



**PROTOCOL TO IMPLEMENT THE  
TWELFTH PACKAGE OF COMMITMENTS  
ON AIR TRANSPORT SERVICES UNDER  
THE ASEAN FRAMEWORK AGREEMENT ON SERVICES**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or singularly as "Member State");

**NOTING** the ASEAN Framework Agreement on Services signed on 15 December 1995 in Bangkok, Thailand (hereinafter referred to as "AFAS"), which seeks to enhance cooperation in services amongst Member States, eliminate substantially restrictions to trade in services amongst Member States, and liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by Member States under the General Agreement on Trade in Services of the World Trade Organization;

**NOTING** the ASEAN Framework Agreement for the Integration of Priority Sectors signed on 29 November 2004 in Vientiane, Lao PDR and the ASEAN Framework (Amendment) Agreement for the Integration of Priority Sectors signed on 8 December 2006 in Cebu, Philippines, which includes air transport, provide measures to deepen and broaden internal economic integration and linkages, with the participation of the private sector, to realise an ASEAN Economic Community;

**NOTING** further the ASEAN Agreement on the Movement of Natural Persons signed on 19 November 2012 in Phnom Penh, Cambodia that facilitates the movement of natural persons of ASEAN in engaging in trade in goods, trade in services, and investment in the region;

**MINDFUL** of the targets and timelines of the ASEAN Transport Strategic Plan 2016-2025 adopted by ASEAN Transport Ministers on 5 November 2015 in Kuala Lumpur, Malaysia that, amongst others, called for the conclusion of the packages of commitments covering all 13 subsectors to be phased in;

**HAVING** carried out subsequent negotiations pursuant to Article IV of the AFAS and finalised the Twelfth Package of Commitments;

**DESIRING** to set out in a schedule, the specific commitments that each Member State shall undertake, for which Member States shall accord preferential treatment to one another on a Most-Favoured-Nation basis;

**AFFIRMING** that the Twelfth Package of Commitments will be the final package on air transport services under the AFAS for transition into Schedules of Non-Conforming Measures under the ASEAN Trade in Services Agreement signed on 7 October 2020 in Manila, Philippines, within the specific timelines stipulated therein,

**HAVE AGREED AS FOLLOWS:**

1. The Annexes to this Protocol shall consist of the consolidated schedules of each Member State's specific commitments, Schedules of Horizontal Commitments, and the Lists of Most-Favoured-Nation Exemptions, which shall form an integral part of this Protocol.

2. Subject to each Member State's Schedules of Specific Commitments and the Lists of Most-Favoured-Nation Exemptions, Member States shall accord preferential treatment in air transport services to one another on a Most-Favoured-Nation basis.

3. This Protocol and its Annexes shall form an integral part of the AFAS.

4. This Protocol and the commitments set out in its Annexes shall enter into force on the 60<sup>th</sup> day after the deposit of the seventh Instrument of Ratification, Approval, or Acceptance with the Secretary-General of ASEAN, and shall become effective only among the Member States that have ratified, approved, or accepted it. For each Member State ratifying, approving, or accepting the Protocol after the deposit of the seventh Instrument of Ratification, Approval, or Acceptance, the Protocol and the commitments set out in its Annexes shall enter into force on the 60<sup>th</sup> day after the deposit by such Member State of its Instrument of Ratification, Approval, or Acceptance.

5. The Secretary-General of ASEAN shall promptly notify the Member States of any such deposit made pursuant to paragraph 4.

6. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each Member State.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised thereto by their respective Governments, have signed the Protocol to Implement the Twelfth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on Services.

**DONE** at Bali, Indonesia, this Seventeenth Day of  
October in the Year Two Thousand and Twenty-Two  
in a single original copy in the English Language.

## BRUNEI DARUSSALAM – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE		3 With respect to existing commercial presence: - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be ordinarily resident in Brunei Darussalam.	

