

Viet Nam – Schedule of commitments – Cross border supply of services and Establishment

Appendix ...

Viet Nam

Schedule of commitments in conformity with Articles ... (Schedule of specific commitments-Chapter II on Investment) and ... (Schedule of specific commitments-Chapter III on Cross border supply of services)

1. The list of commitments below indicates the economic activities liberalized pursuant to Articles ... (Schedule of specific commitments-Chapter II on Investment) and ... (Schedule of specific commitments-Chapter III on Cross border supply of services) and, by means of reservations, the market access, national treatment and performance requirement limitations that apply to establishments and investor of the EU Party in those activities or to services and service suppliers of the EU Party in those sectors, where applicable.

Establishment or supply of services in sectors or sub-sectors covered by this Agreement and not mentioned in the Schedules below is not committed.

2. Identifying individual sectors and sub-sectors:

- (a) **ISIC rev 3.1** means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, *ISIC REV 3.1*, 2002;
- (b) **CPC** means the Central Products Classification as referred to in footnote ... of Article ... (Understanding on computer services-Section III on Computer Services-Chapter V on Regulatory Framework); and
- (c) **CPC provisional** means the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

3. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures when they do not constitute a market access, a national treatment or performance requirement limitation within the meaning of Articles ... (Market access-Chapter II on Investment) and ... (Market access-Chapter III on Cross border supply of services) and Articles ... (National Treatment-Chapter II on Investment) and ... (National Treatment- Chapter III on Cross border supply of services) and ... Article ... (Performance Requirements-Chapter II on Investment). Those measures (e.g. need to obtain a license, universal service obligations, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, and non-discriminatory requirement that certain activities may not be carried out in environmental protected zones or areas of particular historic and artistic interest), even if not listed, apply in any case to establishments and investor of the EU Party or to services and service suppliers of the EU Party, where applicable.
4. In accordance with paragraph ... of Article ... (Objective and Scope), Articles ... (Market access-Chapter II on Investment) and ... (Market access- Chapter III on Cross border supply of services) and Articles ... (National Treatment-Chapter II on Investment) and ... (National Treatment- Chapter III on Cross border supply of services) and ... Article ... (Performance Requirements-Chapter II on Investment) do not apply to subsidies¹ aimed at promoting the welfare and employment of ethnic minorities .
5. For greater certainty, notwithstanding Article ... (Market access-Chapter II on Investment), non-discriminatory requirements as regards the type of legal form of an establishment do not need to be specified in the below list of commitments on establishment in order to be maintained or adopted.

For greater certainty, the following measures adopted or maintained in sectors other than services are consistent with Article ... (Market access-Chapter II on Investment) and do not need to be specified in the below list of commitments on establishment in order to be maintained or adopted: (i) Measures concerning zoning or planning or regulations affecting the development or use of land, or other analogous measures; (ii) Measures seeking to ensure the conservation and protection of natural resources and the environment, including limitation on the availability, number and scope of concessions granted, and the imposition of moratoria or bans.

¹ For greater certainty, the Parties understand that “subsidies”, for the purpose of this sentence, include benefits granted for the development of ethnic minorities, such as site assistance, human resources training, assistance for technology research and development, legal aids, market information and promotion.

6. The rights and obligations arising from the list below shall have no self-executing effect and thus confer no rights directly on natural or juridical persons.
7. Where Viet Nam maintains a reservation that requires that a service supplier or an investor be a citizen, national, permanent resident or resident of its territory as a condition to the supply of a service or establishment in its territory, a reservation listed in the list of commitments in Appendix ... pursuant to Article ... (Scope and Definitions) with respect to temporary movement of natural persons shall operate as a reservation with respect to the commitments on establishment taken in this Appendix in conformity with Article... (Schedule of specific commitments-Chapter II on Investment), to the extent applicable.

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.

³ In accordance with the Civil Code of Viet Nam, these subsidiaries are considered as juridical persons of Viet Nam.

⁴ For greater certainty, this reservation is without prejudice to the rights and obligations of the Parties in Article (Expropriation)

⁵ For illustrative purposes, foreign organizations and individuals cannot own land. They can only lease land in line with the duration of their investment project subject to approval of a competent State body, which shall not exceed 50 years.

⁶ For greater certainty, this reservation is without prejudice to the Parties' right and obligations under Section (Investment Protection) and Chapter (Domestic Regulations). For further clarity, a breach of an obligation under Section (Investment Protection) in itself shall not be considered a breach of an obligation referred to in Headnote paragraph 1. A breach of an obligation under Chapter (Domestic Regulations) in itself shall not be considered a breach of an obligation referred to in Headnote paragraph 1 and shall not be subject to the dispute settlement mechanism under Section (ISDS).

