MALAYSIA

Schedule of Specific Commitments



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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED	(3) Acquisition, Mergers and Take-overs The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following: (a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 15 per cent or more or exceeding RM5 million in value; (b) any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and (c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.	(3) Land, Property and Real Estate Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes which may conflict with the interest of the State. Incentives/Preferences Incentives are limited to eligible Malaysian-owned corporations engaged in services sectors promoted by the Government. Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound. Corporations in which the Government has an interest shall, in acquiring services, give first consideration to services suppliers in which the Government has an interest. This	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State. (4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below or indicated in sectoral commitments: 1. <u>Intra-corporate Transferees</u> a) senior managers being persons within an organisation having proprietary information of the organisation and who exercise wide latitude in decision making relating to the establishment, control and operation of the organisation being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organisation; and b) two specialists or experts per organisation being persons within the organisation who possess	requirement does not prevent the acquisition of services from other services suppliers where their services are competitive in terms of price, quality and delivery. (4) Unbound except for the categories of natural persons referred to under market access	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and techniques or management. Additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or sub sector. Provided that such persons are employees of the foreign services supplier for a period of not less than one year immediately preceding the date of application for a work permit and he is to serve in at least a similar capacity. 2. <u>Others</u> a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	organisations' products and services subject to market test and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or sub sector b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies; and c) business visitors being persons not based within Malaysia, receiving no remuneration from any source within Malaysia, who has been employed for at least one year by a foreign services supplier, whose entry and temporary stay is for the purposes of negotiating for the sale of services or		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	entering into agreements to sell services for that service supplier and who will not engage in direct sales to the general public. 3. Entry and stay of natural persons defined in categories 1 a) and b) and 2 a) and b) shall not exceed a total of five years. For category 2 c), the period of stay shall not exceed a total of 90 days.		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES **Professional Services** Legal Services (CPC 8619) covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None (2) None (3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	
Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 49 per cent.	(1) None (2) None (3) None	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section. In respect of 1(b), additional two specialists/experts for each firm/company *In respect of 2(b), residency is required for registration*	(4) Unbound, except for the categories of natural persons referred to under market access.	
Taxation Services (CPC 863)	(1) None (2) None (3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents / firms and aggregate foreign interests in the partnership shall not exceed 30 per cent. (4) Unbound, except as indicated in the horizontal section. In respect of 1(b), additional two specialists/experts for each firm/company *In respect of 2(b), residency is required for registration*	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	(4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	(1) None	(1) Architectural services must be authenticated by a licensed professional architect in Malaysia.	(4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.
	(2) None	(2) Architectural services must be authenticated by a licensed professional architect in Malaysia.	
	(3) a) Architectural services may be supplied only by natural person. b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	(3) a) None b) Unbound	
	(4) Unbound, except as indicated in the horizontal section and in respect of 2(b), *only an architect who is a consultant to a project in collaboration with a Malaysian professional architect for wholly foreign funded projects*	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering services (CPC 8672)	(1) None	(1) Engineering services must be authenticated by a registered professional engineer in Malaysia.	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.
	(2) None	(2) Engineering services must be authenticated by a registered professional engineer in Malaysia.	
	(3) a) Engineering services may be supplied only by natural person.	(3) a) None	
	b) For multi–disciplinary practices* (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.	b) Unbound	
	(4) Unbound, except as indicated in the horizontal section *and in respect of 2(b), subject to temporary registration for a period of one year per temporary registration*	(4) Unbound, except for the categories of natural persons referred to under market access.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673)	(1) None (2) None (3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia. The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. Establishment of such joint-venture corporation is only for duration necessary to complete the services contract. (4) Unbound, except as indicated in the horizontal section *and in respect of 2(b), for a period of up to one year or the duration necessary to complete the services contract*	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia. (2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia. (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban Planning Services (CPC 86741) covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with view to creating and maintaining systematic, coordinated urban planning.	(1) None (2) None (3) Unbound (4) Unbound, except for: *i. independent professionals* with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities;* *ii. consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company.* *iii. Any other requirements or provisions as spelt out under the relevant legislation*	(1) None (2) None (3) Unbound (4) Unbound, except for the categories of natural persons referred to under market access.	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.