## BRUNEI DARUSSALAM – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

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

## BRUNEI DARUSSALAM – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<p>Radio and Television</p> <p>Radio and television is defined to include:</p> <ul style="list-style-type: none"> <li>- Free-to-air broadcasting</li> <li>- Cable and Pay television</li> <li>- Direct broadcasting by satellite</li> <li>- Tele text</li> <li>- All broadcasting services listed in Services Sectoral Classification List, MTN.GNS/W/120.</li> </ul>	<p>The Radio Television Brunei (RTB) accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements.</p>	<p>All countries. Currently, only Singapore, Malaysia and Indonesia are given preferential broadcast and transmission rights.</p>	<p>Brunei Darussalam will keep the possibility of removing the exemption under review.</p>	<p>To promote social economic and cultural relations.</p>
<p>Financial Services</p>	<p>Treatment with respect to the granting of approval to establish offshore banks and merchant banks, to expand existing operations and conduct new activities in the financial services sector may be accorded to service suppliers of another member in a differentiated manner or on the basis of reciprocity and at the discretion of the relevant authority.</p>	<p>All countries</p>	<p>Indefinite</p>	<p>To accord differentiated treatment to another member which accords favourable treatment to Brunei Darussalam financial institutions.</p>

## BRUNEI DARUSSALAM – LIST OF MFN EXEMPTIONS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Banking and other financial services	<p>Under a currency interchange ability agreement between Brunei Darussalam and Singapore, the currency issuing authorities of Brunei Darussalam and Singapore would:</p> <ul style="list-style-type: none"> <li>- accept from banks, notes and coins by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and</li> <li>- arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.</li> </ul>	Singapore	Indefinite, until either country terminates the agreement.	The currency interchange ability agreement was entered into in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore.

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services</b> (CPC8868)	1) None 2) None 3) Up to 80% foreign equity	1) None 2) None 3) Unbound	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
<b>Computer Reservation System Services</b> (CPC 7523)	1) None 2) None 3) Up to 80% foreign equity	1) None 2) None 3) Unbound	
<b>Aircraft Leasing with Crew</b> (CPC 734)	1) None 2) None 3) Up to 80% foreign equity	1) None 2) None 3) Unbound	

## BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS

**For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services**

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) Up to 80% foreign equity	1) None 2) None 3) Unbound	
<b>Airfreight Forwarding Services</b>	1) None 2) None 3) Up to 51% foreign equity	1) None 2) None 3) Unbound	





## CAMBODIA – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p><u>Persons responsible for setting up of a commercial establishment:</u> Persons working in an executive or managerial position, receiving remuneration from an entity as defined below, who are responsible for the setting up, in Cambodia, of a commercial presence of a service provider of a Member, that will support employment of persons described in a, b, and c below. The subject persons are not subject to a maximum duration of stay.</p> <p><u>Intra-Corporate Transferees</u> Natural persons who have been employed by a juridical person of another member for a period of not less than 1 year and who seek temporary entry to provide services through a branch, subsidiary and affiliate in Cambodia and who are:</p> <p>a) <u>Executives:</u> without requiring compliance with labour market tests, persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not</p>		



## CAMBODIA – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Modes of Supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>c) <u>Specialists</u>: Natural persons, within an organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's services, research equipment, techniques, or management.</p> <p>Temporary residency and work permit is required for the natural persons in the categories defined under intra-corporate transferees. Such permits are issued for two years and may be renewed annually up to maximum of total five years.</p>		

## CAMBODIA – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services				
Production and distribution of television programmes and cinematographic works	Measures based upon co production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Countries with which such bilateral or plurilateral agreements are in force, now or in the future	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned
Production and distribution of television programmes and cinematographic works	Measures granting the benefit of support programmes (such as “Fonds d’aide a la production de l’agence intergouvernemental de la Francophonie”) to audiovisual works, and suppliers of such works meeting origin criteria.	Countries with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Cambodia has a long-standing cultural links
Production and distribution of audiovisual works through broadcasting transmission to the public	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	Countries with which bilateral or plurilateral agreements concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Cambodia, and with other countries, including in the region
Land transport	Facilitation of transport and transit transport agreements.	Existing and future bilateral or plurilateral agreements	Indefinite	The need to promote tourism and trade in transport services especially among the neighbouring countries.

## CAMBODIA – LIST OF MFN EXEMPTIONS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Internal waterways	Establishes procedures, charges, and specific regulations applicable for ships of countries concerned operating in Mekong river basin	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Mekong river.
Maritime transport	Establishes procedures, charges, and specific regulations for maritime transport applicable for ships of countries concerned operating in Siam Gulf.	Existing and future bilateral or plurilateral agreements	Indefinite	Ensure and facilitate navigation in the Siam Gulf.

## CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply:    1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services</b> (CPC8868)	1) None 2) None 3) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
<b>Computer Reservation System Services</b> (CPC 7523)	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	
<b>Aircraft Leasing with Crew</b> (CPC 734)	1) None 2) None 3) None, other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	

## CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

**For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services**

Mode of Supply:    1) Cross-border       2) Consumption abroad       3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) None, other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Air Freight Forwarding Services</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Aircraft Catering Services</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	

## CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply:    1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Refueling Services</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Aircraft Line Maintenance</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Cargo Handling Services</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	

## CAMBODIA – SCHEDULE OF SPECIFIC COMMITMENTS

**For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services**

Mode of Supply:    1) Cross-border       2) Consumption abroad       3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Passenger Handling Services</b>	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal commitments.	





## INDONESIA – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

#### Definitions:

**"Director"**: One or a group of persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprises inside and/or outside of the court.

**"Manager"**: Senior employee of a service supplier who primarily directs the management of the organisation, receiving general supervision or direction principally from the board of directors of the business, including directing the service supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.

**"Technical Expert/Advisor"**: Person employed by a service supplier who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietary to the service, research equipment, techniques or management.

**"Joint Operator"**: A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws

**"Joint venture Enterprise"**: A joint venture enterprise is a legal entity organised under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian (national) capital.

**"Contract Management"**: Contract management is a contract organised under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.

**"Business visitors(s)"**: natural person(s) staying in Indonesia for the purpose of participating in business meeting, business contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.

## INDONESIA – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Banking Services *	Measures relating to a joint-venture bank of national and foreign origin under which entry of foreign bank in Indonesia is allowed on a reciprocity basis (Pursuant to Articles 14(3) the Ministry of Finance Decrees No. 220/KMK.017/1993 dated 26 <sup>th</sup> February 1993) With respect to joint-venture banks, licenses can only be granted to foreign banks of countries which adopt reciprocal policies regarding Indonesian banks	All countries which adopt reciprocal policies regarding Indonesia banks	Suspended until the end of the period of 60 days beginning on 1 November 1997 as stipulated in the Second Decision on Financial Services adopted by the Council for Trade in Services on 21 July 1995	To guarantee equal treatment to Indonesian nationals wishing to establish and operate bank abroad
Movement of Personnel (semi-skilled workers)	Low level occupations are reserved for Indonesian citizens. Based on Government Policy, limited exemptions may be granted to citizens of certain countries.	Nationals of Malaysia, Singapore, Brunei Darussalam, Papua New Guinea and Australia have been granted limited access to low level occupations	Indefinite	Development of the region is being undertaken and for the confirmation of this programme, it is decided to grant limited access to low level occupations to citizens at a limited number of countries
Construction Services (government funded projects)	Measures relating to preferential short listing in international competitive bidding	Nationals of Brunei Darussalam, Malaysia, The Philippines, Singapore and Thailand have been granted special treatment	These measures shall be maintained as long as the treaties of ASEAN remain in force	The implementation of a preferential short listing scheme for ASEAN contractors enhances the advancement of civil works, industrial construction and the economic development of the ASEAN region

## INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services</b> (CPC8868)	1) None 2) None 3) Should be in the form of limited liability enterprise with maximum foreign equity 49%	1) None 2) None 3) As indicated in the horizontal section	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) Should be in the form of limited liability enterprise with maximum foreign equity 49%	1) None 2) None 3) As indicated in the horizontal section	
<b>Computer Reservation System Services</b> (CPC 7523)	1) None 2) None 3) Should be in the form of limited liability enterprise with maximum foreign equity 49%	1) None 2) None 3) As indicated in the horizontal section	

## INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) Commercial presence of foreign service supplier and/or providers is permitted up to 49%	1) None 2) None 3) None	
<b>Air Freight Forwarding Services</b>	1) None 2) None 3) Should be in form of limited liability enterprise with maximum foreign equity 49%	1) None 2) None 3) As indicated in horizontal section	
<b>Aircraft Catering Services</b>	1) None 2) None 3) Should be in form of limited liability enterprise with maximum foreign equity 49%	1) None 2) None 3) As indicated in horizontal section	