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| ALL SECTORS | <p style="text-align: center;"><u>Employment of foreigners</u></p> <p>1. Unbound for measures relating to employment of foreigners, unless otherwise provided in Chapter IV [Temporary Presence of Natural Persons for Business Purposes].</p> <p style="text-align: center;"><u>Share Acquisition, securities and public companies</u></p> <p>2. EU investors are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In the case of buying shares of joint-stock commercial banks, or buying shares of enterprise operates in the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital. 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.</p> <p>Unless otherwise specified in each specific sector or sub sector of this Schedule, no limitation on foreign ownership in public company, except the following:</p> <ul style="list-style-type: none"> - in sectors where laws and regulations of Viet Nam prescribe limitations on foreign ownership, foreign ownership in public company shall have to comply with such limitations; - in sectors where foreign investment are conditional and conditions for foreign investment in such sector do not include limitation on foreign ownership, foreign investors are not allowed to hold more than 49% of total number of stocks of a public company" . <p style="text-align: center;"><u>Organizational issues</u></p> <p>3. Unbound for the establishment and operation of co-operatives, union of co-operatives, household business and sole-proprietorship.</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. Treatment accorded to subsidiaries of EU juridical person formed in accordance with the law of the Viet Nam and having their registered office, central administration or principal place of business within Viet Nam is not extended to branches or agencies established in Viet Nam by EU's companies.³</p> |
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| | <p style="text-align: center;"><u>State owned enterprises</u></p> <p>4. Unbound for privatization, equitization or divestment of assets through transfer or disposal of equity interests or assets of State Owned Enterprises.</p> <p style="text-align: center;"><u>Public utilities</u></p> <p>5. Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators</p> <p style="text-align: center;"><u>Land and real estate⁴</u></p> <p>6. Unbound for land ownership, acquisition of land use rights, land lease, usage of land, land planning, term of land use, rights and obligations of land users.⁵ Natural resources found in land belong to the State of Viet Nam. Cultural heritage, whose owner cannot be identified, found in land belong to the State of Viet Nam. Unbound for measures relating to the purchase, selling, ownership and leasing of residential real estates by foreigners.</p> <p style="text-align: center;"><u>Investment procedures</u></p> <p>7. Unbound for any measure with respect to investment procedures applied to foreign investor or foreign invested economic entities, such as procedures relating to investment registration certificate of investment projects, and foreign exchange management procedures⁶.</p> |
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A. Schedule of Specific Commitments in Services Sectors

EXPLANATORY NOTES

1. This Schedule is composed of the following elements:

- (a) the first column indicating the sector or subsector in which the commitment is undertaken by Viet Nam, and the scope of liberalization to which the reservations apply;
- (b) the second column describing the applicable reservations to Articles [Market access-Chapter II on Investment] and [Market access-Chapter III on Cross border supply of services] in the sector or subsector indicated in the first column;
- (c) the third column describing the applicable reservations to Articles [National Treatment-Chapter II on Investment] and [National Treatment- Chapter III on Cross border supply of services] in the sector or subsector indicated in the first column; and
- (d) the fourth column describing specific commitments on measures affecting the cross-border supply of services and establishment in service sectors not subject to scheduling under Articles [Market access-Chapter II on Investment] and [Market access- Chapter III on Cross border supply of services] and Articles [National Treatment-Chapter II on Investment] and [National Treatment- Chapter III on Cross border supply of services].

Supply of services in sectors or subsectors covered by this Agreement and not mentioned in this Schedule is not committed.

2. Measures inconsistent with both Articles [Market access-Chapter II on Investment] and [Market access- Chapter III on Cross border supply of services] and Articles [National Treatment-Chapter II on Investment] and [National Treatment- Chapter III on Cross border supply of services] shall be inscribed in the column relating to [Market access-Chapter II on Investment] and [Market access- Chapter III on Cross border supply of services]. In this case the inscription will be considered to provide a condition or qualification to Articles [National Treatment-Chapter II on Investment] and [National Treatment- Chapter III on Cross border supply of services] as well.
3. Notwithstanding Article [Market access-Chapter II on Investment], non-discriminatory requirements as regards the types of legal form of an establishment do not need to be specified in this Schedule in order to be maintained or adopted by Viet Nam.
4. In identifying individual sectors and sub-sectors, CPC means the Central Products Classification as referred to in footnote 32 to Article ... [Understanding on computer services-Section III on Computer Services-Chapter V on Regulatory Framework].
5. This Schedule does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures when they do not constitute a market access or a national treatment limitation within the meaning of Articles [Market access-Chapter II on Investment] and [Market access- Chapter III on Cross border supply of services] and Articles [National Treatment-Chapter II on Investment] and [National Treatment- Chapter III on Cross border supply of services]. Those measures (e.g. need to obtain a license, universal service obligations, need to obtain recognition of qualifications in regulated sectors, and need to pass specific examinations, including language examinations, and non-discriminatory requirement that certain activities may not be carried out in environmental protected zones or areas of particular historic and artistic interest), even if not listed, apply in any case to services and service suppliers of the EU Party.

6. The rights and obligations arising from this Schedule shall have no self-executing effect and thus confer no rights directly on natural or juridical persons.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
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| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>(3) None, except:</p> <p>Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract⁷, 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 activities⁸.</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the</p> | <p>(3) None, except:</p> <p>Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.</p> | |

⁷ 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.

⁸ 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.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>date of entry into force of this Agreement.</p> <p>Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.</p> <p>Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.</p> <p>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</p> | | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|--|-------------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | of transitional periods, where applicable. | | |
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| 1. BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| (a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam ⁹) | (1) None. (2) None. (3) Foreign lawyers organizations ¹⁰ are permitted to establish commercial presence in Viet Nam in the following forms: - Branches of foreign lawyers organizations; - Subsidiaries of foreign lawyers organizations; - Foreign law firms ¹¹ ; - Partnerships between foreign lawyers organizations and Viet Nam's law partnerships. Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners. | (1) None. (2) None. (3) None. | |
| (b) Accounting and auditing and bookkeeping services (CPC 862) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |

⁹ For greater certainty, qualified Vietnamese lawyers working in foreign lawyer organizations are permitted to draft commercial contracts and business charters related to Vietnamese law.

