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**Working Party on the
Accession of Viet Nam**

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ACCESSION OF VIET NAM

Offer on Specific Commitments in Services

Revision

The Government of the Socialist Republic of Viet Nam has submitted a revised offer on Specific Commitments in Services, with a request that it be circulated to members of the Working Party.

Mode of delivery:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural person
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
A. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>(1) As specified in each sector and sub-sector</p> <p>(2) As specified in each sector and sub-sector</p> <p>(3) Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Vietnam under the Law on Foreign Investment in Vietnam in the form of business co-operation contract¹, joint venture enterprise, 100% foreign - invested enterprise.</p> <p>Representative offices of foreign service suppliers are permitted to be established in Vietnam, but they shall not engage in any direct profit-making activities²</p> <p>Unless otherwise indicated in each sector and sub-sector of this Schedule, the establishment of branches is unbound.</p> <p>The conditions of ownership, operation and scope of activities, as set out in the respective licenses establishing or authorizing the operation or supply of services by an existing foreign service supplier or in relevant agreements</p>	<p>(1) As specified in each sector and sub-sector</p> <p>(2) As specified in each sector and sub-sector</p> <p>(3) Unbound, except otherwise specified in each sector or sub sector of this Schedule. Unbound for subsidies granted to Vietnamese service suppliers.</p>		

¹ Business co-operation contract is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Vietnam without creating a legal entity.

² Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage any direct profit-making activities

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
	<p>established before the date of accession, shall not be made more restrictive than they exist as of the date of Vietnam's accession to the WTO.</p> <p>Foreign legal entities and natural persons permitted to do business in Vietnam may rent houses and offices.</p> <p>Enterprises with foreign directly invested capital shall be permitted by competent authorities of Vietnam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses.</p> <p>Under the current regulation specified by the Vietnamese Government, foreign investors may buy shares in Viet Nam's state-owned enterprises which have been equitized , the total equity held by foreign investors in each equitized enterprise may not exceed 30% of the enterprise's capital.</p> <p>(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) Managers, executives and specialists who cannot be substituted by Vietnamese of a foreign enterprise which has established a commercial presence</p>		<p>(4) Unbound, except as indicated in market access column</p>					

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>in the territory of Vietnam, temporarily moving as intra-corporate transferees, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Vietnam;</p> <p>(b) Foreign managers, executives and specialists that participate in the operation of a commercial presence in Vietnam, and who cannot be substituted by Vietnamese, shall be granted entry and a stay permit in conformity with the term of the related investment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence;</p> <p>(i) Managers, executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Vietnam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and</p>		

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Sectors and sub-sectors			Limitations on Market Access		Limitations on National Treatment		Additional Commitments	
			<p>controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment</p> <p>(ii) Specialists are natural persons with trade, technical or professional skills, being responsible for or employed in a particular aspect of a commercial presence in Vietnam. Skills are assessed in terms of the applicant's employment experience, qualification and suitability for the position.</p> <p>(c) Service sales persons – persons not based in the territory of Vietnam and receiving no remuneration from a source located within Vietnam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of</p>					

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment			Additional Commitments	
	these salespersons is limited to a ninety-day period.							

Mode of delivery:		(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person	
Sectors and sub-sectors			Limitations on Market Access			Limitations on National Treatment			Additional Commitments	
B. SECTOR-SPECIFIC COMMITMENTS										
I. BUSINESS SERVICES										
1. Professional Services										
(a) Legal services (CPC 861) excluding Vietnamese laws			(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section			(1) None (2) None (3) Foreign practicing lawyers are not permitted to participate in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Vietnam. (4) Unbound, except as indicated in the horizontal section			(3) The term of operation of a branch of a foreign law firm is five years from the date when license is granted and may be extended upon request.	

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Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
(b) Accounting and auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None, except: <ul style="list-style-type: none"> - Within 3 years from the date of accession, the licensing shall be made on the case by case basis. The number of service suppliers shall be decided by the Ministry of Finance subject to the need and the development of Vietnam's market³. - For the license to be granted, the foreign enterprise must have at least 5 persons having accountant practicing certificate and auditor certificate issued by the Ministry of Finance and having been practicing in Vietnam for more than 2 years. - For the period of 2 years from the date accession, enterprises with foreign invested capital are only permitted to supply services to foreign invested enterprises and foreign funded projects in Vietnam. 		(1) None (2) None (3) None	
	(4) Unbound, except as indicated in the horizontal section		(4) Unbound, except as indicated in the horizontal section.	

