BRUNEI DARUSSALAM

Schedule of Specific Commitments



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BRUNEI DARUSSALAM - SCHEDULE OF SPECIFIC COMMITMENTS
For the 3rd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence	(3) With respect to existing commercial presence: - One of the 2 directors or where there are more than 2 directors at least 2 of them shall be ordinarily resident in Brunei Darussalam. - All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	
	(4) Unbound except for measures concerning the entry and temporary presence of intra- corporate transferees at the level of managers, executives and specialists. Intra-corporate transferees refers to managers, executives and specialists, as defined below, who are employees of firms that provides services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year	(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.	

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	immediately preceding the date of their application for admission and who are one of the following: (a) **Managers** - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service. (b) **Executives** - persons within the organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not		

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	directly perform tasks related to the actual provision of the service or services of the organisation. (c) **Specialists** - persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professions). Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed five years.		



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II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A. <u>Professional Services</u> b. Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications: A. For accounts kept in English 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in language other than English: (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance	(2) In order to apply to be an authorised auditor, a Person must have as minimum qualifications. A. For accounts kept in English: 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in languages other than English. (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names. - Maximum number of partners in an audit firms is twenty. - A partnership may consist of only individuals, local companies and/or branches of foreign companies. - Principal or only place of residence within Brunei Darussalam. (4) Unbound except as indicated under horizontal measures.	(3) Must prove commitment to recruit and develop more local human resources. (4) Unbound except as indicated under horizontal measures	
d. Architectural Services (CPC 8671)	(1) None, other than plans should be submitted through licensed practising architects and a registered partnership (2) None (3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Name Act respectively. ii) Foreign equity participation shall not exceed 45%. iii) Companies or firm must be registered with the Ministry of Development.	(1) None (2) None (3) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iv) The Board of Directors of a company must comply with the requirements of the relevant professional legislation related to architects and must be registered with the Ministry of Development		
	(4) In addition to those indicated in the horizontal section, the licensed practising architects should have recognised academic and professional qualifications and registered as "qualified persons" with the Ministry of Development. Qualified persons or licensed architects are registered if they have been one year residence in Brunei and practising with a local licensed architect.	(4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
h. Medical and dental services (CPC 9312)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	
B. Computer and Related Services a. Consultancy services related to the installation of computer hardware (CPC 841) b. Software implementation (CPC 842) c. Data processing services (CPC 843) d. Database services (CPC 844) e. Others (CPC 845 + 849)	(1) None (2) None (3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal measures	
Computer Reservation System Services	(1) None (2) None (3) Foreign equity participation shall not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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



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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES C. Telecommunication Services 1. Local service a. Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
2. International service a. Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s) (2) Subject to commercial arrangements with licensed operator(s) (3) None (4) None	(1) None (2) None (3) None (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Mobile services a. Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s). (2) Subject to commercial arrangements with licensed operator(s). (3) Foreign Equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) None	
c. Circuit-switched data transmission services (CPC 7523**)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Telex services (CPC 7523**) e. Telegraph services (CPC 7522**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
f. Facsimile services (CPC 7521** + CPC 7529**)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic mail (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
i. Voice mail (CPC 7523**)	(1) Subject to commercial arrangements with licensed operator(s) (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) None	
j. On-line information and database retrieval (CPC 7523**)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
k. Electronic data interchange (EDI) (CPC 7523**)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
l. Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	
m. Code and Protocol Conversion	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Public Non-Fixed*	(1) None, except subject to commercial arrangements with licensed operator(s)*	(1) None	This offer is based on the new licensing regime under the new Telecommunications Order 2001. This offer is for reselling of services using infrastructure owned by an AITI licensee as per the new licensing framework of the regulatory authority under Telecommunications Order 2001.
	(2) None, except subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) Foreign equity participation should not exceed 40%	(3) None	
	(4) Unbound	(4) None	
n. Online Information and Data Processing (including transaction processing) (CPC 843*)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation should not exceed 40%	(3) None	
	(4) Unbound	(4) Unbound	
Public payphone services	(1) None, except subject to commercial arrangements with licensed operators(s)	(1) None	
	(2) None, except subject to commercial arrangements with licensed operator(s)	(2) None	
	(3) Foreign equity participation should not exceed 40%	(3) None	
	(4) Unbound	(4) Unbound	