¹⁰ A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

¹¹ Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|-------------------------------------|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (c) Taxation services (CPC 863) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (d) Architectural services (CPC 8671) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None, except: The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam ¹² . | |
| (g) Urban planning and urban landscape architectural services (CPC 8674) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None, except the responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized 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 ¹³ . | |

¹² 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.

¹³ 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.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (i) Veterinary services (CPC 932) ¹⁴ | (1) None. (2) None. (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. | (1) None. (2) None. (3) None. | |
| (j) Nursing services, physiotherapists and para-medical personel (CPC 93191) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| B. Computer and Related Services (CPC 84) | | | |
| | (1) None. (2) None. (3) None. Branching is allowed. | (1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. | |
| C. Research and Development Services | | | |
| (a) R&D services on natural sciences (CPC 851) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (c) Interdisciplinary R&D services (CPC 853) | (1) None. (2) None. (3) Joint ventures with foreign capital contribution not exceeding 70% can be established. | (1) None. (2) None. (3) None, except as indicated in the market access column. | |
| E. Rental/Leasing Services without Operators | | | |
| (a) Relating to ships (CPC 83103) | (1) None. (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 70% can be established. | (1) None. (2) None. (3) None, except as indicated in the market access column. | |

¹⁴ Excluding keeping micro-organism strain for veterinary.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
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| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (b) Relating to aircraft (CPC 83104) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (d) Relating to other machinery and equipment (CPC 83109) ¹⁵ | (1) None. (2) None. (3) Foreign service suppliers may only provide services through joint venture with Vietnamese partners, with foreign equity not exceeding 51%. | (1) None. (2) None. (3) None, except as indicated in the market access column. | The equipment to be brought into Viet Nam must comply with relevant regulations of Viet Nam on management of import and export, standards, technical requirement, national security, national telecommunications infrastructure and comply with the provisions of relevant laws on telecommunications licensing as well as licenses on use of frequencies and radio equipment. |
| F. Other Business Services | | | |
| (a) Advertising services (CPC 871, excluding advertising for cigarettes) | (1) None. (2) None. (3) None, except: Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services. | (1) None. (2) None. (3) None. | The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis. |
| (b) Market research services (CPC 864, excluding 86402) | (1) None. (2) None. (3) None, except: Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. 100% foreign-invested enterprises shall be permitted. | (1) None. (2) None. (3) None. | |

¹⁵ Excluding mining and oil field equipment; commercial radio, television and communication equipment.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (c) Management consultant services (CPC 865) | (1) None. (2) None. (3) None. Branching is allowed. | (1) None. (2) None. (3) None. | |
| (d) Services related to management consulting - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**) | (1) None. (2) None. (3) None. Branching is allowed. | (1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles) | (1) None, except for mining, oil, and gas related field. (2) None. (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none. Access to certain geographic areas may be restricted for national security reasons. | (1) None. (2) None. (3) None. | |
| (f) Services incidental to agriculture, hunting and forestry (CPC 881) ¹⁶ | (1) None. (2) None. (3) None, except: Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture. | (1) None. (2) None. (3) None, except: Access to certain geographical areas may be restricted. ¹⁷ | |

¹⁶ Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

¹⁷ For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV bis of the GATS.

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

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (i) Services incidental to manufacturing (CPC 884 and 885) | <p>(1) None (2) None. (3) None, except:</p> <p>Only joint ventures with foreign capital contribution not exceeding 50% or 100% foreign-invested enterprises shall be permitted.</p> | <p>(1) None. (2) None. (3) Unbound.</p> | |
| (m) Related scientific and technical consulting services ¹⁸ (CPC 86751, 86752 and 86753 only) | <p>(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None. (3) None, except:</p> <p>Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.</p> | <p>(1) None, except as indicated in the market access column. (2) None. (3) None, except as indicated in the market access column.</p> | |
| (n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633) | <p>(1) None. (2) None. (3) None, except:</p> <p>Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.</p> | <p>(1) None. (2) None. (3) None, except as indicated in the market access column.</p> | |

¹⁸ The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|--|---|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (o) Building-cleaning services (CPC 874) - Disinfecting and exterminating services (CPC 87401) - Window cleaning services (CPC 87402) only in industrial zones and export processing zones | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (p) Special Photography services except aerial photography (CPC 87504) | (1) None. (2) None. (3) Foreign service suppliers may only provide services through BCC or joint venture with Vietnamese service suppliers. | (1) None. (2) None. (3) None. | |
| (q) Packaging services (CPC 876) | (1) None. (2) None. (3) Joint venture with the foreign capital contribution not exceeding 70% shall be permitted. | (1) None. (2) None. (3) None, except as indicated in the market access column. | |
| Trade fairs and exhibitions services (CPC 87909**) | (1) Unbound. (2) None. (3) Joint venture with the foreign capital contribution not exceeding 49% shall be permitted. 5 years after the date of entry into force of the Agreement, the capital limitation shall be 51%. 3 years thereon, this capital limitation shall be abolished. | (1) Unbound. (2) None. (3) None. | The organizing trade fairs and exhibitions shall be subject to authorization in line with Viet Nam's relevant laws and regulations. |
| 2. COMMUNICATION SERVICES | | | |
| B. Postal Services¹⁹ (CPC 7511**, CPC 7512**) | (1) None. ²⁰ (2) None. (3) None. | (1) None. (2) None. (3) None. | Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities. |

¹⁹ Exclude public services and reserved services.