* Independent professionals is as defined in para 2(b) in the horizontal section

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscaping services covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian registered landscape architects or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Specialised medical services covering forensic medicine, nuclear medicine, geriatrics, microvascular surgery, neurosurgery, cardiothorasic surgery, plastic surgery, immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine. (CPC 93122)	(1) None (2) None (3) Medical speciality services may be supplied by a natural person. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) *None other than:* *i. practice only in private hospitals of at least 70 beds;* *ii. practice to be only at a specified location and a change in location requires approval; and* *iii. the setting up of individual or joint group practices is not permitted.*	The qualifying examination to determine the competency and ability to supply the service will be conducted in English.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Computer and Related Services a. Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
b. Consultancy services related to software implementation service covering advisory and implementation for customised software (CPC 842)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
c. Data processing services (CPC 843)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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d. Data base services (CPC 8440)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Research and Development Services Research and experimental development services on other social sciences and humanities (CPC 8520 except 85203 and 85204)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental and Leasing Services Without Operators a. Relating to ships exclude cabotage and offshore trades (CPC 83103)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
b. Rental and leasing services without operators, relating to aircraft (CPC 83104)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
c. Leasing or rental services, without operator relating to construction and mining equipment and industrial plant and equipment (CPC 83107**)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Other Business Services i) Sale or leasing services of advertising space or time (CPC 8711)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia. (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
ii) Planning, creating and placement services of advertising (CPC 8712)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia. (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
iii) Other advertising services (CPC 8719)	(1) Commercial presence is required (2) None	(1) Unbound (2) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. <u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia. (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Market research services (CPC 864) and Public opinion polling services (CPC 864)	(1) None (2) None (3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and Bumiputera shareholding in the joint venture is at least 30 per cent.	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Other Management Consulting Services covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
covering advisory and guidance in the field of pharmacy as follows: - Basic material manufacturing consultancy in the manufacture of drugs in raw material form; - New systems of drug delivery; - Biotechnology-new techniques for influencing the process and products of living cells; - New techniques in drug development and methods of producing drugs and vaccine; and - Vaccine production (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications (CPC 8650*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Technical Testing and Analysis Services i) Composition and purity testing and analysis services (CPC 86761)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
ii) Testing and analysis services of physical properties (CPC 86762)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
iii) Testing and analysis services of integrated mechanical and electrical systems (CPC 86763)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
iv) Other technical testing and analysis services (CPC 86769)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including value added services such as preservation techniques, etc. (part of CPC 881* and 882*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Services incidental to manufacturing (884, 885 except 88442)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30 per cent.	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (part of CPC 87909)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Translation and interpretation services may be supplied only by a natural person. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access. *Translation and/or interpretation from English Language to the Malay language or vice versa is not permitted.*	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Convention Centre (part of CPC 87909) (convention and exhibition management services covering the provision of planning, organisational, management and marketing services or conventions and other similar events)	(1) None (2) None (3) a) *Only through joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.* b) for Convention Centers with seating capacity of over 5,000 aggregate foreign shareholdings up to 49% shall be permitted. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other Business n.e.c Operational Headquarters (OHQ) Services (part of CPC 87909) covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services	(1) Unbound due to lack of technical feasibility. (2) Unbound due to lack of technical feasibility. (3) Only though a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ. OHQ must operate in Malaysia and fulfil the following criteria: a) carry out at least 3 of the OHQ service activities; b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies; c) have a well-established foreign-owned company	(1) Unbound due to lack of technical feasibility. (2) Unbound due to lack of technical feasibility. (3) None	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	d) which is sizeable in terms of assets and employees; e) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel; f) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia; g) be able to contribute to the Malaysia economy by: i) using services such as legal, accounting, etc. provided by Malaysians; ii) creating job opportunities for Malaysians; iii) enabling greater inflow of foreign funds. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES **Telecommunication Services** Basic Telecommunication Based on domestic regulations, Malaysia has reclassified its communications services sector on the basis of provision of Network Service Provider (NSP), provision of Application Service Provider (ASP) Basic local, inter-exchange and international services; supplied over public telecommunications transport networks using any network technology, facilities regardless of whether the means of delivery services are wired or wireless are mapped into the aforementioned three categories. *Individual license* *1. NFP(I)*[1] *2. NSP(I)*[2] *3. ASP(I)*[3]	(1) None (2) None (3) With respect to Network Facilities Provider (NFP) and NSP components of the service, only through an acquisition of shares of existing licensed NFP(I), NSP(I). With respect to ASP(I), through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through acquisition of shares of an existing licensed ASP(I) operator/corporations. - For NFP(I) and NSP(I) foreign shareholding of up to 30 per cent in these services providers is allowed	(1) None (2) None (3) None	Pro-competition regulatory principle in respect of interconnection (Refer to Annex I)

Explanatory Note for Individual Licence Categories

[1] Network facilities provider (NFP) individual licence enables the provision of network facilities services such as earth stations, fixed links and cables public payphone facilities, radio communications transmitters and links, satellite hubs and towers, duct and pits used in conjunction with other network facilities.

