company should be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practicing Urban Planners should have recognized academic and professional qualifications.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Computer and Related Services</b>	(1) None	(1) None	
Consultancy Services related to the Installation of Computer Hardware (CPC 841)	(2) None	(2) None	
Software Implementation Services (CPC 842)	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber	(3) None	
Data Processing Services (CPC 843)	(4) Unbound, except Director and needed Technical Experts	(4) Unbound, except as indicated in the horizontal section	
Database Services (CPC 844)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.	(3) None	
	(4) Unbound, except as indicated under horizontal measures	(4) Unbound, except as indicated under horizontal measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair services of office machinery and equipment including computers (CPC 845)	(1) None (2) None	(1) None (2) None	
Other computer Services (CPC 849)	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber (4) Unbound, except Director and needed Technical Experts	(3) None (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
<b>C. Research and Development Services</b>			
R&D services on natural sciences and engineering (CPC 851/8510)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
R&D services on social sciences and humanities (CPC 852/8520)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Interdisciplinary R&D services (CPC 853/8530)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>E. Rental and Leasing Services without Operator</b>  Rental/leasing services relating to aircraft without operators (CPC 83104)	(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.  (2) None  (3) Unbound, except: a. Only through a representative office; b. Only by appointment of a General Sales Agent, that is Bruneian controlled company; and c. Permanent address in Brunei Darussalam is required with respect to (a).  (4) Unbound, except with respect to (b), one technical post subject to local availability test, designation of a specified number of Brunei trainees.	(1) None  (2) None  (3) Unbound  (4) Unbound, except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met:  (a) Residency (b) Registration.	



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Sector or Subsector	Limitation on Market Access		Limitation on National Treatment		Additional Commitments
Relating to other machinery and equipment (CPC 83106-83109)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	Foreign equity participation should not exceed 49%	(3)	Unbound	
	(4)	Unbound, except as indicated in the horizontal section	(4)	Unbound	
Rental/Leasing services concerning personal and household goods (CPC 8320)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	Foreign equity participation should not exceed 49%	(3)	Unbound	
	(4)	Unbound, except as indicated in the horizontal section	(4)	Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>F. Other Business Services</b>	(1) None	(1) None	
Sale or leasing services of advertising space or time (CPC 8711)	(2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(2) None (3) Unbound (4) Unbound	
Planning, creating and placement services of advertising (CPC 8712)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Other advertising services (Advertising consultancy services) (CPC 8719)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Marketing research and public opinion polling services (CPC864/8640)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Management consulting service (CPC 865/8650)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Services related to management consulting (including management services n.e.c) (CPC 866/8660)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Building-cleaning services (CPC 874)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Photographic services (CPC 875/8750)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Packaging services (CPC 876/8760)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Printing, publishing services (CPC 88442)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Duplicating services (CPC 87904)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Specialty design services (CPC 87907)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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<b>COMMUNICATIONS SERVICES</b> <b>Telecommunication Services</b>  Note: * For the subsectors of (a) Public Non-Fixed and (b) Public Payphone services, this is in accordance with the new licensing regime under the new Telecommunications Order 2001 which requires new entrants/players wishing to provide such service domestically are required to apply for a license from the relevant Authority (i.e. The Authority for Info-Communication Technology and Industry (AITI) and if further required may also be subject to terms and conditions set by the authority including among others the need to have commercial arrangements with licensed operator(s).			
Circuit - switched data transmission services (7523**)	(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.	
Packet- switched data transmission services (7523**)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations;  Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (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
Telex services (CPC7523**)  Telegraph services (CPC7522**)	(1) None (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
Facsimile services (7521** + 7529**)	(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	



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Electronic mail (7523**)	(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	
Voice Mail (7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	





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On-line information and database retrieval (7523**)	(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	
Electronic data interchange (EDI) (7523**)	(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	
Enhanced/value-added facsimile services, including store and forward and retrieve (7523**)	(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	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Public Non-Fixed*	(1) None, except subject to commercial arrangements with licensed operator(s). (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.  This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.
Local Services  Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Public payphone services*	(1) None, except subject to commercial arrangements with licensed operator(s) * (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.
International Service: Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	



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For the 7<sup>th</sup> 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
Mobile Services: Public Cellular Mobile Telephone Service.	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
Prepaid Telecommunications Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.



