

**VIET NAM'S SCHEDULE OF SPECIFIC COMMITMENTS**

1. Viet Nam's Schedule of Specific Commitments is set out in:
  - (a) Appendix 8-B-1 (Specific Commitments on Cross-Border Supply of Services and Liberalisation of Investments); and
  - (b) Appendix 8-B-2 (Specific Commitments in Conformity with Section D (Temporary Presence of Natural Persons for Business Purposes) of Chapter 8 (Liberalisation of Investment, Trade in Services and Electronic Commerce)).
2. The Appendices referred to in paragraph 1 constitute an integral part of this Annex.
3. The definitions of terms provided for in Chapter 8 (Liberalisation of Investment, Trade in Services and Electronic Commerce) apply to this Annex.
4. In identifying in the Appendices individual sectors and sub-sectors of services:
  - (a) "CPC" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, CPC prov, 1991;
  - (b) "CPC ver. 1.0" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, CPC ver 1.0, 1998; and
  - (c) "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, No. 4, ISIC REV 3.1, 2002.

**SPECIFIC COMMITMENTS ON CROSS-BORDER SUPPLY OF SERVICES  
AND LIBERALISATION OF INVESTMENTS**

1. The lists of commitments specified in Section A (Schedule of Specific Commitments in Services Sectors) and Section B (Schedule of Specific Commitments in Liberalisation of Investment in Non-Services Sectors) of this Appendix indicate the economic activities liberalised pursuant to Articles 8.7 (Schedule of Specific Commitments) and 8.12 (Schedule of Specific Commitments) and, by means of reservations, the market access, national treatment, performance requirement limitations and additional commitments that apply to enterprises and investors of the Union in those activities or to services and service suppliers of the Union in those sectors, where applicable.
  
2. Viet Nam does not undertake any commitments on market access, national treatment or performance requirements in sectors or sub-sectors covered by this Agreement and not mentioned in the Schedules specified in this Appendix.
  
3. The lists of commitments specified in this Appendix do 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 Article 8.4 (Market Access), 8.5 (National Treatment), 8.8 (Performance Requirements), 8.10 (Market Access) or 8.11 (National Treatment). Those measures, such as the need to obtain a licence, universal service obligations, the need to obtain recognition of qualifications in regulated sectors, the need to pass specific examinations, including language examinations, and the non-discriminatory requirement that certain activities may not be carried out in environmentally protected zones or areas of particular historic and artistic interest, even if not listed in this Appendix, apply in any case to enterprises and investors of the Union or to services and service suppliers of the Union, where applicable.
  
4. Article 8.8 (Performance requirements) does not apply to subsidies<sup>1</sup> aimed at promoting the welfare and employment of ethnic minorities.

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<sup>1</sup> For greater certainty, the Parties understand that, for the purposes of this paragraph, the term "subsidies" includes benefits granted for the development of ethnic minorities, such as site assistance, human resources training, assistance for technology research and development, legal aid, market information and promotion.

5. For greater certainty, notwithstanding Article 8.4 (Market Access), non-discriminatory requirements as regards the type of legal form of an enterprise do not need to be specified in the lists of commitments on liberalisation of investments in this Appendix in order to be maintained or adopted.

6. For greater certainty, the following measures adopted or maintained in sectors other than services shall be deemed to be consistent with Article 8.4 (Market Access) and do not need to be specified in the lists of commitments on liberalisation of investments in this Appendix in order to be maintained or adopted:

(a) measures concerning zoning or planning or regulations affecting the development or use of land, or other analogous measures;

(b) 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.

7. The rights and obligations arising from the lists specified in this Appendix shall have no direct effect and confer no rights directly on natural or juridical persons.

8. 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 performance of an economic activity, including services, in its territory, a reservation listed in the list of commitments in Appendix 8-B-2 (Specific Commitments in conformity with Section D (Temporary Presence of Natural Persons for Business Purposes) of Chapter 8 (Liberalisation of Investment, Trade in Services and Electronic Commerce)) pursuant to Article 8.2 (Definitions) with respect to temporary movement of natural persons shall operate as a reservation with respect to the commitments on liberalisation of investments specified in this Appendix in conformity with Article 8.7 (Schedule of Specific Commitments), to the extent applicable.

## Horizontal Commitments

ALL SECTORS	<p>Employment of foreigners</p> <p>1. Unbound for measures relating to employment of foreigners, unless otherwise provided in Section D (Temporary Presence of Natural Persons for Business Purposes) of Chapter 8 (Liberalisation of Investments, Trade in Services and Electronic Commerce).</p> <p>Share acquisition, securities and public companies</p> <p>2. Union investors are permitted to make a capital contribution in the form of buying shares of Viet Nam's enterprises. In the case of a capital contribution in the form of buying shares of joint-stock commercial banks or 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 and regulations, or authorised by Viet Nam's competent authority in accordance with its obligations under agreements to which both Parties are party. For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in the acquisition of Vietnamese enterprises shall correspond 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 a public company, except the following:</p> <ul style="list-style-type: none"><li>– in sectors where laws and regulations of Viet Nam prescribe limitations on foreign ownership, foreign ownership in a public company shall have to comply with such limitations;</li><li>– in sectors where foreign investment is conditional and conditions for foreign investment in such sectors 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.</li></ul> <p>Organisational issues</p> <p>3. Unbound for the establishment and operation of cooperatives, union of co-operatives, household business and sole-proprietorship.</p>
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Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities<sup>1</sup>.

Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound. Treatment accorded to subsidiaries of Union juridical persons formed in accordance with Vietnamese law 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 Union's companies. <sup>2</sup>

#### State-owned enterprises

4. Unbound for privatisation, equitisation or divestment of assets through transfer or disposal of equity interests or assets of state-owned enterprises.

#### Public utilities

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.

#### Land and real estate

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<sup>3</sup>. 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.

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<sup>1</sup> Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

<sup>2</sup> In accordance with the Civil Code of Viet Nam, these subsidiaries are considered as juridical persons of Viet Nam.

<sup>3</sup> For greater certainty, foreign organisations 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.

Investment procedures

7. Unbound for any measure with respect to investment procedures applied to foreign investors or foreign-invested economic entities, such as procedures relating to investment registration certificates of investment projects, and foreign exchange management procedures<sup>1</sup>.

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<sup>1</sup> For greater certainty, this reservation is without prejudice to the Parties' rights and obligations under Sub-Section 1 (Domestic Regulation) of Section E (Regulatory Framework). A breach of an obligation under Sub-Section 1 (Domestic Regulation) of Section E (Regulatory Framework) in itself shall not be considered a breach of Articles 8.4 (Market Access), 8.5 (National Treatment), 8.8 (Performance Requirements), 8.10 (Market Access) or 8.11 (National Treatment).

**SCHEDULE OF SPECIFIC COMMITMENTS IN SERVICES SECTORS**

Explanatory Notes

1. The list of this Schedule is composed of the following elements:
  - (a) the first column indicates the sector or sub-sector in which the commitment is undertaken by Viet Nam, and the scope of liberalisation to which the reservations apply;
  - (b) the second column describes the applicable reservations to Articles 8.4 (Market Access) and 8.10 (Market Access) in the sector or subsector indicated in the first column;
  - (c) the third column describes the applicable reservations to Articles 8.5 (National Treatment) and 8.11 (National Treatment) in the sector or subsector indicated in the first column; and

(d) the fourth column describes the specific commitments on measures affecting the cross-border supply of services and investments in service sectors not subject to scheduling under Articles 8.4 (Market Access), 8.5 (National Treatment), 8.10 (Market Access) and 8.11 (National Treatment).

2. Measures inconsistent with both Articles 8.4 (Market Access) and 8.5 (National Treatment) or with both Articles 8.10 (Market Access) and 8.11 (National Treatment) shall be inscribed in the column relating to Articles 8.4 (Market Access) and 8.10 (Market Access). In that case, the inscription shall be considered to provide a condition or qualification to Articles 8.5 (National Treatment) and 8.11 (National Treatment) as well.

3. Notwithstanding Article 8.4 (Market Access), non-discriminatory requirements as regards the type of legal form of an enterprise do not need to be specified in this Schedule in order to be maintained or adopted by Viet Nam.

List of Specific Commitments in Services Sectors

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. 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 cooperation contract<sup>1</sup>, joint venture enterprise, 100 % foreign-invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall</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 subsidisation to promote and facilitate the process of equitisation is not in breach of this commitment. Unbound for subsidies for Research and Development. Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at</p>	

<sup>1</sup> Business cooperation 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.

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>not engage in any direct profit-making activities<sup>1</sup>.</p> <p>Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licences or other form of approval establishing or authorising the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this Agreement.</p> <p>Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the</p>	<p>promoting the welfare and employment of ethnic minorities.</p>	

<sup>1</sup> Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

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>time of operation of those enterprises and shall be stipulated in their investment licences 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 contributions in the form of buying shares of Viet Nam's enterprises. In case of capital contributions 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 authorised 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 the acquisition of Vietnamese</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
	enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.		
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;	(1) None.  (2) None.  (3) Foreign lawyers organisations <sup>1</sup> are permitted to establish commercial presence in Viet Nam in the following forms:  – Branches of foreign lawyers organisations;	(1) None.  (2) None.  (3) None.	

<sup>1</sup> A "foreign lawyers organisation" is an organisation of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

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
– legal documentation and certification services of the laws of Viet Nam <sup>1</sup>	<ul style="list-style-type: none"> <li>– Subsidiaries of foreign lawyers organisations;</li> <li>– Foreign law firms<sup>3</sup>;</li> <li>– Partnerships between foreign lawyers organisations and Viet Nam's law partnerships.</li> </ul> <p>Commercial presences of foreign lawyers organisations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.</p>		
(b) Accounting and auditing and bookkeeping services (CPC 862)	<ul style="list-style-type: none"> <li>(1) None.</li> <li>(2) None.</li> </ul>	<ul style="list-style-type: none"> <li>(1) None.</li> <li>(2) None.</li> </ul>	

<sup>1</sup> For greater certainty, qualified Vietnamese lawyers working in foreign lawyer organisations are permitted to draft commercial contracts and business charters related to Vietnamese law.