[2] Network service provider (NSP) individual licence enables the provision of network services such as bandwidth services, broadcasting transmission services, cellular mobile services, customer access services and mobile satellite services.

[3] Application Service Provider, individual licence enables the provision of applications services such as PSTN telephony, public cellular telephone telephony services, IP telephony, public payphone service and public switched data service.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	- For ASP(I), foreign shareholding of up to 49 per cent in these services providers is allowed. [The management control of such companies shall be in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30 per cent *with not one single country holding more than 5 per cent of the equity at any one time*.] (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Value-Added Services Telecommunication services of which enhanced value-added services must be provided from channels or lines obtained only from licensed NFP(I) and NSP(I) operators and are also mapped into the three categories below: Class License 4. NFP(C)[4] 5. NSP(C)[5] 6. ASP(C)[6]	(1) None (2) None (3) With respect to NFP and NSP components of the service, only through an acquisition of shares of existing licensed NFP(C), NSP(C). With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled Corporations; or through acquisition of shares of an existing licensed ASP(C) operator/corporations. - For NFP(C) and NSP(C) foreign shareholding of up to 30 per cent in these services providers is allowed - With respect to ASP(C), foreign shareholding of up to 49 per cent in these services providers is allowed.	(1) None (2) None (3) None	

[4] NFP class license enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

[5] NSP class license enables the provision of niched customer access or niched connection services such as public mobile radio work services, one or two way radio paging network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

[6] Applications service provider license enables the provision of application services such as audio text hosting services provided on an opt-in basis, directory services, messaging services.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Audiovisual Services Motion picture, video tape and audio recording distribution services (CPC 96113)	(1) Commercial presence is required (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent. (4). Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

Explanatory Note

1) This sector is governed by the Communications and Multimedia Act 1998 and it subsidiary rules and regulations.

2) Definitions as per Communications and Multimedia Act 1998

a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
Network facilities provider means a person who is an owner of any network facilities.

b. Network services means a service for carrying communications by means guided and/unguided electromagnetic radiation. Network service provider means a person who provides network services.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Application service means a service provided by means of, but not solely by means of, one or more network services. Application service provider mans a person who provide an applications service. 3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001 a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations. Network facilities provider individual licensee means an individual licence granted to a network facilities provider in accordance with the provisions of the Act and these Regulations. b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations. Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations. c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations. Application service provider individual licensee means an individual licence granted to an applications service provider in accordance with the provisions of the Act and these Regulations			

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Work a. Pre-erection work at construction site (CPC 511)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans;	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None (b) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
b. Construction work for buildings (CPC 512)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors.	(b) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
c. Construction work for civil engineering (CPC 513)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans;	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None (b) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
d. Assembly and erection of prefabricated constructions (CPC 514)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors.	(b) Unbound	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
e. Special trade construction work (CPC 515)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None (b) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
f. Installation Work (CPC 516)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None (b) Unbound	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available. iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
g. Building completion and finishing work (CPC 517)	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis: i) Construction projects wholly financed by foreign investment and/or grants; ii) Construction projects financed by loans of international tendering according to the terms of the loans; iii) Projects with foreign investment equal or more than 50 per cent where local expertise is not available.	(1) Unbound due to lack of technical feasibility. (2) None (3) (a) None (b) Unbound	



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	iv) 100 per cent Malaysian funded construction projects where local expertise is not available. Subject to compulsory sub-contracting to local sub-contractors. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
5. EDUCATIONAL SERVICES			
Higher Education Other Higher Education Services provided by privately funded higher education institutions[7] other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)	(1) Unbound, except for requirement for commercial presence. (2) None	(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents. (2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	3) Up to than 51 per cent foreign equity will be considered subject to additional criteria which include: a) courses deemed important to attain Malaysia's educational objective b) Potential to generate export revenues