³ The main criteria include the number and the operation of enterprises in the market and their impact on the stability of the market and the economy

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
(c) Taxation services (CPC 863)	(1) None (2) None (3) None, except: - Within 5 years from the date of accession, the licensing is granted on the case by case basis. The number of service suppliers shall be decided by Ministry of Finance subject to the need and development scope of Vietnam's market ⁴ . - Within 5 years from the date of being licensed, foreign-invested firms providing taxation services are only permitted to supply services to foreign invested enterprises and foreign funded projects in Vietnam. (4) Unbound, except as indicated in the horizontal section.			(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.				

⁴ The main criteria include the number and the operation of enterprises in the market and their impact on the stability of the market and the economy

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors			Limitations on Market Access		Limitations on National Treatment		Additional Commitments	
(d) Architectural services (CPC 8671)			(1) None		(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Vietnam.		(3) Foreign enterprises have to be judicial persons of a WTO Member	
		(2) None		(2) None				
		(3) None, except:		(3) None, except foreign architects working in foreign invested enterprises must have the professional practicing certificate granted or recognized by the Government of Vietnam				
		- 2 years from the date of accession, 100% foreign invested enterprises may be established.						
				- Within 2 years from the date of establishment and operation, enterprises with 100% foreign-invested capital may only provide services to enterprises with foreign invested capital in Vietnam.				
				(4) Unbound, except as indicated in the horizontal section.		(4) Unbound, except as indicated in the horizontal section.		

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment			Additional Commitments	
(e) Engineering services (CPC 8672)	(1) None			(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese engineering organization which has juridical entity status, and comply with relevant laws and regulations of Vietnam.			(3) Foreign enterprises have to be judicial persons of a WTO Member	
(f) Integrated engineering services (CPC 8673)	(2) None			(2) None				
	(3) None, except:			(3) Foreign invested enterprises are not allowed to provide services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning, unless otherwise authorized by the Government of Vietnam.				
	- 2 years from the date of accession, 100% foreign invested enterprises may be established.			Foreign engineers working in foreign invested enterprises must have the professional practicing certificate granted or recognized by the Government of Vietnam.				
	- Within 2 years from the date of establishment and operation, enterprises with 100% foreign-invested capital may only provide services to enterprises with foreign invested capital in Vietnam.							
	(4) Unbound, except as indicated in the horizontal section.			(4) Unbound, except as indicated in the horizontal section.				

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(g) Urban planning services (CPC 86741)	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except:</p> <ul style="list-style-type: none"> - 2 years from the date of accession, 100% foreign invested enterprises may be established. - Within 2 years from the date of establishment and operation, enterprises with 100% foreign-invested capital may only provide services to enterprises with foreign invested capital in Vietnam. <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Vietnam.</p> <p>(2) None</p> <p>(3) Foreign architects working in foreign invested enterprises must have the professional practicing certificate granted or recognized by the Government of Vietnam.</p> <p>In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign investors may not be permitted to provide this service.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(3) Foreign enterprises have to be judicial persons of a WTO Member</p>	

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
- Urban landscape architectural services (CPC 86742)	(1) None (2) None (3) None, except: - 2 years from the date of accession, 100% foreign invested enterprises may be established. - Within 2 years from the date of establishment and operation enterprises with 100% foreign-invested capital may only provide services to enterprises with foreign directly invested capital in Vietnam. (4) Unbound, except as indicated in the horizontal section.			(1) None, except the service must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which have juridical entity, and comply with relevant laws and regulations of Vietnam. (2) None (3) Foreign architects working in foreign invested enterprises must have the professional practicing certificate granted or recognized by the Government of Vietnam. In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign investors may not be permitted to provide this service. (4) Unbound, except as indicated in the horizontal section.		(3) Foreign enterprises have to be judicial person of a WTO Member		
(i) Veterinary services (CPC 932)	(1) None (2) None (3) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section.			(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.				