<sup>3</sup> A "foreign law firm" is an organisation established in Viet Nam by one or more foreign lawyers organisations 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
	(3) None.	(3) None.	
(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)	(1) None. (2) None.	(1) None. (2) None.	
(f) Integrated engineering services (CPC 8673)	(3) 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	

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 authorisation of the Government of Viet Nam <sup>1</sup> .	
(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 recognised by the Government of Viet Nam.  In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service <sup>2</sup> .	

1 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 XIVbis of the GATS.

2 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 XIVbis 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) <sup>1</sup>	(1) None. (2) None. (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorisation by the veterinary authorities.	(1) None. (2) None. (3) None.	
(j) Nursing services, physiotherapists and para-medical personnel (CPC 93191)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
<b>B. Computer and Related Services (CPC 84)</b>			
	(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.	
<b>C. Research and Development Services</b>			

<sup>1</sup> Excluding keeping micro-organism strain for veterinary.

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) 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.	
<b>E. Rental/Leasing Services without Operators</b>			
(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.	
(b) Relating to aircraft (CPC 83104)	(1) None. (2) None. (3) None.	(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
(d) Relating to other machinery and equipment (CPC 83109) <sup>1</sup>	(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 licences on use of frequencies and radio equipment.
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None. (2) None. (3) None, except:  Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorised to do advertising services.	(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.

<sup>1</sup> 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
(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.	
(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	(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
(CPC 86602**)			
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	<p>(1) None, except for mining, oil, and gas related field.</p> <p>(2) None.</p> <p>(3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership three years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none.</p> <p>Access to certain geographic areas may be restricted for national security reasons.</p>	<p>(1) None.</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
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>1</sup>	(1) None. (2) None. (3) None, except: Only in the form of a joint venture or a 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. <sup>2</sup>	
(h) Services incidental to mining (CPC 883)			
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.			
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.			

1 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.

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

<sup>1</sup> 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
	be permitted. 100 % foreign-invested enterprises shall be permitted.		
(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.	(1) None. (2) 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
	(3) Joint ventures with total foreign capital contribution not exceeding 70 % shall be permitted.	(3) None, except as indicated in the market access column.	
(r) 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. Five years after the date of entry into force of this Agreement, the capital limitation shall be 51 %. Three years thereon, this capital limitation shall be abolished.	(1) Unbound. (2) None. (3) None.	The organising trade fairs and exhibitions shall be subject to authorisation in line with Viet Nam's relevant laws and regulations.
<b>2. COMMUNICATION SERVICES</b>			
B. Postal Services <sup>1</sup> (CPC 7511**, CPC 7512**)	(1) None. <sup>2</sup> (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

1 Exclude public services and reserved services.

2 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
			Post Office or its subsidiaries for its competitive activities.
<p>c. Telecommunication Services</p> <p>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 service supplier. A non-facilities-based service supplier is not otherwise excluded from owning telecommunications equipment within its premises and permitted public service provision points (POP).</p>			
<p>Basic telecommunication services</p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521** + 7529**)</p>	<p>(1) None, except:</p> <p>Wire-based and mobile terrestrial services: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p>Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</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>

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
(g) Private leased circuit services (CPC 7522** + 7523**)  (o*) Other services  - Videoconference services (CPC 75292)  - Video transmission services, excluding broadcasting <sup>1</sup>  - Radio based services includes:  + Mobile telephone (terrestrial and satellite)	- Offshore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisations representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;  - Multinational companies <sup>2</sup> , which are licensed to use satellite-earth stations.		

1 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.

2 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 five 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
+ Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet exchange service (IXP) <sup>1</sup>	(2) None. (3) None, except: Non facilities-based services: 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. Five years from the date of entry into force of this Agreement, this capital limitation will be 75 %. Facilities-based services: Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49 % of legal capital of the joint ventures. 51 % gives management control of the joint venture. In the telecommunications sector, foreign investors in BCC will have the		

<sup>1</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

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
	possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.		
Basic telecommunication services: (o*) Other services – Virtual private network (VPN) <sup>1</sup>	(1) None, except:  Wire-based and mobile terrestrial services: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None. (2) None. (3) None.	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

<sup>1</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organisation, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> <li>– Offshore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisations representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>– Multinational companies, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None</p>		<p>facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.</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>(3) None, except:</p> <p>Non facilities-based services: 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. Five years from the date of entry into force of this Agreement, this capital limitation will be 75 %.</p> <p>Facilities-based services: Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49 % of legal capital of the joint ventures.</p>		
<p>Value-added services</p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p>	<p>(1) None, except:</p> <p>Wire-based and mobile terrestrial services: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p>	<p>(1) None.</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
(k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and data processing (incl. transaction processing) (CPC 843**)	Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: – Offshore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organisations representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; – Multinational companies, which are licensed to use satellite-earth stations. (2) 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>Non facilities-based services: Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65 % of legal capital of the joint ventures. Five years from the date of entry into force of this Agreement, this capital limitation will be 100 %.</p> <p>Facilities-based services: 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. Five years from the date of entry into force of this Agreement, this capital limitation will be 65 %.</p> <p>51 % gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the</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
	possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.		
Value added services (o) Other - Internet access services IAS1	(1) Wire-based and mobile terrestrial services: None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  Satellite-based services: Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:  - Offshore/on sea based business customers, government	(1) None. (2) None. (3) None.	