[7] as defined in Malaysian Legislation

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Only through a joint venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.	(3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	
	(4) Unbound, except as indicated in the horizontal section and as below: <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing the necessary qualifications, knowledge, credentials and/or experience (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution	(4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other education services covering only: a) language courses b) short courses: - technical and vocational courses - cognitive skills development	(1) Unbound due to technical feasibility.	(1) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	
	(2) None	(2) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	
	(3) Only through a joint venture with foreign equity not exceeding 49 per cent and subject to the requirement of a needs test if necessary.	(3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section and as below: <u>Lecturers and experts</u> (a) 10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution, possessing the necessary qualifications, knowledge, credentials and/or experience (b) 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution	(4) Unbound, except for the categories of natural persons referred to under market access.	

7. FINANCIAL SERVICES, INCLUDING INSURANCE

Horizontal Commitments Applicable to the Financial Services Sector

1. The commitments in the financial services sector are in accordance with the General Agreement on Trade in Services and the Annex on Financial Services.
2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated.
3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of banks and merchant banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of financial service as specified for each activity in this Schedule.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All Financial Services	(3) Limitations on investments as contained in the all-sector horizontal section	(3) Limitations on land and other immovable property as contained the all-sector horizontal section. Unbound for measures affecting financial services accorded, to Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).	
	(4) Limitations in the all-sector horizontal section will apply indicated in each activity.	(4) Limitations in the all-sector horizontal section will apply when indicated in each activity.	
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	(1) Unbound* except as otherwise specified in this schedule.	(1) Unbound*, except as otherwise specified in this schedule.	
	(2) Unbound* except as otherwise specified in this schedule.	(2) Unbound*, except as otherwise specified in this schedule.	
	(3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.	(3) None	
	(4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(4) Unbound, except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
2. Commercial banks and merchant banks.	(1) Unbound * except as otherwise specified in this schedule. (2) Unbound * except as otherwise specified in this schedule. (3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders. Entry is limited to equity participation by foreign banks in Malaysian-owned or controlled commercial banks and merchant banks and aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 percent. Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 percent. A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank. A merchant bank is not allowed to acquire any share in a commercial bank or another merchant bank.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign bank of an aggregate of 5 percent or more of shareholding in a Malaysian-owned or controlled commercial bank or merchant bank must meet the following criteria: (a) The foreign bank has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign bank has significant trade and investment interests in Malaysia; and (c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.	

* Due to lack of technical feasibility

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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
	Other persons are not permitted to acquire 5 percent or more of shareholding in a commercial bank or merchant bank if the person already holds 5 percent or more of shareholding in another licensed financial institution. Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.		
	(4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (b) Two senior managers and five specialists or experts for each bank.	(4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts for each bank for areas relating to: (i) trade financing; (ii) corporate finance; (iii) treasury management; and (iv) information technology. (c) For a representative office, two foreign nationals. Only one foreign national for the two top posts. (d) Entry shall be limited to a maximum period of five years.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. Direct insurance companies.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) Branches of foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996 and foreign shareholding not exceeding 51 percent is permitted. Foreign shareholding not exceeding 51percent is also permitted for the existing foreign shareholders of locally incorporated insurance companies which were the original owners of these companies. Provided aggregate foreign shareholding in such companies does not exceed 51 percent. New entry is limited to equity participation by foreign insurance companies in locally incorporated insurance companies and aggregate foreign shareholding in such company shall not exceed 30 percent. Unbound for new licenses.	(1) Unbound* except as otherwise specified in this schedule. (2) Unbound* except as otherwise specified in this schedule. (3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a foreign insurance company of an aggregate of more than 5 percent shareholding in a locally incorporated insurance company must meet at least one of the following criteria: (a) The foreign insurance company has the ability to facilitate trade and contribute to financial and economic development of Malaysia; (b) The country of the foreign insurance company has significant trade and investment interests in Malaysia; (c) The country of the foreign insurance company does not have significant representation in Malaysia insurance industry; or	