## LAO PDR - LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Computer Reservation Systems	Market Access and national treatment are on reciprocal basis, and on the provisions of the bilateral Air Services Agreement	All countries with whom Laos has signed agreements on bilateral air services, currently they are: <ul style="list-style-type: none"> <li>- Indonesia</li> <li>- Malaysia</li> <li>- Cambodia</li> <li>- Singapore</li> <li>- Myanmar</li> <li>- Vietnam</li> <li>- China</li> <li>- Thailand</li> </ul>	Expiry date or termination of the bilateral agreements on air services. This will be reviewed for purpose of further development	Reciprocal basis and/or bilateral agreement
Auditing Services	Bilateral agreement based on reciprocity treatment	Countries in which related services can be supplied by Lao nationals.	Indefinite	Reciprocal basis
Publishing Newspaper	Permission granting has to be based on bilateral agreement	Countries which have agreements with Laos	Indefinite	Reciprocal basis

## LAO PDR - LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Legal services		All countries	Indefinite	Can be approved on case by case approval
Banking and other financial services	Measures affecting the supply of banking and other financial services to be granted on a bilaterally favorable basis with countries Laos has agreements	All countries	Indefinite	For reciprocity purpose, and the financial stability





## LAO PDR – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply:      1) Cross-border 2) Consumption abroad                      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Airfreight forwarding services</b> (CPC 74800)	1) None 2) None 3) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	
<b>Aircraft Catering Services</b>	1) None 2) None 3) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section	









## MALAYSIA - LIST OF MFN EXEMPTIONS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors	Liberalisation of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia may be carried out in a differentiated manner based on reasons including proximity, either contiguous or regional, religious and/or cultural compatibility	All countries	Indefinite	The measure is required to: <ul style="list-style-type: none"> <li>- maintain the arrangements under existing bilateral agreements; and</li> <li>- ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia</li> </ul>
All Sectors	Liberalisation of Measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner	All countries	Indefinite	The measure would be applied in a differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximise economic benefits of foreign participation in the Malaysian economy.

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

**For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services**

Mode of Supply: 1) Cross Border 2) Consumption abroad 3) Commercial Presence 4) Presence of natural persons

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Comments
<b>Aircraft Repair and Maintenance Services</b> (CPC8868)	1) None 2) None 3) Foreign equity participation shall not exceed 49%	1) None 2) None 3) None	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Computer Reservation System Services</b> (CPC 7523)	1) None 2) None 3) None	1) None 2) None 3) None	

## MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross Border 2) Consumption abroad 3) Commercial Presence 4) Presence of natural persons

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Comments
<b>Aircraft Leasing with Crew</b> (CPC 734)	1) None 2) None 3) Foreign equity participation shall not exceed 51%	1) None 2) None 3) None	
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) Foreign equity participation shall not exceed 51%	1) None 2) None 3) None	
<b>Aircraft Line Maintenance</b>	1) None 2) None 3) Foreign equity participation shall not exceed 49%	1) None 2) None 3) None	





## MYANMAR – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Modes of Supply:    1) Cross-border supply                                  2) Consumption abroad                                  3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Incorporation of an enterprise, not involving a state enterprise is to be made under the Myanmar Companies Law 2017, with the effect from 1 August 2018. If the investment involves a state enterprise, incorporation shall be made under the Myanmar Companies Law 2017, with the effect from 1 August 2018, Partnership Act 1932, Special Companies Act 1950.</p> <p>(c) Services activities are restricted under section 3 of the State-owned Economic Enterprises Law (1989). However, these activities may be permitted by cabinet notification according to the section 4 of the said law.</p> <p><u>Tax</u></p> <p>Income Tax Exemption for promoted sectors may be granted by Myanmar Investment Commission in accordance with the Myanmar Investment Law (2016).</p>	<p><u>Tax</u></p> <p>According to the Sections 3 (k) of the Income Tax Law, it prescribes the Resident foreigners as follows:</p> <p>(i) in the case of individual, a foreigner who resides in Myanmar for not less than one hundred and eighty- three days during the income year;</p> <p>(ii) in the case of a company, a company formed under the Myanmar Companies Law or any other existing law wholly or partly with foreigner share-holders;</p> <p>(iii) in the case of an association of persons other than a company, an association formed wholly or partly with foreigners and where the control, management and decision making of its affairs is situated and exercised wholly in the Republic of the Union of Myanmar.</p> <p>- In this regards, foreign workers and staff who work at least six months (183 days) in Myanmar and the foreign enterprises formed in Myanmar may be assumed as the resident foreigners.</p> <p>(b) A foreign lawyer may perform service to client in Myanmar but are not allowed to practice in Myanmar courts of law.</p>	



## MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services (CPC8868)</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Computer Reservation System Services (CPC 7523)</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Aircraft Leasing with Crew</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	

## MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew (CPC 83104)</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Air Freight Forwarding Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Aircraft Catering Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Aircraft Line Maintenance Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	

## MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Cargo Handling Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Ramp Handling Services</b>	1) None 2) None 3) As indicated in the horizontal commitments	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Baggage Handling Services</b>	1) None 2) None 3) As indicated in the horizontal commitments	1) None 2) None 3) As indicated in the horizontal commitments.	
<b>Passenger Handling Services</b>	1) None 2) None 3) As indicated in the horizontal commitments	1) None 2) None 3) As indicated in the horizontal commitments.	