1 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>institutions, facilities-based services suppliers, radio and television broadcasters, official international organisations representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</p> <p>– Multinational companies, which are licensed to use satellite-earth stations.</p> <p>(2) None.</p> <p>(3) Non facilities-based services:</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. Five years from the date of entry into force of this Agreement, this capital limitation will be 100 %.</p> <p>Facilities-based services: Joint venture (JV) with telecommunications service</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
	suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50 % of legal capital of the joint ventures. Five years from the date of entry into force of this Agreement, this capital limitation will be 65 %.		
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	(1) Unbound.* (2) None.	(1) Unbound.* (2) None.	
B. General construction work for civil engineering (CPC 513)	(3) None, except:	(3) None, except that the chief of the branch has to be a resident in Viet Nam.	
C. Installation and assembly work (CPC 514, 516)	Foreign enterprises have to be juridical persons of another Party.		
D. Building completion and finishing work (CPC 517)	Branching is allowed.		
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 <sup>1</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: – Distribution of products for personal use;	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)	– Distribution of legitimate computer software for personal and commercial use.	(2) None.	
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>2</sup>		(3) None.	

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

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

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) None.</p> <p>(3) None, except:</p> <p>Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.</p> <p>The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT)<sup>1</sup>. In case of establishing an outlet less than 500m<sup>2</sup> within the area planned for trading activities and already completed construction of infrastructure, ENT is not required.</p> <p>Five years from the date of entry into force of this Agreement, the requirement of the ENT will be</p>		

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<sup>1</sup> 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
	abolished. For greater certainty, 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.	
<p>5 EDUCATIONAL SERVICES</p> <p>Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.</p> <p>With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.</p>			
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.	(1) None. (2) None.	
D. Adult education (CPC 924)			

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. Other education services (CPC 929 including foreign language training)	(3) None.	(3) Foreign teachers who wish to work in foreign-invested schools shall have at least five years of teaching experience, and their qualifications shall be recognised by the competent authority.	
6. ENVIRONMENTAL SERVICES			
Access to certain geographic areas may be restricted for national security reasons <sup>1</sup> .			
A. Sewage services (CPC 9401)	(1) Unbound, except related consulting services. (2) None. (3) None, except:  Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of the GATS 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).

<sup>1</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIVbis 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
B. Refuse disposal services (CPC 9402) 1	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except:            Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of the GATS may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>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.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

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1 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
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) of the GATS 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.	(1) None. (2) 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
	(3) None.	(3) None.	
<p>7. FINANCIAL SERVICES</p> <p>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.</p> <p>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.</p> <p>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.</p>			
<p>A. Insurance and Insurance-Related Services</p> <p>a. Direct insurance</p> <p>(a) Life insurance</p> <p>(b) Non-life insurance services</p> <p>b. Reinsurance and retrocession</p>	<p>(1) None for:</p> <p>– Insurance services, excluding health insurance services<sup>1</sup>, provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;</p> <p>– Reinsurance and retrocession services;</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	

1 For the purposes of this Appendix, 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>c. Insurance intermediation (such as brokerage and agency)</p> <p>d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)</p>	<p>– Insurance services in international transportation, including insurance of risks relating to:</p> <p>+ 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</p> <p>+ goods in international transit;</p> <p>– Insurance broking and reinsurance broking services;</p> <p>Consultancy, actuarial, risk assessment and claim settlement services.</p> <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>		

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>Branches of foreign reinsurance enterprises shall be permitted after three years from the date of entry into force of this Agreement.</p> <p>For greater certainty, this shall be subject to prudential regulations.</p>		
<b>B. Banking and Other Financial Services</b>			
<p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <p>(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</p>	<p>(1) Unbound, except B(k) and B(l).</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:</p> <p>– The parent bank has total assets of more than US\$20 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>(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"> <li>– Money market instrument (including cheques, bills, certificates of deposits);</li> <li>– Foreign exchange;</li> <li>– Exchange rate and interest rate instrument including products such as swaps, forward rate agreements;</li> <li>– Bullion.</li> </ul> <p>(h) Money broking</p> <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</p>	<p>company, 100 % foreign-invested financial leasing company, joint venture finance company and 100 % foreign-invested finance company and 100 % foreign-owned banks.</p> <p>(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.</p> <p>With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100 % foreign-invested financial leasing company.</p> <p>(b) Equity participation:</p>	<p>(b) The conditions for the establishment of a joint venture bank or a 100 % foreign-owned bank:</p> <ul style="list-style-type: none"> <li>– The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul> <p>(c) The conditions for the establishment of a 100 % foreign-invested finance company or a joint venture finance company, a 100 % foreign-invested financial leasing company or a joint-venture financial leasing company:</p> <p>The foreign credit institution has total assets of more than USD10 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
securities, derivative products, and other negotiable instruments  (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services  (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	(i) Viet Nam may limit equity participation by foreign credit institutions in equitised Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.  (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.  (c) A branch <sup>1</sup> of foreign commercial bank is not allowed to open other transaction points outside its branch office, excluding ATMs.		