* Due to lack of technical feasibility

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	An insurance company is not allowed to acquire more than 5percent share: (a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or (b) In an insurance broking company. Other persons holding more than 5 percent shareholding in an insurance company are not permitted to acquire more than 5 percent shareholding in: (a) Another insurance company carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or (b) An insurance broking company.	(d) The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in supply through the mode of respect of commercial presence. (b) Two senior managers and three specialists or experts for branches of foreign insurance companies and locally incorporated insurance companies. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Five specialists or experts for each institution for areas relating to: (i) underwriting of specialized classes of general business; (ii) information technology; and (iii) actuarial functions.	(4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Entry shall be limited to a maximum period of five years.		
Banking And Other Financial Services, Excluding Insurance Acceptance of deposits, and other repayable funds from the public, wholesale and retail.	(1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed. (2) None (3) Only permitted through a commercial bank, a merchant bank or an offshore bank. Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits. (4) Unbound except as indicated in the all financial services horizontal section.	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. (4) Unbound except as indicated in the all financial services horizontal section.	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.	(1) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(1) None	
	(2) Financial services associated with lending to residents in any currency in excess of an RM25 million must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(2) None	
	(3) Entry as a non-bank for scheduled businesses is limited to: (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign	(3) Foreign-controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 percent of the total credit facilities obtained by non-resident controlled companies from banking institutions	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) A representative office. Representative offices can only undertake research and liaison services. Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent. Merchant banks are not permitted to provide consumer credit and home mortgages. Only commercial banks are permitted to provide overdraft facilities. Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.	For commercial banks, unbound ATMs) and networking with ATMs in Malaysia	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which CEO post, for each establishment. For representative offices of scheduled businesses, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Financial leasing	(1) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.	(1) None	
	(2) Leasing services to residents in any currency must be undertaken jointly with leasing companies or merchant banks in Malaysia.	(2) None	
	(3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 49 percent. Entry as a non-bank is limited to: (a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 percent; or (b) A representative office. Representative offices can only undertake research and liaison services.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies. Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only. (4) Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each establishment. For representative offices, two foreign nationals subject to one foreign national for the two top posts. Entry shall be limited to a maximum period of five years. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(4) Unbound except for the categories of natural persons referred to under market access. For offshore leasing companies unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.	(1) Electronic fund transfer system requires approval. (2) None (3) Offshore banks are permitted to extend payment and money transmission services to non-residents only. Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services. Sale or purchase of foreign currency and purchase of travellers cheques other than by commercial banks require money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture 30 percent. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. Entry shall be limited to a maximum period of five years	(1) None (2) None (3) For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 percent. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to under market access.	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Charge cards.	(1) None (2) None (3) Entry is limited to establishment of a company Malaysia. Approval of the Bank is required. (4) Unbound except two senior managers for each establishment. Entry shall be limited to a maximum period of five years.	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
Guarantees and commitments	(1) None except banks established Malaysia may be given the right of first refusal. (2) None except banks established Malaysia may be given the right of first refusal. (3) None (4) Unbound except as indicated in the all financial services and all-sector horizontal section.	(1) None (2) None (3) None (4) Unbound except as indicated in the all financial services and all-sector horizontal section.	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Money and foreign exchange broking services	(1) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia.	(1) None	
	(2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorized dealers and money and foreign exchange brokers incorporated in Malaysia.	(2) None	
	(3) Entry is limited to: (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 percent; or (b) the establishment of a branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Money and foreign exchange broking services by offshore entities are confined to foreign currencies only. (4) Unbound. For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence	(4) Unbound For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
Trading for own account or account of customers in the following: - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion	(1) Dealing is limited to contracts traded on specified exchanges (2) None (3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorized banks in Malaysia. Transactions by offshore banks and offshore investment banks in	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad. Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad. Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan. Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture company and aggregate 30 percent. Trades for own account and account of customers who are outside Malaysia may be routed to member companies of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalized. (4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses)	(1) Participation in issues and services related to such issues requires authorization. (2) Participation in issues and services related to such issues requires authorization. (3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia. Only merchant banks are permitted to make submissions to the Securities Commission for new issues. Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent. Unbound for appointment as principal dealers (4) For banks, unbound except as indicated in the all financial services horizontal section.	(1) None (2) None (3) None (4) For banks, unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For non-banks, unbound except as indicated in the all-sector horizontal section.	For non-banks, unbound except as indicated in the all-sector horizontal section.	
Underwriting	(1) Commercial presence is required (2) Authorization is required (3) For non-banks, only licensed dealers are permitted to Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such Commercial banks are permitted to underwrite private debt securities only. Offshore banks and offshore investment banks are permitted to underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.	(1) Unbound (2) None (3) None	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section	(4) For commercial banks, merchant banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Asset management as follows: - cash or portfolio management - all forms of collective investment - custodial and depository services	(1) Commercial presence is (2) None (3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to nonresident customers other than offshore companies incorporated in	(1) None (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Labuan in which residents have shareholdings. Entry as a non-bank, other than Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 percent. Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 percent. Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 percent foreign shareholding in the company and requires the approval of the Securities		