## MYANMAR – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Refueling Services</b>	1) None 2) None 3) As indicated in the horizontal commitments.	1) None 2) None 3) As indicated in the horizontal commitments.	

## PHILIPPINES – HORIZONTAL COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Modes of Supply:                      (1) Cross-border supply                                      (2) Consumption abroad                                      (3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State.</p> <p>Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p>	<p>3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are:</p> <p>a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries.</p>	

## PHILIPPINES - LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<b>ALL SECTORS</b>				
Entry and temporary stay of natural persons supplying services	<p>A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors</p> <p>Under this special category, the labor market test is waived and simplified entry procedures are provided</p>	All countries	Expiry date or termination of bilateral treaties on entry rights for traders and investors	To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities
<u>Maritime Transport Services</u>				
Liner cargo trade	<p>Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code</p> <p>Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively implementing the Code is assured of at least 40 per cent share of its bilateral export and import liner cargo trade with the Philippines</p>	All countries which have acceded to the UNCTAD Liner Code	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade

## PHILIPPINES - LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Cabotage transport	<p>Access to domestic shipping is reserved for Philippine owned or registered vessels</p> <p>However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation</p>	All countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	Allow limited access to cabotage transport on a reciprocal basis
<u>Banking and Other Financial Services</u> (including insurance)	<p>With respect to the granting of authorisation for the establishment of commercial presence or expansion of existing operations in Financial Services in the Philippines, favourable treatment would be accorded, on a discretionary basis, to financial service suppliers of another Member that accords favourable treatment to financial service suppliers of the Philippines</p>	All countries	Indefinite	To promote greater liberalisation in financial services between the Philippines and other Members in a manner that would contribute to the attainment of Philippine development objectives in the financial sector

## THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft repair and maintenance</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Selling and Marketing of Air Transport Services</b>	1) None, except for on-line carriers and its agents subject to: a. Minimum capital requirements b. Maximum 40% equity ownership; and c. Surety bond requirement  2) None 3) Unbound	1) None       2) None 3) Unbound	
<b>Computer Reservation System Services (CPC 7523)</b>	1) None 2) None 3) Unbound	1) None 2) None 3) Unbound	

## THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None (Lease agreement subject to approval of the aeronautical authority)  2) None (Lease agreement subject to approval of the aeronautical authority)  3) None	1) None (Lease agreement subject to approval of the aeronautical authority)  2) None (Lease agreement subject to approval of the aeronautical authority)  3) None	
<b>Aircraft leasing with crew</b>	1) None  2) None  3) None	1) None  2) None  3) None	
<b>Airfreight forwarding services</b>	1) None  2) None  3) None	1) None  2) None  3) None	

## THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Cargo handling</b>	1) Unbound * 2) None 3) None	1) Unbound * 2) None 3) None	
<b>Baggage handling</b>	1) Unbound * 2) None 3) None	1) Unbound * 2) None 3) None	
<b>Passenger handling</b>	1) Unbound * 2) None 3) None	1) Unbound * 2) None 3) None	
<b>Aircraft catering services</b>	1) None 2) None 3) None	1) None 2) None 3) None	

\*Due to technical feasibility

## THE PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border      2) Consumption abroad      3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft line maintenance</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Ramp Handling Services</b>	1) Unbound* 2) None 3) Maximum 40% foreign equity allowed	1) Unbound* 2) None 3) Maximum 40% foreign equity allowed	
<b>Aircraft Refueling Services</b>	1) Unbound* 2) None 3) Maximum 40% foreign equity allowed	1) Unbound* 2) None 3) Maximum 40% foreign equity allowed	