<sup>1</sup> In Viet Nam, foreign bank branches controlled by one financial institution of the Union 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
	(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.		
<p>C. Securities</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"> <li>– Derivative products incl. futures and options;</li> <li>– Transferable securities;</li> <li>– Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <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>(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>(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>	

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 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 processing<sup>1</sup> and related software by suppliers of securities services</p> <p>(l) Advisory, intermediation and other auxiliary securities-related on all activities listed in subparagraphs (f) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on</p>	<p>For services from C(i) to C(l), branches of foreign securities services suppliers shall be permitted.</p>		

<sup>1</sup> For greater certainty, Viet Nam reserves the right to apply authorisation for the provision and transfer of financial data processing in accordance with Articles 8.19(Conditions for Licensing and Qualification) and 8.20 (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
acquisitions and on corporate restructuring and strategy			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311)	(1) None.	(1) None.	
B. Medical and dental services (CPC 9312)	(2) None. (3) None.	(2) None. (3) None.	
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.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including – Lodging services (CPC 64110) – Catering food (CPC 642) and drink services (CPC 643)	(1) None. (2) None. (3) None.	(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
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.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
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	(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
	specifically authorised to provide these services. Foreign capital contribution shall not exceed 49 % of the legal capital of the joint ventures.		
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services	(1) None.	(1) None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal; 5. Port Captain's/Harbour Master's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations,
(a) Passenger transportation less cabotage (CPC 7211)	(2) None.	(2) None.	
(b) Freight transportation less cabotage (CPC 7212)	(3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:  Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 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	(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>first chief executive must be a Vietnamese citizen.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>1</sup>:</p>		<p>including communications, water and electrical supplies;</p> <p>8. Emergency repair facilities;</p> <p>9. Anchorage, berth and berthing services;</p> <p>10. Access to maritime agency services.<sup>2</sup></p>

1 "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.

2 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 shipping companies can establish 100 % foreign-invested enterprises.</p> <p>Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:</p> <ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported; and</li> </ol>		

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>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</p> <p>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required;</p> <p>7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.</p>		
(d) Maintenance and repair of vessels (CPC 8868*)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 70 %.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	
Maritime Auxiliary Services	<p>(1) Unbound.</p> <p>(2) None.</p>	<p>(1) Unbound.</p> <p>(2) 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
– Container handling services (CPC 7411) <sup>1</sup>	(3) None, except that joint ventures with foreign capital contribution not exceeding 50 % can be established.	(3) None.	
– Customs clearance services <sup>2</sup>	(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 <sup>3</sup> (CPC 748*)	(1) None.	(1) None.	

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

2 "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.

3 Maritime agency services or ship agency is a service which the ship agent is authorised to undertake, in the name of the shipowner or the ship operator, to perform services connected with the ship's operations at the port including arrangement of the ship's entry and departure; concluding contracts of carriage, marine insurance contracts, contracts for cargo handling, charter parties, and recruitment agreements; issuing and signing bills of lading or similar documents; supplying stores, bunkers and provisions to the ship; submitting ship's sea protests; communicating with the ship owner or the ship operator; arranging relevant services for

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
	(2) None. (3) Unbound, except joint venture can be established. Foreign equity in the joint venture shall not exceed 49 %.	(2) None. (3) Unbound.	
– Container station and depot services <sup>1</sup>	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
– 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,	(1) None. (2) None. (3) None.	

ship crew; receiving and paying all amounts incident to the ship’s operation; handling claims arising from contracts of carriage and or marine accidents, and supplying other services in connection with the ship as required.

<sup>1</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	with foreign equity not exceeding 51 %.		
<b>C. Air Transport Services</b>			
(a) Sales and marketing air products services	(1) None. (2) None. (3) Airlines are permitted to provide service in Viet Nam 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	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None.	(1) None. (2) 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
	(3) Foreign service suppliers may provide services through joint ventures with Vietnamese partners or 100 % foreign-invested enterprises.	(3) None.	
(d) Ground-handling services, excluding aircraft servicing and cleaning, surface transport, airport management and air service navigation	(1) None. (2) None. (3) Unbound. Five years after Viet Nam allows private suppliers access to an airport or terminal, foreign service suppliers are permitted to provide services to such airport or terminal only through the establishment of joint ventures with Vietnamese partners, with foreign equity not exceeding 49 %. Three years thereon, this capital limitation shall be 51 %.	(1) None. (2) None. (3) None, except: Any transfer of foreign capital in the joint ventures shall be subject to prior approval of Viet Nam's relevant authorities. The relevant Vietnamese partner(s) in joint ventures shall have first refusal right in such transfers.	