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Commission. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 percent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 percent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission. (4) For commercial banks and merchant banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy	(1) Provision of investment and portfolio advice requires commercial presence. Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(1) None	
	(2) Services other than investment a portfolio advice to residents must be undertaken jointly with commercial banks or merchant banks in Malaysia.	(2) None	
	(3) Entry as a non-bank is limited to: (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 percent; or (b) A representative office.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only. Representative offices of securities companies are not permitted to publish and circulate Malaysia. Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers. (4) For banks, one specialist or expert. For non-banks, one senior manager and one specialist or For representative offices, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Entry shall be limited to a maximum period of five years.	(4) For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	

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MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).	(1) Unbound* (2) Unbound* (3) Only through a locally incorporated wholly foreign-owned company. A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ. An OHQ must operate in Malaysia and fulfill the following criteria: (a) Carry out at least three of the OHQ service activities;	(1) Unbound* (2) Unbound* (3) None	

* Due to lack of technical feasibility

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies; (c) Have a well established foreign-owned company which is sizeable in terms of assets and employees; (d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel; (e) Be able to make decisions independently without consultation with its head office or parent Malaysian economy by: (i) Using services such as legal, accounting etc. provided by Malaysians; (ii) Creating job opportunities for Malaysians; (iii) Enabling greater inflow of foreign funds.		