\*Due to technical feasibility



## SINGAPORE – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<p>All Sectors: Presence of:</p> <ul style="list-style-type: none"> <li>- unskilled and semi-skilled natural persons</li> <li>- skilled persons (include craftsmen skilled in a particular trade, but exclude specialists/professional personnel at management level)</li> </ul>	Preference for workers from traditional sources of supply	Traditional sources	<p>Indefinite</p> <p>Singapore will periodically review this in the light of domestic and national policy considerations</p>	Due to land constraints and the fundamental need for social cohesion among the multi-racial population, the Government needs to regulate the flow of foreign workers, both skilled and unskilled, to ensure that Singapore is not overpopulated and foreigners who could potentially disrupt social order are not admitted
All sectors: Investment Guarantee Agreements (IGAs)	Investment guarantee, i.e. obligations to protect foreign investments from unforeseen contingencies such as nationalisation, war, etc. are accorded only to co-signatories of Investment Guarantee Agreements	All countries.	<p>Indefinite</p> <p>Singapore will periodically review this in the light of international developments</p>	Currently, many countries' obligations to protect foreign investments from unforeseen contingencies are governed by the provisions established under bilateral investment guarantee agreements. The agreements also help to provide the economic and political guarantees for the promotion of bilateral relations

## SINGAPORE – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors:  Commonwealth Tax Credit Scheme	Section 48 of the Income Tax Act provides for the granting of relief against Singapore tax payable on income derived from a Commonwealth country	Commonwealth countries which grant reciprocal relief	Indefinite  Singapore will periodically review this in the light of international developments	This is part of Singapore's cooperation among Commonwealth members
Legal Services	All measures pertaining to the provision of legal services in Singapore	All countries	Indefinite  Singapore will keep the possibility of removing this exemption under review	The exemption is necessary as the establishment of foreign law firms in Singapore is based on case-by-case approval
Broadcasting  Broadcasting is defined to include: - Free-to-air broadcasting - Cable and pay television - Direct broadcast by satellite - Tele text - All broadcasting services listed in Services Sectoral Classification list, MTN.GNS/W/120	The Ministry of Information, Communications & The Arts, Singapore accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements	All countries.	Singapore will keep the possibility of removing this exemption under review	To promote social, economic and cultural relations

## SINGAPORE – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Computer reservation systems	Market access and national treatment are based on reciprocity in mutual concessions, but not necessarily in the same areas, as established under bilateral Air Services Agreements	All countries.	Indefinite  Singapore will periodically review this in the light of international developments	Currently, the conditions and level of market access granted in air transport services are primarily governed by other multilateral agreements and/or bilateral air services agreements. In addition, the “Annex on Air Transport Services” contained in the GATS currently has only limited application to measures affecting the air transport services sector.
Maritime Transport Services:  - Storage and warehousing - Freight forwarding - Inland trucking - Container station and depot services	The undertaking of the commitments to bind the current level of market access and treatment to services and services supplier, in the 4 sub sectors will be through the conclusion of bilateral shipping agreements	All countries.	Indefinite  Singapore will periodically review this in the light of international developments	Some of Singapore’s trading partners do not accord Singapore companies satisfactory access to maritime transport services in their territories
<b>FINANCIAL SERVICES<sup>1</sup></b> Banking and other financial services	Under a currency inter-changeability agreement between Singapore and Brunei, the currency-issuing authorities of Singapore and Brunei would:	Brunei	Indefinite, until either country terminates the agreement	The currency inter-changeability agreement was entered into in 1967 arising from special historical and economic ties

<sup>1</sup> Supplementary information provided for transparency

## SINGAPORE – LIST OF MFN EXEMPTIONS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<ul style="list-style-type: none"> <li>- accept from banks, notes and coins issued by the other issuing authority, at par and without charge and to exchange such notes and coins into the currency of the country concerned; and</li> <li>- arrange for repatriation at the expense of the respective currency issuing authority, the notes and coins issued by the other currency issuing authority and to receive at par the equivalent in any agreed currency.</li> </ul>			between Singapore and Brunei

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The Stock Exchange of Singapore (SES) and the Singapore International Monetary (SIMEX) have established trading linkages with the exchanges of some countries to facilitate the trading of securities and futures. The establishment of trading linkages is a commercial decisions of the SES and SIMEX

## SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Computer Reservation System Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Aircraft Leasing without Crew</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Aircraft Leasing with Crew</b>	1) None 2) None 3) Unbound Foreign equity participation of up to 51%	1) None 2) None 3) Unbound	