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. Computer and related services (CPC 841-849)			
	(1) None (2) None (3) None, except: Within 2 years from the date of establishment and operation, enterprises with 100% foreign-owned capital may only provide services to enterprises with foreign invested capital in Vietnam. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
3. Research and Development Services (CPC 841-849)			
a. R&D services on natural sciences (CPC 851)	(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.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. Other Business Services			
(a) Advertising services (CPC 871, excluding advertising for wines/spirits and cigarettes)	<p>(1) None</p> <p>(2) None</p> <p>(3) Upon accession, foreign investors may establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services.</p> <p>Foreign capital contribution may not exceed 49% of the legal capital of the joint venture. 5 years from the date of accession, this limitation shall be 51%.</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	
(b) Market research services (CPC 864 excluding 8642)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only in the form of joint venture or business cooperation contract. Foreign capital contribution may not exceed 49% of the legal capital of the joint venture. 5 years from the date of accession this capital limitation shall be abolished.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment			Additional Commitments	
(c) Management consultant services (CPC 865)	(1)	None			(1)	None		
	(2)	None			(2)	None		
	(3)	Within 5 years from the date of accession, only in the form of joint-venture or business co-operation contract. Thereafter, foreign investors may establish enterprises with 100% foreign capital.			(3)	None		
	(4)	Unbound, except as indicated in the horizontal section.			(4)	Unbound, except as indicated in the horizontal section.		
(f) Services incidental to agriculture, hunting and forestry (CPC 881) ⁵	(1)	None			(1)	None		
	(2)	None			(2)	None		
	(3)	Unbound, except: After 3 years from the date of accession, only joint ventures with foreign capital contribution not exceeding 50% could be established.			(3)	Unbound		
	(4)	Unbound, except as indicated in the horizontal section.			(4)	Unbound, except as indicated in the horizontal section.		
(h) Services incidental to mining (excluding oil and gas) (CPC 883)	(1)	Unbound			(1)	Unbound		
	(2)	None			(2)	None		
	(3)	Unbound, except: 5 years from the date of accession, joint ventures with foreign capital contribution not exceeding 50% could be established.			(3)	Unbound		
	(4)	Unbound, except as indicated in the horizontal section.			(4)	Unbound, except as indicated in the horizontal section.		

⁵ Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture.

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
(i) Services incidental to manufacture (CPC 884 and 885)	(1) None (2) None (3) Three years from the date of accession, only joint ventures with foreign capital contribution not exceeding 50% could be established. Five years thereon, this capital limitation shall be abolished. (4) Unbound, except as indicated in the horizontal section.			(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.				
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport vehicles and equipment) (CPC 633)	(1) None (2) None (3) Three years from the date of accession, only joint ventures with foreign capital contribution not exceeding 50% could be established. Five years thereon, this capital limitation shall be abolished. (4) Unbound, except as indicated in the horizontal section.			(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.				

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. COMMUNICATION SERVICES⁶			
3. Telecommunication services			
<u>Basic telecommunication services</u>	(1) Only through business cooperation contract with Vietnam's gateway operators.	(1) None	
(a) Voice telephone services (CPC 7521) incl local, long distance and international (CPC 7521)	(2) None (3) Only through business cooperation contract with Vietnamese partners who are authorized to provide basic telecommunication services. 6 years from the date of accession, the licenses to establish joint ventures with Vietnamese partners who are authorized to provide telecommunication services may be granted by competent authority subject to the development needs of Vietnam's market ⁷ . The foreign capital contribution shall not exceed 49% of the legal capital of the joint venture.	(2) None (3) None	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

⁶ With telecommunication and related services, joint venture enterprises are not permitted to construct their own long-distance and international circuit but have to lease them from the Vietnamese operators

⁷ The main criteria include the number and the operation of existing foreign suppliers in the market and their impact on their stability of the market and consumer welfare.