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

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	least one Vietnamese 100 % privately owned company or one joint-venture in which Viet Nam's private capital contribution accounts for at least 51 %.		
(e) 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.	
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	(1) Unbound. (2) None. (3) Unbound.	

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
	exceeding 49 % of the total legal capital.		
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 <sup>1</sup> , joint-ventures with foreign capital contribution not exceeding 51 % may be established to provide freight transport services.	(1) Unbound. (2) None. (3) None.	

<sup>1</sup> The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	100 % of a joint-venture's drivers shall be Vietnamese citizens.		
<b>H. Services Auxiliary to all Modes of Transport</b>			
(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.	(1) None. (2) 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
	(3) None.	(3) None.	
(c) Freight transport agency services (CPC 748) <sup>1</sup>	(1) Unbound*. (2) None. (3) None.	(1) Unbound*. (2) None. (3) None.	
(d) Other (part of CPC 749) <sup>2</sup>	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	
Dredging services	(1) Unbound. (2) None. (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners	(1) Unbound. (2) None. (3) None.	

<sup>1</sup> Including freight forwarding services. These services mean the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

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

<sup>2</sup> 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
	with the capital contribution of foreign side not exceeding 49 %. Five years from the date of entry into force of this Agreement, this capital limitation shall be 51 %.		

## SECTION B

### SCHEDULE OF SPECIFIC COMMITMENTS IN LIBERALISATION OF INVESTMENT IN NON-SERVICES SECTORS

#### Explanatory Notes

The list of this Schedule is composed of the following elements:

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

List of Specific Commitments in Liberalisation of Investment in Non-Services Sectors

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) <sup>1</sup> . No investment licence shall be issued to foreign investors in these sectors and sub-sectors. <sup>2</sup>
2. FORESTRY	Unbound.
3. FISHING AND AQUACULTURE	Unbound.
4. MINING AND QUARRYING <sup>3</sup>	
A. Extraction of crude petroleum and natural gas <sup>4</sup> (ISIC rev3.1:111, 112)	Unbound.

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1 List of rare or precious plants and animals can be found in website: [www.kiendlam.org.vn](http://www.kiendlam.org.vn).

2 For greater certainty, nothing in this commitment shall be construed as preventing Viet Nam from issuing investment licences in these sectors or sub-sectors to investors of the other Party.

3 The horizontal limitation on public utilities applies.

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

Sector or sub-sector	Description of reservations
B. Mining of metal ores (ISIC rev3.1:1310, 1320)	Unbound.
C. Other mining and quarrying (ISIC rev 3.1:1410)	Unbound.
5. MANUFACTURING <sup>1</sup>	
A. Manufacture of food products and beverages (ISIC rev3.1:15)	None, except: Production of alcoholic beverages and soft drink (ISIC 1551): Unbound.
B. Manufacture of tobacco products (ISIC rev3.1:16)	Unbound.
C. Manufacture of textiles (ISIC rev3.1:17)	None.
D. Manufacture of wearing apparel; dressing and dyeing of fur (ISIC rev3.1:18)	None.
E. Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear (ISIC rev3.1:19)	None.

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<sup>1</sup> This sector does not include advisory services incidental to manufacturing. This sector does not include remanufacturing.

Sector or sub-sector	Description of reservations
F. Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials (ISIC rev3.1:20)	None, except measures to protect natural forest.
G. Manufacture of paper and paper products (ISIC rev3.1:21)	None.
H. Publishing, printing and reproduction of recorded media <sup>1</sup> (ISIC rev 3.1: 22)	Unbound.
I. Manufacture of coke oven products (ISIC rev3.1:231)	None.
J. Manufacture of refined petroleum products <sup>2</sup> (ISIC rev3.1:2320)	Unbound.
K. Manufacture of chemicals and chemical products other than explosives (ISIC rev3.1:24)	None except:

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

2 The horizontal limitation on public utilities applies.

Sector or sub-sector	Description of reservations
	Production of industrial explosive devices (ISIC 2429). No investment licence shall be issued to foreign investors <sup>1</sup> in these sectors and sub-sectors. <sup>2</sup>
L. Manufacture of rubber and plastics products (ISIC rev3.1:25)	None.
M. Manufacture of other non- metallic mineral products (ISIC rev3.1:26)	<p>None except:</p> <p>Production of construction glasses (ISIC 2610): Investment in these sub-sectors shall be subject to planning of the Government.</p> <p>Production of clay bricks (ISIC 2693): Investment in these sub-sectors shall be subject to planning of the Government.</p> <p>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.</p> <p>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 (ISIC rev3.1:27)	<p>None except:</p> <p>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>

<sup>1</sup> For the purpose of this reservation, the term "Foreign investor" can be found in the Law on Investment, 2014

<sup>2</sup> For greater certainty, nothing in this commitment shall be construed as preventing Viet Nam from issuing investment licences in these sectors or sub-sectors to investors of the other Party.