²⁰ The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|--|-----------------------------------|---|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| C. 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). | | | |
| <u>Basic telecommunication services</u> (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7523**) (f) Facsimile services (CPC 7521** + 7529**) (g) Private leased circuit services (CPC 7522** + 7523**) | (1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: | (1) None. | Viet Nam undertakes the obligations in the Reference Paper attached hereto. For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam. |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (o*) Other services - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting ²¹ - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) ²² | <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - <i>Multinational</i> companies²³, which are licensed to use satellite-earth stations. <p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. 5 years from the date of entry into force of the Agreement, this capital limitation will be 75%.</p> <p><i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in</p> | <p>(2) None. (3) None.</p> | |

²¹ 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.

²² Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

²³ A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>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>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> | | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|--|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| <p><u>Basic telecommunication services:</u></p> <p>(o*) Other services</p> <p>- Virtual Private Network (VPN)²⁴</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"> - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; | <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 and international VPN and IXP service suppliers licensed in Viet Nam.</p> |

²⁴ 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 organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <ul style="list-style-type: none"> - Multinational companies²³, which are licensed to use satellite-earth stations. (2) None (3) None, except: <p><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. 5 years from the date of entry into force of the Agreement, this capital limitation will be 75%.</p> <p><i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p> | <ul style="list-style-type: none"> (2) None. (3) None. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>(3) None, except:</p> <p><i>Non facilities-based services:</i> Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. 5 years from the date of entry into force of the Agreement, this capital limitation will be 100%.</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. 5 years from the date of entry into force of the Agreement, this capital limitation will be 65%.</p> <p>Fifty-one % 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> | (3) None. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|---|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| <u>Value added services</u> (o) Other - Internet Access Services IAS ²⁵ | (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: <ul style="list-style-type: none"> - Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies²³, which are licensed to use satellite-earth stations. | (1) None. | Viet Nam undertakes the obligations in the Reference Paper attached hereto. |

²⁵ Services providing internet access to the end users.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>(2) None.</p> <p>(3) <i>Non facilities-based services:</i></p> <p>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. 5 years from the date of entry into force of the Agreement, this capital limitation will be 100%.</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. 5 years from the date of entry into force of the Agreement, this capital limitation will be 65%.</p> | <p>(2) None.</p> <p>(3) None.</p> | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 3. CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for building (CPC 512) | (1) Unbound.* (2) None. (3) None, except: | (1) Unbound.* (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. | |
| B. General construction work for civil engineering (CPC 513) | Foreign enterprises have to be juridical persons of another Party. Branching is allowed. | | |
| C. Installation and assembly work (CPC 514, 516) | | | |
| D. Building completion and finishing work (CPC 517) | | | |
| E. Other (CPC 511, 515, 518) | | | |

* Due to lack of technical feasibility.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 4. 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 ²⁶ , 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) | (2) None. | (2) None. | |
| C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) ²⁷ | (3) None, except: Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) ²⁸ . In case of establishing an outlet less than 500m ² within the area planned for trading activities and already completed construction of infrastructure, ENT is not required. 5 years from the date of entry into force of the Agreement, the requirement of the ENT will be abolished. For greater certainty, | (3) None. | |

²⁶ For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | Viet Nam retains the right to apply non-discriminatory zoning or planning measures. | | |
| D. Franchising services (CPC 8929) | (1) None. (2) None. (3) None. Branching is allowed. | (1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. | |
| 5 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. | (1) Unbound. (2) None. (3) Unbound. | |
| C. Higher education services (CPC 923) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority. | |
| D. Adult education (CPC 924) | | | |
| E. Other education services (CPC 929 including foreign language training) | | | |

²⁷ 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.

²⁸ 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.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-------------------------------------|---|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 6. ENVIRONMENTAL SERVICES | | | |
| Access to certain geographic areas may be restricted for national security reasons ²⁹ . | | | |
| A. Sewage Services (CPC 9401) | (1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. | (1) None. (2) None. (3) None. | Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO). |
| B. Refuse disposal services (CPC 9402) ³⁰ | (1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) may be subject to public monopolies or exclusive rights granted to private operators. For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities. | (1) None. (2) None. (3) None. | Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO). |

²⁹ 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.

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

³⁰ Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 7. FINANCIAL SERVICES | | | |
| 1. Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam provided that they do not circumvent Viet Nam's obligation taken herewith. | | | |
| 2. As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements. | | | |
| 3. With regard to new financial services, Viet Nam may impose a pilot testing program for a new financial services, and in doing so may impose either a cap on the number of financial service suppliers that may participate in pilot testing or restrictions on scope of pilot testing program. These measures shall not be more burdensome than necessary to achieve their aim. | | | |
| A. Insurance and Insurance-Related Services | (1) None for: | (1) None. | |
| a. Direct insurance | - Insurance services, excluding health insurance services ³¹ , provided to enterprises with foreign-invested capital, foreigners working in Viet Nam; | | |
| (a) Life insurance | | | |
| (b) Non-life insurance services | - Reinsurance and retrocession services; | | |
| b. Reinsurance and retrocession | - Insurance services in international transportation, including insurance of risks relating to: | | |
| c. Insurance intermediation (such as brokerage and agency) | + international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there-from; and | | |
| d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement) | + goods in international transit; | | |
| | - Insurance broking and reinsurance broking services; | | |
| | Consultancy, actuarial, risk assessment and claim settlement services. | | |