## SINGAPORE – SCHEDULE OF SPECIFIC COMMITMENTS

**For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services**

Mode of Supply: 1) Cross-border    2) Consumption abroad    3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Air Freight Forwarding Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Cargo handling</b>	1) Unbound * 2) None 3) Unbound  <i>*Due to lack of technical feasibility</i>	1) Unbound * 2) None 3) Unbound	
<b>Selling and marketing of air transport services</b>	1) None 2) None 3) None	1) None 2) None 3) None	





## THAILAND – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Business services - Auditing services	Bilateral agreement based on reciprocity treatment	Countries which allow Thai nationals to practise auditing in their territories	Indefinite	Reciprocal basis
- Publishing newspapers	Thailand will grant permission to a natural person of the countries which have treaties with Thailand	Countries which have treaties with the Thai Government	Indefinite	Reciprocal basis
Computer reservation system services	Only airlines/CRS partners which are in Amadeus system can bring in and install their own systems in Thailand	Countries whose CRS operators are in Amadeus system and intend to bring in and install the systems to any travel agencies in Thailand	Indefinite	To ensure that local operators are able to make complete access to the Amadeus system within a certain period of time
Transport services  - Selling and marketing of maritime transport services - Selling and marketing of air transport services	The value added tax in use comprises three rates, namely 10 per cent, zero per cent and exempted. VAT collection is based on a reciprocal basis.	- Countries which have the same zero rate VAT system as Thailand  - Countries which exempt Thai persons from VAT or other taxes of similar nature by virtue of the treaties concluded or to be concluded with Thailand	Indefinite	Reciprocal basis

## THAILAND – LIST OF MFN EXEMPTIONS

For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
		<ul style="list-style-type: none"> <li>- Countries which exempt juristic persons constituted in accordance with Thai law from VAT or other taxes of similar nature on the basis of reciprocity</li>   <li>- Countries which do not levy VAT or other taxes of similar nature on juristic persons constituted in accordance with Thai law on the basis of reciprocity</li> </ul>		

## THAILAND – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
International maritime transport of cargoes	1) Rights to carry all products: Treaty of Amity and Economic Relations between the Kingdom of Thailand and the United States of America	The United States of America	10 years	Bilateral agreement
	2) Cargo sharing - Commercial Maritime Navigation Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam	The Socialist Republic of Vietnam	10 years	Bilateral agreement
	- Agreement of Maritime Transport between the Government of the Kingdom of Thailand and the Government of the People's Republic of China	The People's Republic of China	10 years	Bilateral agreement
International road transport services  - Passenger transportation - Freight transportation - Rental of non-commercial vehicles with/without driver	Reciprocity treatment	Countries that have the agreement on international road transport with Thailand	Indefinite	Reciprocal basis

## THAILAND – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Aircraft repair and maintenance services	Thailand will grant permission to airlines of those countries which treat Thai carriers on reciprocal basis	<ul style="list-style-type: none"> <li>- Countries whose airline is accepted as a designated airline by Thailand under bilateral air services agreements</li> <li>- Countries whose regulations do not prevent Thai carriers from performing similar activities in that country</li> </ul>	Indefinite	Reciprocal basis
Service sectors stipulated in the relevant articles of the Treaty of Amity and Economic Relations especially Articles 4 and 10	Only American citizens and entities are granted national treatment with respect to operating business and providing services in Thailand	The United States of America	10 years	Bilateral agreement

## THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross – border 2) Consumption abroad 3) Commercial presence

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>Aircraft Repair and Maintenance Services (CPC 8868)</b></p> <p>- Aircraft (includes all machines that drive support in the atmosphere from the reaction of the except for objects which are exempted under the Ministerial Regulations)</p> <ul style="list-style-type: none"> <li>- Aircraft of maximum take-off weight more than five thousand seven hundred kilograms</li> <li>- Aircraft of maximum take-off weight does not exceed five thousand seven hundred kilograms</li> </ul> <p>- Major Aircraft Appliance (an Engine, a Propeller and other appliances of an Aircraft designated by the Technical Commission)</p> <p>- Technical Standard Order Article (TSO Article) (an instrument, a mechanism, a part, an equipment and a component used or intended to be used in operating or controlling an Aircraft in flight, whether it is installed on or attached to the Aircraft, inside or outside)</p> <p>- Aircraft Part (an Airframe, part of an Airframe or part of a Major Aircraft Appliance)</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Aircraft maintenance (Aircraft of maximum take-off weight more than five thousand seven hundred kilograms) : foreign equity participation of up to 100 per cent is allowed, provided that service suppliers in this sector must comply with the Air Navigation Act (No. 13) B.E. 2562 (2019).</p> <p>(b) Aircraft maintenance (Aircraft of maximum take-off weight does not exceed five thousand seven hundred kilograms) : as indicated in 3.3 of the horizontal section</p> <p>(c) Major Aircraft Appliance maintenance as well as TSO Article and Aircraft Part maintenance: As indicated in 3.1 of the horizontal section</p> <p>(d) Service providers must perform their services outside the prescribed apron</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

## THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross – border 2) Consumption abroad 3) Commercial presence

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Selling and Marketing of Air Transport Services</b>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) As indicated in 3.3 of the horizontal Section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	
<b>Computer Reservation System Services (CPC 7523)</b>	<ul style="list-style-type: none"> <li>1) (a) Service providers must use public telecommunication network under national telecommunication authorities (b) radio application service is subject to frequency availability</li> <li>2) None</li> <li>3) (a) As indicated in 3.3 of the horizontal section (b) Service providers must use public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand's 7<sup>th</sup> package of commitment on telecommunication services under AFAS</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Unbound</li> </ul>	

## THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross – border 2) Consumption abroad 3) Commercial presence

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Aircraft Leasing without Crew (CPC 83104)</b>	1) None 2) None 3) As indicated in 3.3 of the horizontal Section	1) None 2) None 3) None	
<b>Airfreight Forwarding Services</b>	1) None 2) None 3) As indicated in 3.3 of the horizontal section	1) None 2) None 3) Unbound	
<b>Aircraft Leasing with Crew</b>	1) None 2) None 3) As indicated in 3.3 of the horizontal section	1) None 2) None 3) Unbound	

## THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross – border 2) Consumption abroad 3) Commercial presence

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Passenger Handling</b>	1) None 2) None 3) (a) As indicated in 3.3 of the horizontal section (b) Selected by the owner or operator of licenced Aerodrome	1) None 2) None 3) None	
<b>Refueling Services</b>  <b>Into-Plane Fueling Services</b> - Operating a fuel vehicle, making necessary nozzle connections to fuel hydrant pit and aircraft.	1) None 2) None 3) (a) As indicated in 3.3 of the horizontal section (b) Selected by the owner or operator of licenced Aerodrome (c) Can only provide the service in Suvarnabhumi and Donmuang airports.	1) None 2) None 3) None	

## THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross – border 2) Consumption abroad 3) Commercial presence

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Cargo Handling (ISIC 5224)</b>	1) None 2) None 3) (a) Cargo handling as indicated in 3.3 of the horizontal section (b) Selected by the owner or operator of licenced Aerodrome (c) Can only provide the service in 7 airports : U-Tapao Rayong-Pattaya International Airport, Mae Fah Luang Chiang Rai International Airport, Hat Yai International Airport, Udon Thani International Airport, Ubon Ratchathani Airport, Surat Thani International Airport and Mae Sot Airport.	1) None 2) None 3) None	







## VIET NAM – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

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

## VIET NAM – LIST OF MFN EXEMPTIONS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.
Sea transport services:  - Internal road freight transportation by lorry;  - Cargo storage and warehousing; and  - Container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

## VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border

2) Consumption abroad

3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Repair and Maintenance Services</b> (CPC8868)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Selling and Marketing of Air Transport Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Computer Reservation System Services</b> (CPC 7523)	1) None 2) None 3) None	1) None 2) None 3) None	

## VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border

2) Consumption abroad

3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Leasing with Crew</b> (CPC 734)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Aircraft Leasing without Crew</b> (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>Air Freight Forwarding Services</b>	1) None 2) None 3) None	1) None 2) None 3) None	

## VIET NAM – SCHEDULE OF SPECIFIC COMMITMENTS

### For the 12th Package of Commitments on Air Transport Services under ASEAN Framework Agreement on Services

Mode of Supply: 1) Cross-border

2) Consumption abroad

3) Commercial Presence

Sector or Sub-Sector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>Aircraft Catering Services</b>	1) None 2) None 3) Commercial presence of foreign service supplier and/or providers is permitted up to 49%	1) None 2) None 3) None	
<b>Aircraft Line Maintenance Services</b>	1) None 2) None 3) Unbound*	1) None 2) None 3) Unbound*	
<b>Cargo Handling</b>	1) None 2) None 3) Commercial presence of foreign service suppliers and/or providers is permitted up to 30%	1) None 2) None 3) None	