Sector or sub-sector	Description of reservations
O. Manufacture of fabricated metal products, except machinery and equipment (ISIC rev3.1:28)	None.
P. Manufacture of machinery	
(a) Manufacture of general purpose machinery (ISIC rev 3.1:291)	None.
(b) Manufacture of special machinery other than weapons and munitions (ISIC rev3.1:292)	None, except: Production of firecrackers, including fireworks (ISIC 2927): No investment licence shall be issued to foreign investors <sup>1</sup> in these sectors and sub-sectors. <sup>2</sup>
(c) Manufacture of domestic appliances n.e.c (ISIC rev3.1:2930)	None.
(d) Manufacture of office, accounting and computing machinery (ISIC rev3.1:30)	None.

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1 For the purpose of this reservation, the term "Foreign investor" can be found in the Law on Investment, 2014

2 For greater certainty, nothing in this commitment shall be construed as preventing Viet Nam from issuing investment licences in these sectors or sub-sectors to investors of the other Party.

Sector or sub-sector	Description of reservations
(e) Manufacture of electrical machinery and apparatus n.e.c. (ISIC rev3.1:31)	None, except: Production of sky-lanterns (ISIC 3150): No investment licence shall be issued to foreign investors <sup>1</sup> in these sectors and sub-sectors. <sup>2</sup>
(f) Manufacture of radio, television and communication equipment and apparatus <sup>3</sup> (ISIC rev3.1:32)	None.
Q. Manufacture of medical, precision and optical instruments, watches and clocks (ISIC rev3.1:33)	None.
R. Manufacture of motor vehicles, trailers and semi- trailers (ISIC rev3.1:34 )	None, except investment in automobile assembly and manufacture (ISIC 3410) shall be subject to planning of the Government which may give preferences to local investors <sup>4</sup>
S. Manufacture of other (non- military) transport equipment	

1 For the purpose of this reservation, the term "Foreign investor" can be found in the Law on Investment, 2014.

2 For greater certainty, nothing in this commitment shall be construed as preventing Viet Nam from issuing investment licences in these sectors or sub-sectors to investors of the other Party.

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

4 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.

Sector or sub-sector	Description of reservations
(a) Building and repairing of ships (ISIC 3511)	None, except: <ul style="list-style-type: none"> <li>- Unbound for foreign investment in production of under 10 000 DWT cargo ships; under 800 TEU container ships; lighters and under 500 seats passenger ships (ISIC 3511).</li> <li>- Joint venture requirement and the foreign equity participation shall not exceed 50 %.</li> </ul>
(b) Manufacture of railway and tramway locomotives and rolling stock (part of ISIC rev 3.1: 3520)	None, except only joint venture form is permitted and foreign equity participation shall not exceed 49 %.
(c) Manufacture of aircraft and spacecraft (part of ISIC rev 3.1: 3530)	None, except joint venture requirement and the foreign equity participation shall not exceed 49 %.
(d) Manufacture of motorcycles (part of ISIC rev 3.1: 3591)	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.
(e) Manufacture of bicycles and invalid carriages (part of ISIC rev 3.1: 3592)	None.
T. Manufacture of furniture; manufacturing n.e.c. (part of ISIC rev 3.1: 361, 369)	None.
U. Recycling (ISIC rev 3.1:37)	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.
5. PRODUCTION; TRANSMISSION AND DISTRIBUTION ON OWN	

Sector or sub-sector	Description of reservations
ACCOUNT OF ELECTRICITY, GAS, STEAM AND HOT WATER <sup>1</sup> (excluding Nuclear Based Electricity Generation)	
A. Production of electricity; transmission and distribution of electricity on own account (part of ISIC rev 3.1: 4010) <sup>2</sup>	Unbound.
B. Manufacture of gas; distribution of gaseous fuels through mains on own account (part of ISIC rev 3.1: 4020) <sup>3</sup>	Unbound.
C. Production of steam and hot water; distribution of steam and hot water on own account (part of ISIC rev 3.1: 4030) <sup>4</sup>	Unbound.

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1 The horizontal limitation on public utilities applies.

2 Does not include operation of electricity transmission and distribution systems on a fee or contract basis, which are energy services.

3 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 energy services.

4 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 energy services.



**SPECIFIC COMMITMENTS IN CONFORMITY WITH SECTION D  
(TEMPORARY PRESENCE OF NATURAL PERSONS FOR BUSINESS PURPOSES)  
OF CHAPTER 8 (LIBERALISATION OF INVESTMENTS,  
TRADE IN SERVICES AND ELECTRONIC COMMERCE)**

1. The list of commitments specified in this Appendix indicates the sectors liberalised pursuant to Articles 8.7 (Schedule of Specific Commitments) and 8.12 (Schedule of Specific Commitments) for which limitations apply on business visitors, intra-corporate transferees, business sellers and contractual service suppliers in accordance with Articles 8.14 (Business Visitors and Intra-Corporate Transferees), 8.15 (Business Sellers) and 8.16 (Contractual Service Suppliers). This list of commitments is composed of the following elements:

- (a) the first column indicates the sector or sub-sector in which limitations apply; and
- (b) the second column describes the applicable limitations.