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For the 7<sup>th</sup> 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
<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC513)	(3) The company has to be registered with the Registrar of Attorney General office and Ministry of Development, for companies and Business name and Contracting License respectively. Foreign Citizen registered may hold up to maximum 55% equity	(3) Unbound	
Assembly and Erection of Prefabricated Constructions (CPC514)			
Special Trade Construction (CPC515)			
Installation Work (CPC516)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	
Building Completion and Finishing Work (CPC517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>EDUCATION SERVICES</b>			
Primary Education For International School Only  CPC921	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Secondary Education For International School Only CPC922	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Adult Education Courses with the maximum duration of 3 months (Private education) (CPC 924)	(1) None (2) None (3) - through joint venture with foreign equity participation shall not exceed 49% - foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Adult Education Services For Skill Centre Only CPC924	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre CPC929	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b>			
Medical and Dental Services (CPC9312)	(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	
Services provided by midwives, nurses, physiotherapists and para-medical personnel  CPC 93191	(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	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hospital services (CPC9311/93110) (excluding Laboratory and X-Ray Services)	(1) Unbound due to lack of technical feasibility (2) None (3) None *only through specific requirements and domestic rules and regulations of the country (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Laboratory Services (CPC9311X)	(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	
X-Ray services (CPC9311X)	(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	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel Lodging Services (CPC 641110)	(1) None (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Restaurants (CPC 642,643)	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) Unbound (4) Unbound	
Other Tourism Services - Youth Hostel - Golf Courses - Marina Facilities	(1) None (2) None (3) It must be a joint venture project with local enterprise (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



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For the 7<sup>th</sup> 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
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Theme Parks	(1) None	(1) None	
	(2) None	(2) None	
	(3) It must be a joint venture project with local enterprise	(3) Unbound	
	(4) Unbound	(4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
Passenger transportation (CPC7211)	(1) None (2) None (3) Foreign equity participation shall not exceed 49% (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	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 the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth, and berthing services
Freight transportation (CPC7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 49% b) The supply of international maritime transport of energy goods: unbound (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Agency Services CPC7454*	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
D. Space Transport (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>E. Rail Transport Services</b>			
Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
<b>H. Services Auxiliary to All Modes of Transport</b>  Maritime Cargo Handling Services CPC741	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehousing services CPC 742	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Maritime Freight Forwarding Services CPC748	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





## 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:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

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

#### 1.2 Safeguards

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

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and



- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 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 licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

Any 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.