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) One specialist or expert per organisation subject to the following conditions: (a) Such persons must possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and (b) Entry shall be limited to a maximum of five years and renewable.	(4) None	
Securities broking services comprising: - broking services; - credit reference and analysis; - Investment portfolio management and advice; and - market research	(1) Trades on Malaysian stock exchanges must be transacted through Malaysia which are participating organisations of Promotion in Malaysia of Malaysian stocks requires approval. Provision of investment advisory services and credit reference services to residents requires commercial presence.	(1) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Trades on Malaysian stock exchanges must be transacted through Malaysia which are participating organisations of the exchange. (3) Entry is limited to recognized foreign stock broking companies (a) Equity participation in an existing stockbroking (b) Establishment of a locally incorporated joint-venture company with a Malaysian stockbroking company. And aggregate foreign shareholding in such 49 percent A foreign stockbroking company is permitted to have shareholding in one stockbroking company only. Entry by recognized foreign stockbroking companies is also permitted through a representative office.	(2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Representative offices are permitted to undertake research, information and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia. New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined. (4) Unbound for a stockbroking company, except as indicated in the all-sector horizontal section. For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of five years.	(4) Unbound except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Commodity futures broking services	(1) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.	(1) None	
	(2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.	(2) None	
	(3) Entry is limited to: (a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 percent or any higher percentage as determined by the relevant authorities; or (b) A representative office. Representative offices are permitted to undertake research, information and liaison services only.	(3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Total membership of the exchange will be based on economic needs. (4) Unbound except one foreign national for a management post per establishment, subject to market test.	(4) Unbound except for the categories of natural persons referred to under market access.	
Insurance Services Direct insurance (non-life).	(1) Soliciting and advertising in Malaysia are not allowed. Direct placement abroad of (a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and (b) liability of residents to third party requires approval. Approval will be granted if such insurance is not available from direct insurance companies in Malaysia	(1) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(2) Direct placement abroad of (a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and (b) liability of residents to third party requires approval. Approval will be granted if such insurance is not Malaysia.	(2) None	
	(3) Only permitted through direct insurance companies. Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.	(3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches. Unbound for special assistance Malaysian-owned direct insurance companies to promote their development.	
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Direct insurance (life).	(1) Unbound	(1) Unbound	
	(2) Unbound	(2) Unbound	
	(3) Only permitted through direct insurance companies. Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval. Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.	(3) None Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 percent. Direct insurance companies are permitted to maintain their existing network of branches. Unbound for special Malaysian-owned direct insurance companies to promote their development.	
	(4) Unbound except as indicated in the all financial services horizontal section.	(4) Unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Reinsurance and retrocession (non-life).	(1) Outward reinsurance is only if local capacity is not available.	(1) Voluntary cession up to 30 of each class of non-life reinsurance business to the Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	
	(2) Outward reinsurance is permitted only if local capacity is not available.	(2) Voluntary cession up to 30 percent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad. Unbound for fiscal incentives to promote reinsurance in Malaysia.	
	(3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 percent.	(3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Entry as an offshore reinsurance company is confined to Labuan. (4) Unbound except for: (a) Two senior managers and three specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier. (b) Entry shall be limited to a maximum period of five years.	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Reinsurance and retrocession (life).	(1) Outward reinsurance is permitted only if local capacity is not available. (2) Outward reinsurance is permitted only if local capacity is not available. (3) National retention capacity is required to be optimised before any outward (a) direct life insurance and life reinsurance Malaysia; and (b) offshore direct life insurance and offshore life reinsurance companies which are permitted tc insure or reinsure life insurance of high net worth residents. Unbound for new licences. Aggregate foreign shareholding in the Malaysian Life Reinsurance	(1) Unbound for fiscal incentives to promote reinsurance in Malaysia. (2) Unbound for fiscal incentives to promote reinsurance in Malaysia. (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Group Berhad shall not exceed 30 percent. Entry as an offshore reinsurance company is confined to Labuan. (4) Unbound except for: (a) Two senior managers and three specialists or experts for each A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier. (b) Movement of a senior manager, specialist or expert can be through intra-corporate transfers or otherwise.	(4) Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(c) Entry shall be limited to a maximum period of five years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Insurance intermediation - insurance broking (excluding agency).	(1) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted. (2) Direct insurance broking services can only be provided to offshore companies in Labuan. Reinsurance broking is permitted.	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Unbound for onshore insurance broking. Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted. This limitation does not apply to broking of reinsurance of Malaysian risks. (4) Unbound except as indicated in the all financial services horizontal section.	(3) None (4) Unbound except as indicated in the all financial services horizontal section.	
Insurance intermediation - insurance underwriting and insurance management.	(1) Insurance underwriting and insurance management are not permitted. (2) Insurance underwriting and insurance management are not permitted.	(1) None (2) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Unbound for onshore insurance underwriting and insurance management. An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan. An offshore insurance manager is permitted to provide insurance management services to persons other than residents. (4) Unbound except as indicated in the all financial services horizontal section.	(3) None (4) Unbound except as indicated in the all financial services horizontal section.	
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) Actuarial services can only be provided to offshore insurance companies and offshore reinsurance companies in Labuan. (2) None	(1) None (2) None	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) Limited to the establishment (a) Locally incorporated (b) Branches; or (c) Partnerships. Offshore companies are not permitted to Malaysian residents.	(3) None	
	(4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	(4) Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
8. HEALTH AND SOCIAL SERVICES			
Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 40 per cent; and the joint-venture corporation shall operate a hospital with a minimum of 100 beds. (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Establishment of feeder outpatient clinics is not permitted. (4) Unbound except for the categories of natural persons referred to under market access	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Veterinary services (CPC 932) Services delivered to equine animals in equestrians or turf clubs	(1) None (2) None (3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-control corporation or both and aggregate share of foreign interest shall not exceed 49%, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognized by and registered with relevant professionals bodies (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound, except for the categories of natural persons referred to under market access.	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel, Tourist Resort And Restaurant Services Covering the management and operational of hotels or resorts including, outlet which may not include ownership of such properties (CPC 641)	(1) None (2) None (3) (a) Entry for service activities under CPC 641 is permitted only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; (b) or CPC 64110 covering 4- and 5-star hotel establishments only, aggregate foreign shareholdings up to 49 per cent in the joint venture corporation is permitted (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Food serving services (CPC 642)	(1) None (2) None (3) Entry for service activities under CPC 642 is permitted only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) Entry for service activities under CPC 643 is permitted only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Travel Agencies and Tour Operators Services for inbound travel only (CPC 7471)	(1) None (2) None (3) (a) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.	(1) None (2) None (3) a) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	Establishment of another office requires additional license. *(b) For inbound travel only, aggregate foreign shareholdings in the joint venture corporation is permitted up to 49%* (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Tourist Guide Services (CPC 7471)	(1) None (2) None (3) Tourist guide services only to be supplied by a natural person (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) a) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other Entertainment Services Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191)	(1) Unbound due to lack of technical feasibility. (2) None (3) Entertainment services may be supplied only by a natural person. (Only through a Malaysian-controlled corporation acting as the local sponsor) (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 96192)	(1) Unbound due to lack of technical feasibility. (2) None (3) Entertainment services may be supplied only by a natural person. (Only through a Malaysian-controlled corporation acting as the local sponsor) (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Circus, amusement park and similar attraction services (CPC 96194) Theme Park (part of CPC 96194) A family based recreational area/ amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment, edutainment, adventure and excitement. The concept of the park can either be outdoor or indoor or a combination of both	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
Sports events promotion services (CPC 96411)	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through a Malaysian-controlled corporation acting as the local sponsor. (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Sports events organisation services (CPC 96412)	(1) Unbound due to lack of technical feasibility. (2) None (3) Only through a Malaysian-controlled corporation acting as the local sponsor. (4) Unbound, except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility. (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	
11. TRANSPORT SERVICES			
Maritime Transport Services International maritime transportation services excluding cabotage and government cargo Passenger transportation (CPC 7211) Freight transportation (CPC 7212)	(1) None (2) None (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 40 per cent. <u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:	(1) None (2) None (3) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: a) Pilotage b) Towing and tug assistance c) Provisioning, fuelling and watering d) Garbage collection and ballast waste disposal e) Port Captain's services f) Navigation aids g) Shore-based operational services essential to ship operations, including communications, water and electrical supplies h) Emergency repair facilities i) Anchorage, berth and berthing services