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
(b) Packet-switched data transmission services (CPC 7523**)	(1) Only through business cooperation contract with Vietnam's gateway operators.			(1) None				
(c) Circuit-switched data transmission services (CPC 7523**)	(2) None			(2) None				
(d) Telex services (CPC 7523**)	(3) Only through a business cooperation contract with Vietnamese partners who are authorized to provide telecommunication services listed from (b) to (g).			(3) None				
(e) Telegraph services (CPC 7523**)								
(f) Facsimile services (CPC 7521** + 7529**)	5 years from the date of accession, joint ventures with Vietnamese partners who are authorized to provide telecommunication services listed from (b) to (g) may be established with foreign capital contribution may not exceed 49% of the legal capital of the joint venture.							
(g) Private leased circuit services (CPC 7522** + 7523**)								
- Radio based services (incl mobile, cellular and satellite)								
	(4) Unbound, except as indicated in the horizontal section.			(4) Unbound, except as indicated in the horizontal section				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
<u>Value-added services</u> - Electronic mail (CPC 7523 **) - Voice mail (CPC 7523 **) - On-line information and database retrieval (CPC 7523**) - Electronic data interchange (EDI) (CPC 7523**) - Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) - Code and protocol conversion - On-line information and data processing (CPC 843**)	(1) Only through business cooperation contract with Vietnam's gateway operators. (2) None (3) Only through a business cooperation contract with Vietnamese partners who are authorized to provide telecommunication services listed from (h) to (n). 4 years from the date of accession, joint ventures with Vietnamese partners who are authorized to provide telecommunication services listed from (h) to (n) may be established with foreign capital contribution may not exceed 50% of the legal capital of the join venture. (4) Unbound, except as indicated in the horizontal section.		(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.		Vietnam undertakes the obligations in the Reference Paper attached.			
4. Audiovisual services								
(a) Motion picture production (CPC 9611** excl video tape)	(1) Unbound (2) Unbound (3) Only through business cooperation contract with Vietnamese partners who are authorized to provide these services in Vietnam. (4) Unbound, except as indicated in the horizontal section.		(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.					

Mode of delivery:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural person
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
- Motion picture distribution (CPC 9611** excl video tape)	(1) Unbound (2) None (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to provide these services in Vietnam. Foreign capital contribution shall not exceed 49% of the legal capital of the joint venture. 5 years from the date of accession, this restriction shall be 51%. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(3) The number of cinematographic films imported each year may not exceed 2/3 of those domestically produced	

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
(b) Motion picture projection service (CPC 9612)	(1) Unbound (2) Unbound (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Vietnam. Foreign capital contribution shall not exceed 49% of legal capital. 7 years from the date of accession, this limitation shall be 51%. The services provided should be in parallel with the investment for cinema construction. Vietnam's houses of culture, film projection place, cinema clubs and societies for public and mobile projection team are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers. (4) Unbound, except as indicated in the horizontal section		(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section		(3) Each year, the number of foreign film projected by each cinema are allowed to reach 2/3 of total projected film.			
(e) Sound recording	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section		(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section					

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
III. CONSTRUCTION AND RELATED ENGINEERING SERVICES								
1. General construction work for building (CPC 512)	(1)	Unbound*			(1)	Unbound*		
2. General construction work for civil engineering (CPC 513)	(2)	None			(2)	None		
3. Installation and assembly work (CPC 514, 516)	(3)	None, except: Within 3 years from the date of establishment and operation, 100% foreign invested enterprises could only provide services to enterprises with foreign invested capital and foreign-funded projects in Vietnam.			(3)	None		
4. Building completion and finishing work (CPC 517)								
5. Other (CPC 511, 515, 518)	(4)	Unbound, except as indicated in the horizontal section			(4)	Unbound, except as indicated in the horizontal section		
						(3) Foreign enterprises have to be judicial persons of a WTO Member		