2. Viet Nam does not undertake any commitment for business visitors or intra-corporate transferees in sectors which are not liberalised (remain unbound) pursuant to Articles 8.4 (Market Access) and 8.10 (Market Access).

3. Viet Nam does not undertake any commitment for business sellers in sectors which are not liberalised (remain unbound) pursuant to Articles 8.4 (Market Access) and 8.10 (Market Access).
  
4. Viet Nam does not undertake any commitment for contractual service suppliers in sectors which are not listed in Article 8.16 (Contractual Service Suppliers).
  
5. Commitments on business visitors, intra-corporate transferees, business sellers and contractual service suppliers do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiation.
  
6. The list of commitments specified in this Appendix does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures when they do not constitute a limitation within the meaning of Section D (Temporary Presence of Natural Persons for Business Purposes) of Chapter 8 (Liberalisation of Investments, Trade in Services and Electronic Commerce). Those measures, such as the need to obtain a licence, the need to obtain recognition of qualifications in regulated sectors, the need to pass specific examinations, including language examinations, and the need to have a legal domicile in the territory where the economic activity is performed, even if not listed in this Appendix, apply in any case to business visitors, intra-corporate transferees, business sellers and contractual service suppliers of the Union.

7. All requirements pursuant to the laws and regulations of Viet Nam regarding entry, stay, work and social security measures continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements even if not listed in this Appendix.

8. In accordance with paragraph 6 of Article 8.1 (Objectives and Scope), the list of commitments specified in this Appendix does not include measures concerning subsidies granted by a Party.

9. The list of commitments specified in this Appendix is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on liberalisation of investments set out in Appendix 8-B-1 (Specific Commitments on Cross- Border Supply of Services and Liberalisation of Investments).

10. The rights and obligations arising from this Agreement, including the list of commitments specified in the table in this Appendix, shall have no direct effect and confer no rights directly on natural or juridical persons.

List of Specific Commitments in Conformity with Section D of Chapter 8

Sector or sub-sector	Description of reservations
ALL SECTORS	<p>Intra-corporate transferees</p> <p>At least 20 % of managers, executives and specialists shall be Vietnamese nationals, unless they cannot be substituted by Vietnamese. However, a minimum on 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p>
1. BUSINESS SERVICES	
B. Computer and related services (CPC 84)	The chief of the branch has to be a resident in Viet Nam.
F. Other business services	
(c) Management consultant services (CPC 865)	The chief of the branch has to be a resident in Viet Nam.
(d) Services related to management consulting – CPC 866, except CPC 86602)  Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	The chief of the branch has to be a resident in Viet Nam.
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES	

Sector or sub-sector	Description of reservations
<p>A. General construction work for building (CPC 512)</p> <p>B. General construction work for civil engineering (CPC 513)</p> <p>C. Installation and assembly work (CPC 514, 516)</p> <p>D. Building completion and finishing work (CPC 517)</p> <p>E. Other (CPC 511, 515, 518)</p>	<p>The chief of the branch has to be a resident in Viet Nam.</p>
<p>4. DISTRIBUTION SERVICES</p>	
<p>D. Franchising services (CPC 8929)</p>	<p>The chief of the branch has to be a resident in Viet Nam.</p>
<p>5. EDUCATIONAL SERVICES</p> <p>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.</p>	
<p>C. Higher education services (CPC 923)</p> <p>D. Adult education (CPC 924)</p>	<p>Foreign teachers who wish to work in Viet Nam shall have at least 5 years of teaching experience, and their qualifications shall be recognised by the competent authority.</p>

Sector or sub-sector	Description of reservations
E. Other education services (CPC 929 including foreign language training)	
9. TOURISM AND TRAVEL RELATED SERVICES	
B. Travel agencies and tour operator services (CPC 7471)	Tourist guides in foreign-invested enterprises shall be Vietnamese citizens.
11. TRANSPORT SERVICES	
A. Maritime transport	
(a) Passenger transportation less cabotage (CPC 7211)	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 a Vietnamese citizen.
(b) Freight transportation less cabotage (CPC 7212)	
(c) Maritime agency services <sup>1</sup> (CPC 748*)	Union managers are allowed to work in ship agencies.
D. Road transport	

<sup>1</sup> Maritime agency services or ship agency services are services which the ship agent is authorised to undertake, in the name of the ship owner 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.

Sector or sub-sector	Description of reservations
(a) Passenger transportation (CPC 7121+7122)	100 % of a joint-venture's drivers shall be Vietnamese citizens.
(b) Freight transportation (CPC 7123))	

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