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For the 7<sup>th</sup> 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
<b>BUSINESS SERVICES</b>  Mode 1 'None, except...' due to bona fide regulatory reasons: Health and Safety reasons: Foreign professionals who intend to practice in Brunei Darussalam should submit plans of the proposed developments through licensed practicing companies/partnerships/architects in Brunei Darussalam to provide for an entity or a body that will be liable for the development.			
<b>A. Professional Services</b>  Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications:  <u>A. For accounts kept in English</u> Associate membership of one of the following bodies: (a) The Institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants  <u>B. For accounts kept in language other than English</u> (a) Associate membership of one of the Bodies set out in A(a) above; and (b) Evidence of competency in the language concerned.	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p> <p>(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications:</p> <p><u>A. For accounts kept in English</u> Associate membership of one of the following bodies:</p> <p>(a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland).</p> <p>(b) The Association of Certified Accountants.</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p><u>B. For accounts kept in languages other than English</u></p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <p>Maximum number of partners in an audit firms is twenty.</p> <ul style="list-style-type: none"> <li>- A partnership may consist of only individuals, local companies and/or branches of foreign companies.</li> <li>- Principal or only place of residence within Brunei Darussalam.</li> </ul>	<p>(3) Must prove commitment to recruit and develop more local human resources.</p>	
	<p>(4) Unbound, except as indicated under horizontal measures.</p>	<p>(4) Unbound, except as indicated under horizontal measures.</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural Services (CPC 8671)	<p>(1) None, other than plans should be submitted through licensed practicing Architects in Brunei Darussalam. *</p> <p>(2) None</p> <p>(3) a. The company should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers</p> <p>b. Not less than 50% equity should be held by Brunei Citizens.</p> <p>c. The company should be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practicing architects should have recognised academic and professional qualifications and registered as "qualified persons" with the Ministry of Development.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC 8672)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam.*	(1) None	
	(2) None	(2) None	
	(3) The company should comply with the Company Registration Act and Registration of Professional Act	(3) Unbound	
	(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated Engineering Services (CPC 8673)	(1) None, other than plans should be submitted by licensed practicing Engineers and registered company/partnership in Brunei Darussalam. *	(1) None	
- for Transportation Infrastructure Turnkey Projects (CPC 86731)			
- for Water Supply and Sanitation Works Turnkey Projects (CPC 86732)	(2) None	(2) None	
- for the Construction of Manufacturing Turnkey Projects (CPC 86733)	(3) The company should comply with the Company Registration Act and Registration of Professional Act  Foreign equity participation is opened up to 55% max.	(3) Unbound	
- for Other Turnkey Projects (CPC 86739)	(4) In addition to those indicated in the horizontal sector, the person has to comply with Registration of Professional Act	(4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban planning and landscape architectural services CPC 8674	<p>(1) None, other than plans should be submitted through licensed practicing Urban Planners in Brunei Darussalam</p> <p>(2) None</p> <p>(3) a. The company registered should be registered under the office of Registrar of Companies and Business names, Attorney General Chambers b. Foreign equity participation is opened up to 50%. c. The company should be registered with the Ministry of Development</p> <p>(4) In addition to those indicated in the horizontal section, the licensed practicing Urban Planners should have recognized academic and professional qualifications.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Computer and Related Services</b>	(1) None	(1) None	
Consultancy Services related to the Installation of Computer Hardware (CPC 841)	(2) None	(2) None	
Software Implementation Services (CPC 842)	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber	(3) None	
Data Processing Services (CPC 843)	(4) Unbound, except Director and needed Technical Experts	(4) Unbound, except as indicated in the horizontal section	
Database Services (CPC 844)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.	(3) None	
	(4) Unbound, except as indicated under horizontal measures	(4) Unbound, except as indicated under horizontal measures	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair services of office machinery and equipment including computers (CPC 845)	(1) None	(1) None	
	(2) None	(2) None	
Other computer Services (CPC 849)	(3) The company should be registered under the office of registrar of companies and business names, Attorney General Chamber	(3) None	
	(4) Unbound, except Director and needed Technical Experts	(4) Unbound, except as indicated in the horizontal section	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>C. Research and Development Services</b>	(1) None	(1) None	
R&D services on natural sciences and engineering (CPC 851/8510)	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 49%	(3) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	
R&D services on social sciences and humanities (CPC 852/8520)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 49%	(3) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	
Interdisciplinary R&D services (CPC 853/8530)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 49%	(3) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>E. Rental and Leasing Services without Operator</b>  Rental/leasing services relating to aircraft without operators (CPC 83104)	(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.  (2) None  (3) Unbound, except: a. Only through a representative office; b. Only by appointment of a General Sales Agent, that is Bruneian controlled company; and c. Permanent address in Brunei Darussalam is required with respect to (a).  (4) Unbound, except with respect to (b), one technical post subject to local availability test, designation of a specified number of Brunei trainees.	(1) None  (2) None  (3) Unbound  (4) Unbound, except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met:  (a) Residency (b) Registration.	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Relating to other machinery and equipment (CPC 83106-83109)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	Foreign equity participation should not exceed 49%	(3)	Unbound	
	(4)	Unbound, except as indicated in the horizontal section	(4)	Unbound	
Rental/Leasing services concerning personal and household goods (CPC 8320)	(1)	None	(1)	None	
	(2)	None	(2)	None	
	(3)	Foreign equity participation should not exceed 49%	(3)	Unbound	
	(4)	Unbound, except as indicated in the horizontal section	(4)	Unbound	





# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>F. Other Business Services</b>	(1) None	(1) None	
Sale or leasing services of advertising space or time (CPC 8711)	(2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(2) None (3) Unbound (4) Unbound	
Planning, creating and placement services of advertising (CPC 8712)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Other advertising services (Advertising consultancy services) (CPC 8719)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Marketing research and public opinion polling services (CPC 864/8640)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Management consulting service (CPC 865/8650)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Services related to management consulting (including management services n.e.c) (CPC 866/8660)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Technical testing and analysis services (including other technical testing and analysis services) (CPC 8676)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Building-cleaning services (CPC 874)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Photographic services (CPC 875/8750)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Packaging services (CPC 876/8760)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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For the 7<sup>th</sup> 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
Printing, publishing services (CPC 88442)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Duplicating services (CPC 87904)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





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For the 7<sup>th</sup> 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
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Specialty design services (CPC 87907)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>COMMUNICATIONS SERVICES</b> <b>Telecommunication Services</b>  Note: * For the subsectors of (a) Public Non-Fixed and (b) Public Payphone services, this is in accordance with the new licensing regime under the new Telecommunications Order 2001 which requires new entrance/players wishing to provide such service domestically are required to apply for a license from the relevant Authority (i.e. The Authority for Info-Communication Technology and Industry (AITI) and if further required may also be subject to terms and conditions set by the authority including among others the need to have commercial arrangements with licensed operator(s).			
Circuit - switched data transmission services (7523**)	(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.	
Packet- switched data transmission services (7523**)	(1) None (2) None (3) Only through locally incorporated JV corporation with Bruneian individuals or Bruneian controlled corporations;  Foreign equity participation should not exceed 51% (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	



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For the 7<sup>th</sup> 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
Telex services (CPC7523**)	(1) None	(1) None	
Telegraph services (CPC7522**)	(2) None	(2) None	
	(3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act	(3) None, except as indicated in the horizontal section	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
Facsimile services (7521** + 7529**)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	



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For the 7<sup>th</sup> 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
Electronic mail (7523**)	(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	
Voice Mail (7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
On-line information and database retrieval (7523**)	(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	
Electronic data interchange (EDI) (7523**)	(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	
Enhanced/value-added facsimile services, including store and forward and retrieve (7523**)	(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	





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For the 7<sup>th</sup> 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
Public Non-Fixed*	<p>(1) None, except subject to commercial arrangements with licensed operator(s).*</p> <p>(2) None, except subject to commercial arrangements with licensed operator(s)</p> <p>(3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in horizontal section</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>This offer is based on the new licensing regime under the new Telecommunications Order 2001.</p> <p>This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.</p>
Local Services Public Switched Voice Telephone Services	<p>(1) Subject to commercial arrangements with licensed operator(s)</p> <p>(2) None</p> <p>(3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Public payphone services*	(1) None, except subject to commercial arrangements with licensed operator(s) * (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.
International Service: Public Switched Voice Telephone Services	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Mobile Services: Public Cellular Mobile Telephone Service.	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies' Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in the horizontal section (4) Unbound, except as indicated in the horizontal section	
Prepaid Telecommunications Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam Companies Act (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None, except as indicated in horizontal section (4) Unbound, except as indicated in the horizontal section	This offer is based on the new licensing regime under the new Telecommunications Order 2001.