* Due to lack of technical feasibility

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
IV. DISTRIBUTION SERVICES			
<u>Measures Applicable to all sub- sectors in Distribution Services:</u>			
<ol style="list-style-type: none"> Oil and oil derivatives, gas, fertilizers, insecticides, wines/spirits and other alcoholic drinks, cigarettes and cigars, medicines, precious metals and stones, explosives, rice and wheat flour are excluded from the commitments. Other restrictions on distribution right, including the right for resale upon importation, are specified and phased out under the schedule stipulated in Annex 1 to this Schedule. 			
1. Commission agents' services excluding agent services for foreign legal entity (CPC 621)	<ol style="list-style-type: none"> Unbound None 3 years from the date of accession, joint ventures with Vietnamese partners may only be established with foreign capital contribution not exceeding 49% of the legal capital of the joint venture. 3 years thereon, joint ventures with foreign majority ownership may be established. Unbound, except as indicated in the horizontal section 	<ol style="list-style-type: none"> Unbound None None Unbound, except as indicated in the horizontal section 	

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
2. Wholesale services (CPC 622)	(1) Unbound (2) None (3) 3 years from the date of accession, joint ventures with Vietnamese partners may only be established with foreign capital contribution not exceeding 49% of the legal capital of the joint venture. 6 years from the date of accession, joint ventures with foreign majority ownership may be established. 9 years from the date of accession, 100% foreign invested companies are permitted.			(1) Unbound (2) None (3) None				
	(4) Unbound, except as indicated in the horizontal section			(4) Unbound, except as indicated in the horizontal section				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
3. Retailing services (CPC 631 + 632)	(1) Unbound (2) None (3) Only in the form of joint-ventures with foreign capital contribution not exceeding 49% of legal capital. 3 years from the date of accession, foreign services suppliers could establish joint ventures in which foreign capital contribution may not exceed 50% of legal capital. 5 years thereon, this capital limitation shall be abolished. The establishment of outlets for retail services (beyond the first one) shall be considered on a case-by-case basis ⁸ . Online retailing services may be geographically restricted			(1) Unbound (2) None (3) None				
	(4) Unbound, except as indicated in the horizontal section			(4) Unbound, except as indicated in the horizontal section				

⁸ The main criteria include the number of existing service suppliers in a particular geographical area.

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
V. EDUCATIONAL SERVICES⁹								
3. Higher education services (CPC 923)	(1)	Unbound	(1)	Unbound	The education content must be approved by Viet Nam's Ministry of Education and Training.			
4. Adult education (CPC 924)	(2)	None	(2)	None				
	(3)	3 years from the date of accession, joint-venture may be established.	(3)	Foreign teachers who wish to work in foreign-invested education entities shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.				
5. Other education services (CPC 929 including English training)		5 years from the date of accession, 100% foreign invested education entities may be established.						
	(4)	Unbound, except as indicated in the horizontal section	(4)	Unbound, except as indicated in the horizontal section				
VII. FINANCIAL SERVICES								
1. Insurance and Insurance-Related Services	(1)	Unbound, except for international maritime and aviation insurance	(1)	Unbound				
(a) Life insurance excl health insurance services	(2)	None	(2)	None				
	(3)	Unbound, except:	(3)	Unbound				
	Foreign service suppliers are permitted to establish commercial presence in Vietnam in the 2 following forms: (i) joint-ventures; (ii) 100% foreign invested enterprises, subject to the development needs of Vietnam's insurance market ¹⁰ . Foreign capital contribution shall not exceed 50% of the legal capital of the joint venture.							
	Foreign invested insurance enterprises shall not be allowed to							

⁹ Only in technical, natural sciences and technology fields.

¹⁰ The criteria for licenses is the number of existing suppliers in the market, the operation of these enterprises and their impact on the stability of market, economy and society.

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
	<p>engage in statutory insurance business including motor vehicle third party liability, insurance in construction and installation, insurance for oil and gas projects, and insurance for projects and construction works of high danger to public security and the environment.</p> <p>Foreign invested insurance enterprises shall reinsure with the Reinsurance Corporation of Vietnam with the minimum proportion of 20% of the contracted liabilities. This restriction shall be considered with a view to phasing out in accordance with the development of Vietnam's insurance market.</p>							
	(4) Unbound, except as indicated in the horizontal section		(4) Unbound, except as indicated in the horizontal section					