³¹ For the purpose of this Annex, the health insurance is classified as a part of life insurance.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>(2) None.</p> <p>(3) None, except as indicated in the horizontal section.</p> <p>Non-life branches of foreign insurance enterprises shall be permitted.</p> <p>Branches of foreign reinsurance enterprises shall be permitted after three years from the date of entry into force of the Agreement.</p> <p>For greater certainty, this shall be subject to prudential regulations.</p> | <p>(2) None.</p> <p>(3) None.</p> | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| B. Banking and Other Financial Services | | | |
| (a) Acceptance of deposits and other repayable funds from the public | (1) Unbound, except B(k) and B(l). (2) None. (3) None, except: | (1) Unbound, except B(k) and B(l). (2) None. (3) None, except: | |
| (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction | (a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms: | (a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: | |
| (c) Financial leasing | (i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company and 100% foreign-owned banks. | - The parent bank has total assets of more than US\$20 billion at the end of the year prior to application. | |
| (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts | (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company | (b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: - The parent bank has total assets of more than US\$10 billion at the end of the year prior to application. | |
| (e) Guarantees and commitments | | (c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company: The foreign credit institution has total assets of more than US\$10 | |
| (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements; - Bullion. | | | |
| (h) Money broking | (With respect to foreign financial | | |

³² In Viet Nam, foreign bank branches controlled by one EU financial institution are allowed to submit combined financial reports (including balance sheet, income statement, and cash flow statement). For greater certainty, no individual report of such foreign bank branches is required. Nothing in this paragraph shall be construed to prevent Viet Nam's authority to occasionally request such foreign bank branches to submit reports for supervisory purposes and secure compliance with the prudential ratios as stipulated in Viet Nam's laws and regulations.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p> | <p>leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</p> <p>(b) Equity participation:</p> <p>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</p> <p>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital.</p> <p>(c) A branch³² of foreign commercial bank is not allowed to open other transaction points outside its branch office, excluding ATMs.</p> <p>(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.</p> | <p>billion at the end of the year prior to application.</p> | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| <p>C. <u>Securities</u></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> - Derivative products incl. futures and options; - Transferable securities; - Other negotiable instruments and financial assets, excluding bullion. <p>(g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and financial data processing³³ and related software by suppliers of securities services</p> <p>(l) Advisory, intermediation and other</p> | <p>(1) Unbound, except services C(k) and C(l). C(l) does not cover intermediation services related to C(f). Furthermore, advisory and other auxiliary services related to C(f) are permitted to the extent that such services are permitted by Viet Nam to its own financial service suppliers.</p> <p>(2) None.</p> <p>(3) Foreign securities service suppliers shall be permitted to establish representative offices and joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49%.</p> <p>Securities service suppliers with 100% foreign-invested capital shall be permitted.</p> <p>For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.</p> | <p>(1) Unbound, except services C(k) and C(l). C(l) does not cover intermediation services related to C(f).</p> <p>(2) None.</p> <p>(3) None.</p> | |

³³ For greater certainty, Viet Nam reserves the right to apply authorization for the provision and transfer of financial data processing in accordance with Article [on conditions for licensing and qualification] and Article [on licensing and qualification procedures].

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|-------------------------------------|--|-------------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| auxiliary securities-related on all activities listed in subparagraphs from (f) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy | | | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 8. HEALTH RELATED AND SOCIAL SERVICES | | | |
| A. Hospital services (CPC 9311) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| B. Medical and dental services (CPC 9312) | | | |
| C. 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) Joint ventures with foreign capital contribution not exceeding 70% can be established. | (1) None. (2) None. (3) None, except as indicated in the market access column. | |
| 9. TOURISM AND TRAVEL RELATED SERVICES | | | |
| A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| B. Travel agencies and tour operator services (CPC 7471) | (1) None. (2) None. (3) None, except that: Foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital contribution. | (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. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| A. Entertainment services (including theatre, live bands and circus services) (CPC 9619) | (1) Unbound. (2) None. (3) Unbound except joint ventures with foreign capital contribution not exceeding 49% are permitted. | (1) Unbound. (2) None. (3) None. | |
| 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 authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. | (1) Unbound. (2) None. (3) None. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-------------------------------------|---|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| 11. TRANSPORT SERVICES | | | |
| A. Maritime Transport Services | (1) None. (2) None. (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 70% 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. (b) Other forms of commercial presence for the supply of international maritime transport services ³⁴ : Foreign shipping companies can establish 100% foreign-invested enterprises. | (1) None. (2) None. (3) None. | The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; 9. Anchorage, berth and berthing services; 10. Access to maritime agency services. ³⁵ |
| (a) Passenger transportation less cabotage (CPC 7211) | | | |
| (b) Freight transportation less cabotage (CPC 7212) | | | |

³⁴ "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.