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC513)	(3) The company has to be registered with the Registrar of Attorney General office and Ministry of Development, for companies and Business name and Contracting License respectively. Foreign Citizen registered may hold up to maximum 55% equity	(3) Unbound	
Assembly and Erection of Prefabricated Constructions (CPC514)			
Special Trade Construction (CPC515)			
Installation Work (CPC516)	(4) Unbound, except as indicated in the horizontal section	(4) Unbound	
Building Completion and Finishing Work (CPC517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			





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For the 7<sup>th</sup> 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
<b>EDUCATION SERVICES</b>			
Primary Education For International School Only  CPC921	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Secondary Education For International School Only CPC922	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





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For the 7<sup>th</sup> 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
Adult Education Courses with the maximum duration of 3 months (Private education) (CPC 924)	(1) None (2) None (3) - through joint venture with foreign equity participation shall not exceed 49% - foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Adult Education Services For Skill Centre Only CPC924	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre CPC929	(1) None (2) None (3) Only through a joint venture with foreign equity not exceeding 49% (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) Unbound (4) Unbound	



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For the 7<sup>th</sup> 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
<b>HEALTHCARE SERVICES</b>			
Medical and Dental Services (CPC9312)	(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	
Services provided by midwives, nurses, physiotherapists and para-medical personnel  CPC 93191	(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	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hospital services (CPC9311/93110) (excluding Laboratory and X-Ray Services)	(1) Unbound due to lack of technical feasibility (2) None (3) None *only through specific requirements and domestic rules and regulations of the country (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Laboratory Services (CPC9311X)	(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	
X-Ray services (CPC9311X)	(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	



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For the 7<sup>th</sup> 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>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel Lodging Services (CPC 64110)	(1) None (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Restaurants (CPC 642,643)	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) It must be a joint venture with local company subject to local regulation (4) Unbound	(1) None* (no alcoholic drinks and beverage is allowed) (2) None (3) Unbound (4) Unbound	
Other Tourism Services - Youth Hostel - Golf Courses - Marina Facilities	(1) None (2) None (3) It must be a joint venture project with local enterprise (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



**BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS**For the 7<sup>th</sup> 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
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Theme Parks	(1) None	(1) None	
	(2) None	(2) None	
	(3) It must be a joint venture project with local enterprise	(3) Unbound	
	(4) Unbound	(4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
Passenger transportation (CPC7211)	(1) None (2) None (3) Foreign equity participation shall not exceed 49% (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	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 the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth, and berthing services
Freight transportation (CPC7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 49% b) The supply of international maritime transport of energy goods: unbound (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) None, except as indicated in the horizontal section.	



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For the 7<sup>th</sup> 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
Maritime Agency Services CPC7454*	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
D. Space Transport (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>E. Rail Transport Services</b>			
Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	
<b>H. Services Auxiliary to All Modes of Transport</b>  Maritime Cargo Handling Services  CPC741	(1) None (2) None (3) Foreign equity participation shall not exceed 49% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Storage and warehousing services CPC 742	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Maritime Freight Forwarding Services CPC748	(1) None (2) None (3) Foreign equity participation shall not exceed 49%. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	





## 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:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

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

#### 1.2 Safeguards

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

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and



- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 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 licences.

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

5. Independent regulators

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

6. Allocation and use of scarce resources

Any 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**

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**BRUNEI DARUSSALAM**

**Horizontal Commitments**

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# BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> 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>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3 Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	3 Unbound except with respect to existing commercial presence: - Half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. - All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	4 Unbound except for measures concerning the entry and temporary presence of intra-corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provides services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a	4 Unbound except for measures concerning the categories of natural persons referred to in the market access column.	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>(a) Managers - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p>		



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Executives - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organisation.</p> <p>(c) Specialists - persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions)</p> <p>Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed five years.</p>		