Mode of delivery:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural person
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
2. Banking and other financial services				
1. Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Vietnam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services to the GATS.				
2. The scope of operation and types of services supplied by each form of credit organization specified below are subject to corresponding laws and regulations of Vietnam.				
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound, except financial information services B(k) and B(l)	(1) Unbound, except B(k) and B(l)		
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	(2) None, except all matters concerning exchange control shall be subject to the approval of the State Bank of Vietnam or shall be subject to limit as specified by the State Bank of Vietnam	(2) None		
(c) Financial leasing	(3) None, except:	(3) None, except:		
(d) All payment and money transmission services, including credit, charge and debit cards, travelers' cheques and bankers drafts	(a) Foreign credit organizations are only permitted to establish commercial presence in Vietnam in the following forms:	(a) The conditions for the establishment and operation in Vietnam: branch of foreign bank, joint venture bank, 100% foreign invested financial company, joint venture financial company, 100% foreign invested financial leasing company and joint venture financial leasing company must apply for licenses.		
(e) Guarantees and commitments	(i) With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture banks with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign invested financial leasing company, joint venture financial company and 100%			
(h) Money broking				
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services				
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other				

¹¹ The main criteria include the number of credit organization in the market, scope of operation of credit organizations and their impacts on the economy.

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
negotiable instruments	foreign invested financial company.							
(k) Advisory, intermediation and other auxiliary financial services on all activities listed from (a) to (k) excl (f), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	(ii) With respect to foreign financial companies: representative office, joint venture financial company, 100% foreign invested financial company, joint venture financial leasing company and 100% foreign invested financial leasing company.							
(l) Provision and transfer of financial information, software by providers of other financial services	(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign invested financial leasing company.							
	(b) Within 4 years from the date of accession, except for forms of commercial presence specified in (a.i), (a.ii) and (a.iii), other foreign financial service suppliers could only establish commercial presence in Vietnam in the form of joint venture with Vietnamese partners authorized to do banking activities. Thereafter, this limitation shall be eliminated.			(b) The conditions for establishment of a branch of foreign bank in Vietnam: - Minimum capital granted by its parent bank of \$15 million - Parent bank guarantees, in written form, to undertake all responsibilities and commitments of its branch in Vietnam. - Having the permission by the foreign competent authorities.				
	(c) Within 5 years from the date of accession, new licenses for all types of commercial presence mentioned			(c) The conditions for the establishment of a joint venture bank are: - Minimum legal capital of US\$10				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access		Limitations on National Treatment		Additional Commitments			
	above shall be granted subject to the economic development and needs of financial market of Vietnam. ¹¹		million.					
	(d) Foreign investors are only permitted to purchase shares of equitized commercial banks on the basis of authorization from the State Bank of Vietnam.		(d) The conditions for the establishment of 100% foreign invested financial company, joint venture financial company, 100% foreign invested financial leasing company and joint-venture financial leasing company are:					
			- Minimum legal capital of US\$5 million.					
			- Having at least 3 three previous consecutive profit making years					
			- Having the permission by the foreign competent authorities.					
	(e) Within 10 years from the date of accession, a branch of foreign bank may accept deposits in VND from Vietnamese citizens and legal entities with which the branch does not have a credit relationship to a ratio of the branch's paid-in capital according to the schedule below. Thereafter, such limitations shall be abolished:		(e) Money transmission:					
			- A branch of a foreign bank is only permitted to transfer abroad a total amount of less than 30% of the branch's paid-in capital;					
			- A joint-venture bank is permitted to transfer abroad a total amount of less than 10% its chartered capital.					
	Year 1: 50% of legal paid-in capital Year 2: 100% of legal paid-in capital Year 3: 250% of legal paid-in capital Year 4: 350% of legal paid-in capital Year 5: 500% of legal paid-in capital Year 6: 650% of legal paid-in capital Year 7: 800% of legal paid-in capital Year 8: 900% of legal paid-in capital Year 9: 1000% of legal paid-in capital							

Mode of delivery:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural person
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>Year 10: Full national treatment</p> <p>(f) A branch of foreign bank is not allowed to accept foreign currency deposits from Vietnamese citizens and legal entities with which the branch does not have a credit relationship.</p> <p>(g) A branch of foreign bank:</p> <ul style="list-style-type: none"> - is not allowed to open other transaction points outside their head offices. - is not allowed to open their sub-branch. - is not allowed to place automatic teller machines (ATM) at locations other than offices of such banks. <p>(h) A joint venture bank:</p> <ul style="list-style-type: none"> - is only permitted to accept legally earned deposits in the form of opening accounts in foreign currency from Vietnamese natural persons. The total amount of these accounts shall not exceed 50% of chartered capital of the joint venture bank. - is not permitted to accept foreign currency of Vietnamese legal entities. <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except as indicated in the horizontal section</p>		