³⁵ With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-----------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | <p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> <ol style="list-style-type: none"> 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; 4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and 5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services. 6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; 7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company. | | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (d) Maintenance and repair of vessels (CPC 8868*) | (1) None. (2) None. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 70%. | (1) None. (2) None. (3) None. | |
| Maritime Auxiliary Services | | | |
| - Container handling services (CPC 7411) ³⁶ | (1) Unbound. (2) None. (3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established. | (1) Unbound. (2) None. (3) None. | |
| - Customs Clearance Services ³⁷ | (1) Unbound.* (2) None. (3) None, except that joint ventures can be established with no foreign ownership limitation. | (1) Unbound.* (2) None. (3) None. | |
| - Maritime Agency Services ³⁸ (CPC 748*) | (1) None. (2) None. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 49%. | (1) None. (2) None. (3) Unbound. | |
| - Container Station and Depot Services ³⁹ | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |

³⁶ Public utility concession or licensing procedures may apply in case of occupation of the public domain.

³⁷ "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.

³⁸ Maritime agency services or ship agency is a service which the ship agent is authorized to undertake, in the name of the shipowner or the ship operator, to perform services connected with the ship's operations at the port including arrangement of the ship's entry and departure; concluding contracts of carriage, marine insurance contracts, contracts for cargo handling, charter parties, and recruitment agreements; issuing and signing bills of lading or similar documents; supplying stores, bunkers and provisions to the ship; submitting ship's sea protests; communicating with the ship owner or the ship operator; arranging relevant services for ship crew; receiving and paying all amounts incident to the ship's operation; handling claims arising from contracts of carriage and or marine accidents, and supplying other services in connection with the ship as required.

³⁹ "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| B. Internal Waterways Transport | | | |
| (a) Passenger transport (CPC 7221) | (1) None. (2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 51% of total legal capital. | (1) None. (2) None. (3) None. | |
| (b) Freight transport (CPC 7222) | | | |
| Maintenance and repair of vessels (CPC 8868*) | (1) None. (2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners, with foreign equity not exceeding 51%. | (1) None. (2) None. (3) None. | |
| C. Air Transport Services | | | |
| (a) Sales and marketing air products services | (1) None. (2) None. (3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam. | (1) None. (2) None. (3) None. | |
| (b) Computer reservation services | (1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. (2) None, except as indicated in Mode 1. (3) None, except as indicated in Mode 1. | (1) None. (2) None. (3) None | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|-------------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (c) Maintenance and repair of aircraft (CPC 8868**) | (1) None. (2) None. (3) Foreign service suppliers may provide services through joint ventures with Vietnamese partners or 100% foreign-invested enterprises. | (1) None. (2) None. (3) None. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|---|--|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (e) Ground-handling services, excluding aircraft servicing and cleaning, surface transport, airport management and air service navigation | <p>(1) None. (2) None. (3) Unbound. 5 years after Viet Nam allows private suppliers access to an airport or terminal, foreign service suppliers are permitted to provide services to such airport or terminal only through the establishment of joint ventures with Vietnamese partners, with foreign equity not exceeding 49%. 3 years thereon, this capital limitation shall be 51%.</p> <p>Categories of activities depend on the size of the airport. The number of service suppliers in each airport can be limited, due to available-space constraints.</p> <p>For greater certainty, Viet Nam reserves the rights to consider the authorization and/or licensing of the above-mentioned joint-venture(s) based on the following considerations, among others: (i) the net socio-economic benefits that the EU investor(s) can generate, including but not limited to their long-term commitments, capacity building and technology transfer for Viet Nam, their prior contribution to Viet Nam's economy; (ii) their financial capability and relevant experience; and (iii) possible impact of Viet Nam national security and defence.</p> | <p>(1) None. (2) None. (3) None, except:</p> <p>Any transfer of foreign capital in the joint ventures shall be subject to prior approval of Viet Nam's relevant authorities. The relevant Vietnamese partner(s) in joint ventures shall have first refusal right in such transfers.</p> <p>For greater certainty, the commitments in this sector do not preclude Viet Nam, with respect to significant socio-economic projects (e.g. infrastructure) that require a license by or concession agreement with Viet Nam, from taking action, on terms not inconsistent with this Agreement, to:</p> <p>(i) require prior consent to the transfer of a license or concession; (ii) prohibit the transfer of a license or concession to a national or enterprise of a country that is not an EU Member State on the date hereof; or (iii) require its prior consent to the transfer of control of a licensee or concessionaire.</p> | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|-------------------------------------|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| | The private access to the sector mentioned above means the authorization for the participation of at least one Vietnamese 100% privately owned company or one joint-venture in which Viet Nam's private capital contribution accounts for at least 51%. | | |
| In-flight meal serving services | (1) None. (2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners, with foreign equity not exceeding 49%. | (1) None. (2) None. (3) None. | |

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| E. Rail Transport Services (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112) | (1) Unbound. (2) None. (3) Unbound except: Foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital. | (1) Unbound. (2) None. (3) Unbound. | |
| F. Road Transport Services (a) Passenger transportation (CPC 7121+7122) (b) Freight transportation (CPC 7123) | (1) Unbound. (2) None. (3) None, except: Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%. Subject to the needs of the market ⁴⁰ , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services. One hundred % of joint-venture's drivers shall be Vietnamese citizen. | (1) Unbound. (2) None. (3) None. | |
| H. Services Auxiliary to all Modes of Transport | | | |

⁴⁰ The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|--|---|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| (a) Maritime cargo handling services (CPC 741) | (1) None. (2) None. (3) Foreign service suppliers may provide maritime cargo handling services only through a joint venture, with foreign equity not exceeding 49%. | (1) None. (2) None. (3) Unbound. | |
| (a) 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%. | (1) None. (2) None. (3) None. | |
| (b) Storage and warehouse services (CPC 742) | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |
| (c) Freight transport agency services (CPC 748) ⁴¹ | (1) Unbound*. (2) None. (3) None. | (1) Unbound*. (2) None. (3) None. | |
| (d) Other (part of CPC 749) ⁴² | (1) None. (2) None. (3) None. | (1) None. (2) None. (3) None. | |

⁴¹ Including freight forwarding services. These services mean the activities consisting of organizing 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.