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SECRETARY GENERAL OF THE ASEAN

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Prepaid Telecommunications services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Foreign equity participation should not exceed 40% (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
Paging Services (CPC 75291)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
Trunked Radio Services	(1) None, except subject to commercial arrangements with licensed operator(s) (2) None, except subject to commercial arrangements with licensed operator(s) (3) Foreign equity participation should not exceed 40% (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATION SERVICES Adult Education (CPC 924) Course with the maximum duration of 3 months (Private education)	(1) None (2) None (3) (i) Through joint venture, with foreign equity participation shall not exceed 49% (ii) Foreign employees not exceeding 10% of the workforce (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Foreign Language Training Centre (CPC 929)	(1) None (2) None (3) Foreign Equity participation should not exceed 49% (4) Unbound	(1) None (2) None (3) Majority of senior managers in any such enterprise are Bruneian nationals (4) Unbound	
7. FINANCIAL SERVICES A. <u>All insurance and insurance-related services</u> (a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(1) Unbound (2) None (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee (CPC 8129)	(1) Unbound (2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. (3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	(1) Unbound (2) Insurance intermediation is not allowed to act for unregistered insurers. (3) (i) Broking for direct insurance of Bruneian risks requires approval from Ministry of Finance (ii) Broker, underwriting and insurance managers require approval. (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services auxiliary to insurance, as follows:			
(a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	
B. Banking and Other Financial Services (1) Acceptance of deposit and other repayable funds from the public	(1) Unbound (2) Unbound (3) Subject to approval from the Authoriti Monetari Brunei Darussalam and relevant existing domestic laws (4) Unbound	(1) Unbound (2) Unbound (3) Subject to approval from the Authoriti Monetari Brunei Darussalam and relevant existing domestic laws (4) Unbound	
(2) Provision and transfer of financial information, financial data processing and related software by providers of other financial service (CPC8131)	(1) Unbound (2) Unbound (3) Authoriti Monetrari Brunei Darussalam approval is required (4) Unbound	(1) Unbound (2) Unbound (3) Authoriti Monetrari Brunei Darussalam approval is required (4) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(3) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advise on acquisitions and on corporate restructuring and strategy	(1) Unbound (2) Unbound (3) Authoriti Monetari Brunei Darussalam approval is required and subject to existing domestic laws (4) Unbound	(1) Unbound (2) Unbound (3) Authoriti Monetari Brunei Darussalam approval is required and subject to existing domestic laws (4) Unbound	
9. TOURISM AND TRAVEL RELATED SERVICES A. Hotel and restaurants (including catering) Hotel lodging services (CPC 64110)	(1) None (2) None (3) Foreign investors must enter into joint ventures in which aggregate local equity constitutes not less than 39% of the total. (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	



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11. TRANSPORT SERVICES	(1) None	(1) None	
A. Maritime Transport Services	(2) None	(2) None	
a. Passenger Transportation (CPC 7211)	(3) Foreign Equity Participation should not exceed 40%	(3) Unbound	
	(4) None, except as indicated in the horizontal section	(4) None, except as indicated in the horizontal section	
b. Freight Transportation (CPC 7212)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign Equity Participation should not exceed 40%	(3) Unbound	
	(4) None, except as indicated in the horizontal section	(4) None, except as indicated in the horizontal section	

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C. Air Transport Services c. Rental of aircraft with crew (CPC 734)	(1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity. (2) None (3) Unbound except: (a) Only through a representative office; Or (b) Only by appointment of a General Sales Agent: who is a Bruneian controlled company; and (c) Permanent address in Brunei Darussalam with respect to (a) (4) Unbound except with respect to (b), one technical post subject to: Local availability test; Designation of a specified number of Brunei trainees.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Maintenance and repair of aircraft (CPC 8868**)	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) None, except as indicated in the horizontal section	
D. Space Transport (CPC 733/7330)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
E. Rail transport Services Passenger transportation (CPC 7111)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Freight transportation (CPC 7112)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Pushing and towing services (CPC 7113)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) Foreign equity participation should not exceed 40% (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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