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
- <u>Securities</u>	(1) Unbound			(1) Unbound				
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	(2) None			(2) None				
- money market instrument (cheques, bills, certificate of deposit, etc);	(3) Non-bank foreign securities service suppliers shall only be permitted to establish representative offices in Vietnam.			(3) Unbound				
- foreign exchange;	(4) Unbound, except as indicated in the horizontal section			(4) Unbound, except as indicated in the horizontal section				
- derivative products incl futures and options;								
- exchange rate and interest rate instrument incl products such as swaps, forward rate agreements, etc;								
- transferable securities;								
- other negotiable instruments and financial assets incl. bullion								

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
(g) Participation in issues of all kinds of securities incl. under-writing and placement as agent (whether publicly or privately) and provision of services related to such issues.	(1) Unbound (2) None (3) Upon accession, non-bank foreign securities service supplier shall only be permitted to establish representative offices in Vietnam. 5 years from the date of accession, the establishment of joint ventures with Vietnamese partners in which foreign capital contribution not exceeding 49% shall be licensed. (4) Unbound, except as indicated in the horizontal section			(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
VIII. HEALTH RELATED AND SOCIAL SERVICES								
1. Hospital services (CPC 9311)	(1) None (2) None (3) None, except: Foreign service suppliers are permitted to provide services through the establishment of 100% foreign invested hospital, joint venture with Vietnamese partners or through business cooperation contract. The minimum investment capital for a commercial presence in hospital services must be at least 20 million U.S. dollars for a hospital, 2 million U.S. dollars for a polyclinic unit and 1 million U.S. dollars for a specialty unit.			(1) None (2) None (3) None				
	(4) Unbound, except as indicated in the horizontal section			(4) Unbound, except as indicated in the horizontal section				

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors		Limitations on Market Access	Limitations on National Treatment
IX. TOURISM AND TRAVEL RELATED SERVICES			
1. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	(1) None (2) None (3) None except the services provided should be in parallel with investment in hotel construction. The hotel must be of 3 star or above level in accordance with Vietnam's hotel rating standards. (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
	(1) None (2) None (3) Foreign service supplying enterprises are permitted to provide services in the form of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49%. 3 years from the date of accession, this restriction shall be 51%. 5 years thereafter, this capital limitation shall be abolished. (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None, except tourist guides in foreign invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services. (4) Unbound except as indicated in the horizontal section	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
X. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
1. Entertainment services (including theater, live bands and circus services (CPC 9619))	(1) Unbound (2) None (3) Unbound except 5 years from the date of accession, joint ventures with foreign capital contribution not exceeding 49% may be established. (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	
5. Other - Electronic games business (CPC 964**)	(1) Unbound (2) None (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
XI. TRANSPORT services								
1. Maritime transport services	(1) Unbound (2) None (3) Upon accession, foreign shipping enterprises may only establish representative offices in Vietnam. 3 years from the date of accession, foreign service suppliers could establish joint-venture in which the capital contribution of foreign side shall not exceed 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Vietnam (or registered in Vietnam) owned by joint-ventures in Vietnam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.			(1) Unbound (2) None (3) Unbound		The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services.		
(a) International passenger transport less cabotage (CPC 7211) (b) International freight transport less cabotage (CPC 7212)								
	(4) Unbound, except as indicated in the horizontal section.			(4) Unbound, except as indicated in the horizontal section				
2. Internal waterways transport	(1) Unbound (2) None (3) Upon accession, foreign service suppliers could only provide services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital.			(1) Unbound (2) None (3) None				
(a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222)								
	(4) Unbound, except as indicated in the horizontal section			(4) Unbound, except as indicated in the horizontal section				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment			Additional Commitments	
3. Air transport services	(1) None (2) None (3) Airlines of the countries signing bilateral aviation agreements with Vietnam are permitted to provide service in Vietnam through their ticketing offices or agents in Vietnam. (4) Unbound, except as indicated in the horizontal section.			(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section				
(a) Sales and marketing air products services								
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Vietnam telecommunication authority. (2) None, except as indicated in Mode 1 (3) None, except as indicated in Mode 1 (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) Maintenance and repair of aircraft (CPC 8868**)	(1) None (2) None (3) Upon accession, 2 joint-ventures may be established with the capital contribution of foreign side not exceeding 40%. (4) Unbound, except as indicated in the horizontal section			(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section				