⁴² 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.

| Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence | | | |
|--|---|--|------------------------|
| Sectors and sub-sectors | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
| Dredging services (CPC...) | (1) Unbound. (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 49%. 5 years from the date of entry into force of the Agreement, this capital limitation shall be 51%. | (1) Unbound. (2) None. (3) None. | |

Reference Paper

1. 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 Party 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 Party.

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.

B. Schedule of Specific Commitments in Establishment

EXPLANATORY NOTES

The list below is composed of the following elements:

- (a) the first column indicating the sector or sub-sector in which the commitment is undertaken by Viet Nam, and the scope of liberalization to which the reservations apply; and
- (b) the second column describing the applicable reservations.

Establishment in sectors or sub-sectors covered by this Agreement and not mentioned in the list below is not committed.

| Sector or sub-sector | Description of reservations |
|----------------------------|--|
| 1.AGRICULTURE | Unbound for cultivating, producing or processing rare or precious plants, breeding or husbandry of precious or rare wild animal and processing of those plants or animals (including both living animals and processed matter taken from animals) ⁴³ . No investment license shall be issued to foreign investors in these sectors and sub-sectors |
| 2. FORESTRY | Unbound |
| 3. FISHING AND AQUACULTURE | Unbound |

⁴³ List of rare or precious plants and animals can be found in website: www.kiemlam.org.vn

| | |
|---|---------|
| 4.MINING AND QUARRYING ⁴⁴ | |
| A. Extraction of crude petroleum and natural gas⁴⁵ (ISICrev3.1:111, 112) | Unbound |
| B.Mining of metal ores (ISICrev3.1:1310, 1320) | Unbound |
| C. Other mining and quarrying (ISIC rev 3.1:1410) | Unbound |
| 5.MANUFACTURING ⁴⁶ | |

⁴⁴ The horizontal limitation on designated enterprises applies

⁴⁵ Does not include services incidental to mining rendered on a fee or contract basis at oil and gas fields

⁴⁶ This sector does not include advisory services incidental to manufacturing. This sector does not include remanufacturing.

| | |
|--|---|
| <p>A. Manufacture of food products and beverages</p> <p>(ISICrev3.1:15)</p> | <p>None, except:</p> <ul style="list-style-type: none"> - Production of alcoholic beverages and soft drink(ISIC 1551): Unbound |
| <p>B. Manufacture of tobacco products</p> <p>(ISICrev3.1:16)</p> | <p>Unbound</p> |
| <p>C. Manufacture of textiles</p> <p>(ISICrev3.1:17)</p> | <p>None</p> |
| <p>D. Manufacture of wearing apparel; dressing and dyeing of fur</p> <p>(ISICrev3.1:18)</p> | <p>None</p> |

| | |
|--|--|
| <p>E. Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear (ISICrev3.1:19)</p> | <p>None</p> |
| <p>F. Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials (ISICrev3.1:20)</p> | <p>None, except measures to protect natural forest</p> |
| <p>G. Manufacture of paper and paper products (ISICrev3.1:21)</p> | <p>None</p> |
| <p>H. Publishing, printing and reproduction of recorded media⁴⁷ (ISIC rev 3.1: 22)</p> | <p>Unbound</p> |

⁴⁷ The sector is limited to manufacturing activities. It does not include activities which are audiovisual-related or present a cultural content.

| | |
|--|---|
| I. Manufacture of coke oven products (ISICrev3.1:231) | None. |
| J. Manufacture of refined petroleum products⁴⁸ (ISICrev3.1:2320) | Unbound |
| K. Manufacture of chemicals and chemical products other than explosives (ISICrev3.1:24) | None except: - Production of industrial explosive devices (ISIC 2429) No investment license shall be issued to foreign investors ⁴⁹ in these sectors and sub-sectors; |

⁴⁸The horizontal limitation on public utilities applies.

⁴⁹ For the purpose of this reservation, the term “Foreign investor” can be found in the Law on Investment, 2014

| | |
|--|--|
| <p>L. Manufacture of rubber and plastics products (ISICrev3.1:25)</p> | <p>None</p> |
| <p>M. Manufacture of other non-metallic mineral products (ISICrev3.1:26)</p> | <p>None except:</p> <ul style="list-style-type: none"> - Production of construction glasses (ISIC 2610): Investment in these sub-sectors shall be subject to planning of the Government - Production of clay bricks (ISIC 2693): Investment in these sub-sectors shall be subject to planning of the Government - Production of vertical shaft cement production equipment and baked earth bricks and tiles (ISIC 2694): Investment in these sub-sectors shall be subject to planning of the Government - Production of ready mixed concrete, stone crushing (ISIC 2695): Investment in these sub-sectors shall be subject to planning of the Government |
| <p>N. Manufacture of basic metals (ISICrev3.1:27)</p> | <p>None except :</p> <ul style="list-style-type: none"> - Production of D6-D32 mm construction steel rods and D15-D114mm seam steel pipe; zinc galvanized and color sheets (ISIC 2710): Unbound for foreign investment in these sectors and sub-sectors |

| | |
|--|--|
| <p>O. Manufacture of fabricated metal products, except machinery and equipment</p> <p>(ISICrev3.1:28)</p> | <p>None.</p> |
| <p>P. Manufacture of machinery</p> | |
| <p>a) Manufacture of general purpose machinery</p> <p>(ISICrev3.1:291)</p> | <p>None</p> |
| <p>b) Manufacture of special machinery other than weapons and munitions</p> <p>(ISICrev3.1:292)</p> | <p>None, except:</p> <ul style="list-style-type: none"> - Production of firecrackers, including fireworks (ISIC 2927): No investment license shall be issued to foreign investors⁵⁰ in these sectors and sub-sectors |

