

Annex ...

Viet Nam

Schedule of commitments in conformity with Articles ...

(Business visitors, intra-corporate-transferees, business sellers, contractual service suppliers)

1. The list of reservations below indicates the sectors liberalised pursuant to Articles ... for which limitations on business visitors, intra-corporate-transferees, business sellers and contractual service suppliers in accordance with Articles ... and ... apply and specifies such limitations. The list below is composed of the following elements:

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

The Party does not undertake any commitment for business visitors, intra-corporate-transferees in sectors which are not liberalised (remain unbound) pursuant to Article ...

The Party does not undertake any commitment for business sellers in sectors which are not liberalised (remain unbound) pursuant to Article ...

The Party does not undertake any commitment for contractual service suppliers in sectors which are not listed in Article ...

2. In identifying individual sectors and sub-sectors:

- (a) **ISIC rev 3.1** means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, *ISIC REV 3.1*, 2002;
 - (b) **CPC** means the Central Products Classification as referred to in footnote 20 to Article 8.22; and
 - (c) **CPC ver. 1.0** means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, *CPC ver 1.0*, 1998.

Sector or sub-sector	Description of reservations
ALL SECTORS	<p><u>Intra-corporate transferees</u></p> <p>At least 20% of managers, executives and specialists shall be Vietnamese nationals, unless they cannot be substituted by Vietnamese. However, a minimum on 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p>
1. BUSINESS SERVICES	
B. Computer and Related Services (CPC 84)	The chief of the branch has to be a resident in Viet Nam.
F. Other Business Services	
(c) Management consultant services (CPC 865)	The chief of the branch has to be a resident in Viet Nam.
(d) Services related to management consulting <ul style="list-style-type: none"> - CPC 866, except CPC 86602 Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	The chief of the branch has to be a resident in Viet Nam.
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES	
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517)	The chief of the branch has to be a resident in Viet Nam.

Sector or sub-sector	Description of reservations
E. Other (CPC 511, 515, 518)	
4. DISTRIBUTION SERVICES	
D. Franchising services (CPC 8929)	The chief of the branch has to be a resident in Viet Nam.
5. EDUCATIONAL SERVICES	
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.	
<u>C. Higher Education Services</u> (CPC 923)	Foreign teachers who wish to work in Viet Nam shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.
<u>D. Adult education</u> (CPC 924)	
<u>E. Other education services</u> (CPC 929 including foreign language training)	
9. TOURISM AND TRAVEL RELATED SERVICES	
<u>B. Travel agencies and tour operator services (CPC 7471)</u>	Tourist guides in foreign-invested enterprises shall be Vietnamese citizens.
11. TRANSPORT SERVICES	
<u>A. Maritime Transport</u>	
(a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.

Sector or sub-sector	Description of reservations
Maritime Agency Services¹ (CPC 748*)	EU managers are allowed to work in ship agencies.
<u>D. Road Transport</u>	
a) Passenger transportation (CPC 7121+7122) (b) Freight transportation (CPC 7123))	One hundred % of joint-venture's drivers shall be Vietnamese citizen.

¹ Maritime agency services or ship agency is a service which the ship agent is authorized to undertake, in the name of the ship owner or the ship operator, to perform services connected with the ship's operations at the port including arrangement of the ship's entry and departure; concluding contracts of carriage, marine insurance contracts, contracts for cargo handling, charter parties, and recruitment agreements; issuing and signing bills of lading or similar documents; supplying stores, bunkers and provisions to the ship; submitting ship's sea protests; communicating with the ship owner or the ship operator; arranging relevant services for ship crew; receiving and paying all amounts incident to the ship's operation; handling claims arising from contracts of carriage and or marine accidents, and supplying other services in connection with the ship as required.