Mode of delivery:	(1)	Cross-border supply	(2)	Consumption abroad	(3)	Commercial presence	(4)	Presence of natural person
Sectors and sub-sectors	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
5. Railway transport services	(1)	Unbound			(1)	Unbound		
(a) Passenger transport (CPC 7111)	(2)	None			(2)	None		
(b) Freight transport (CPC 7112)	(3)	Unbound			(3)	Unbound		
	(4)	Unbound, except as indicated in the horizontal section			(4)	Unbound, except as indicated in the horizontal section		
6. Road transport services	(1)	Unbound			(1)	Unbound		
(a) Passenger transport (CPC 7121+7122)	(2)	None			(2)	None		
(b) Freight transport (CPC 7123)	(3)	Upon accession, foreign service suppliers may provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49% and 100% of its drivers shall be Vietnamese citizen.			(3)	None		
	(4)	Unbound, except as indicated in the horizontal section			(4)	Unbound, except as indicated in the horizontal section		
8. Services auxiliary to all modes of transport	(1)	Unbound			(1)	Unbound		
(a) Storage and warehouse services (CPC 742)	(2)	None			(2)	None		
(b) Freight transport agency services (CPC 748)	(3)	Foreign service suppliers may provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 49%.			(3)	None		
	(4)	Unbound, except as indicated in the horizontal section			(4)	Unbound, except as indicated in the horizontal section		

REFERENCE PAPER

I. SCOPE

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

- 2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

LIST OF ARTICLE II (MFN) EXEMPTIONS

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Article II	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
All sectors Commercial presence	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Vietnam	Indefinite	Foster investment in Vietnam.
Audiovisual services – production and distribution of cinematographic works and television programmes	Measures based upon government-to-government framework agreements, and plurilateral agreements, on co-production of audiovisual works, which confer National Treatment of audiovisual works covered by these agreements, in particular in relation to distribution and access to funding.	All countries with whom cultural cooperation may be desirable	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned
Financial Services	Preferential treatment for the supply of financial services in Vietnam could be accorded to financial services and service suppliers	All countries that have signed reciprocal agreements with Vietnam which refer to financial services	Indefinite	To promote greater liberalization in financial services between Vietnam and countries concerned in a manner that would contribute to the attainment of Vietnam development objectives in the financial sector
Sea-transport services - Internal road freight transportation by lorry; - cargo storage and warehousing; - container yard	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Vietnam and Singapore	Republic of Singapore	10 years	Bilateral Agreement

ANNEX 1

PHASE-OUT PERIODS FOR RESTRICTIONS ON IMPORT FOR RESALE AND DISTRIBUTION RIGHTS

For the purpose of this Annex, phase-out periods for restrictions on import for resale and distribution rights shall begin from the date of accession.

Description	HS Number	Distribution Rights Phase-out Period (years)
Live animals	0102, 0103, 0105, 0106	U
Sugar	1701	U
Animal feeds	2302, 2309	6
Cement	2523	8
Tires	40111000, 40112010, 40114000	6
Papers	4801, 4802, 4804, 4807, 4810, 4820, 4823	8
Books, Newspapers	4902, 4903, 4907, 4909, 4910, 4911	U
Glass	7004, 7005, 7016	8
Iron, Steel	7208-7217, 7303-7306	6
Machinery	8442, 8443	U
Broadcast, wireless and audio- visual devices	8524-8526	U
Motor vehicles, cars, Motorcycles	8701-8709, 8711, 8714, 8716	8
Optical fibers and bund	9001	6
Postage, stamps	9704	U