⁵⁰ For the purpose of this reservation, the term “Foreign investor” can be found in the Law on Investment, 2014

| | |
|---|---|
| <p>c) Manufacture of domestic appliances n.e.c (ISICrev3.1:2930)</p> | <p>None</p> |
| <p>d) Manufacture of office, accounting and computing machinery (ISICrev3.1:30)</p> | <p>None.</p> |
| <p>e) Manufacture of electrical machinery and apparatus n.e.c. (ISICrev3.1:31)</p> | <p>None, except: - Production of sky-lanterns (ISIC 3150): No investment license shall be issued to foreign investors⁵¹ in these sectors and sub-sectors</p> |
| <p>f) Manufacture of radio, television and communication equipment and apparatus⁵² (ISICrev3.1:32)</p> | <p>None.</p> |

⁵¹ For the purpose of this reservation, the term “Foreign investor” can be found in the Law on Investment, 2014

⁵² This sector does not include equipment and apparatus which include pre-installed contents.

| | |
|---|---|
| <p>Q. Manufacture of medical, precision and optical instruments, watches and clocks</p> <p>(ISICrev3.1:33)</p> | <p>None.</p> |
| <p>R. Manufacture of motor vehicles, trailers and semi-trailers</p> <p>(ISICrev3.1:34)</p> | <p>None, except investment in automobile assembly and manufacture (ISIC 3410) shall be subject to planning of the Government which may give preferences to local investors⁵³</p> |
| <p>S. Manufacture of other (non- military) transport equipment</p> | |
| <p>a) Building and repairing of ships ISIC 3511</p> | <p>None, except:</p> <ul style="list-style-type: none"> - Unbound for foreign investment in production of under 10000DWT cargo ships; under 800 TEU container ships; lighters and under 500 seats passenger ships (ISIC 3511); - Joint venture requirement and the foreign equity participation shall not exceed 50%. |

⁵³ For illustrative purpose, local manufacturer of motorcycles may be given privileges in terms of production quantity to meet the demand of domestic market and location preferences.

| | |
|---|--|
| <p>b) Manufacture of railway and tramway locomotives and rolling stock (part of ISIC rev 3.1: 3520)</p> | <p>None, except only Joint-venture form is permitted and foreign equity participation shall not exceed 49%.</p> |
| <p>c) Manufacture of aircraft and spacecraft (part of ISIC rev 3.1: 3530)</p> | <p>None, except joint venture requirement and the foreign equity participation shall not exceed 49% .</p> |
| <p>d) Manufacture of motorcycles (part of ISIC rev 3.1: 3591)</p> | <p>None, except investment in motorcycle assembly and manufacture (ISIC 3591) shall be subject to planning of the Government which may give preferences to local investors</p> |
| <p>e) Manufacture of bicycles and invalid carriages (part of ISIC rev 3.1: 3592)</p> | <p>None</p> |
| <p>T.Manufacture of furniture; manufacturing n.e.c. (part of ISIC rev 3.1: 361, 369)</p> | <p>None.</p> |

| | |
|--|---|
| <p>U. Recycling (ISIC rev 3.1:37)</p> | <p>- None, except: Foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.</p> |
| <p>5. PRODUCTION; TRANSMISSION AND DISTRIBUTION ON OWN ACCOUNT OF ELECTRICITY, GAS, STEAM AND HOT WATER⁵⁴</p> <p>(EXCLUDING NUCLEAR BASED ELECTRICITY GENERATION)</p> | |
| <p>A. Production of electricity; transmission and distribution of electricity on own account</p> <p>(part of ISIC rev 3.1: 4010)⁵⁵</p> | <p>Unbound.</p> |

⁵⁴ The horizontal limitation on designated enterprises/public utilities applies.

⁵⁵ Does not include operation of electricity transmission and distribution systems on a fee or contract basis, which are to be found in ENERGY SERVICES.

| | |
|---|-----------------|
| <p>B. Manufacture of gas; distribution of gaseous fuels through mains on own account</p> <p>(part of ISIC rev 3.1: 4020)⁵⁶</p> | <p>Unbound.</p> |
| <p>C. Production of steam and hot water; distribution of steam and hot water on own account</p> <p>(part of ISIC rev 3.1: 4030)⁵⁷</p> | <p>Unbound</p> |

⁵⁶ Does not include transportation of natural gas and gaseous fuels via pipelines, transmission and distribution of gas on a fee or contract basis, and sales of natural gas and gaseous fuels, which are to be found in ENERGY SERVICES.

⁵⁷ Does not include transmission and distribution of steam and hot water on a fee or contract basis and sales of steam and hot water, which are to be found in ENERGY SERVICES.