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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	a) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; b) Majority shareholding to be held by Malaysians; c) Majority of the board of directors to be Malaysians; and d) Principal place of business to be in Malaysia. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access.	
Rental/Leasing Services of Seagoing Vessels with Operator for International Shipping (CPC 72130) Excludes cabotage and offshore	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	

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Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental/Leasing Services Concerning Vessels without Operator (Bareboat Charter) for International Shipping (CPC 83103) Excludes cabotage and offshore trades	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth subject to applicable domestic regulations.	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section	
Supporting services for maritime transport Vessel salvage and refloating services except on inland waters (CPC 74540) *(Vessels salvage services provided on ocean and seas. Such services consist of Recovering distressed and*	(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	
Maritime agency services Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required (CPC 748*)	(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	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd 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
Maritime freight forwarding services Consist of organising and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information (CPC 7480)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent; and establishment of local branches requires additional licences. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

Consolidated Offer for the 3nd Package of Commitments under ASEAN - China FTA Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
12. OTHER SERVICES			
Skills Training Services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology. (part of CPC 97090*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and establishment of local branches requires additional licences. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access.	

MALAYSIA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All Sectors	Liberalization of measures affecting movement of foreign semi-skilled and unskilled workers into Malaysia may be carried out in a differentiated manner based on reasons including proximity, either contiguous or regional, religious and/or cultural compatibility	All countries	Indefinite	The measure is required to: (1) maintain the arrangements under existing bilateral agreements; and (2) ensure that the movement of foreign semi-skilled and unskilled workers contributes to the social stability and industrial harmony in Malaysia
All sectors	Waiver of measures in existing or future policies limiting foreign equity or interests in companies and businesses in Malaysia shall be carried out in a preferential and differentiated manner	All countries	Indefinite	The measure would be applied in a differentiated manner to those investments that match Malaysia's specific development requirements with the abilities and facilities provided by foreign enterprises and their home countries. The objective is to maximize economic benefits of foreign participation in the Malaysian economy.
Advertising services	20 per cent foreign content limitation for advertising is waived for these countries	Brunei Darussalam Indonesia Philippine Singapore Thailand	5 years	The measure is required to promote intra-ASEAN tourism

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ANNEX I

Annex to Additional Commitments on Telecommunication Services

Principles	Procedural Requirements
1. Competition safeguards	The regulatory body must take measures to: - Maintain fair competition among network operators; - Safeguards the interest of consumers;
2. Universal Service	- Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other undeserved areas as stipulated in the licences;
3. Public availability of licensing criteria	- To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators;
4. Independent regulator	To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;
5. Interconnection arrangements	To ensure that the following principles pertaining to interconnection arrangements are adhered to: - Interconnection and access between network operators shall be on an equitable and non-discriminatory basis; - Charges for interconnection facilities and services provided by network operators shall be fair and equitable; - The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks; - A domestic network operator in any of the market segments shall not abuse its market power to limit access to essential facilities only for interconnection; - The network operator that provides the access connection to the customer should be allowed to tell him (the customer); - No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share.