

MALAYSIA

Schedule of Specific Commitments

MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 1st Package of Commitments under ASEAN – India Agreement on 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			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<p>(3) <u>Acquisition, Mergers and Take-overs</u> The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs require approval and apply to the following:</p> <p>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 30 per cent or more or exceeding RM10 million in value;</p> <p>b. any proposed acquisition of any assets or interests by any means which will result in ownership or control passing to foreign interest; and</p> <p>c. Control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements. Approval is normally granted. However it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p>	<p>(3) <u>Land, Property and Real Estate</u> 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.</p> <p><u>Incentives/Preferences</u> Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>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.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

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	<p>(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. Intra-corporate Transferees</p> <p>a) senior managers being persons within an organization having proprietary information of the organization and who exercise wide latitude in decision making relating to the establishment, control and operation of the organization being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organization; and</p> <p>b) two specialists or experts per organization being persons within the organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization'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 subsector:</p>	<p>(4) Unbound except for the categories of natural persons referred to under market access</p>	

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	<p>c) Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date of their application for a work permit and he is to serve in at least a similar capacity.</p> <p>2. Others</p> <p>a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organizations's 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 subsector;</p> <p>b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognized by the professional bodies in Malaysia and registered with those respective professional bodies; and</p>		

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	<p>c) business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia, who have been employed for at least one year by a foreign service supplier, whose entry and temporary stay is for the purposes of negotiating for the sale of services or entering into agreements to sell services for that service supplier and who will not engage in direct sales to the general public.</p> <p>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.</p>		

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II. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services	(1) None	(1) Auditing services must be authenticated by a licensed auditor in Malaysia.	4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with professional bodies will be conducted in the English language
b. Accounting, auditing and bookkeeping services (CPC 862)	(2) None	(2) Auditing services must be authenticated by a licensed auditor in Malaysia.	
	(3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 30 per cent.	(3) None	
	(4) Unbound except as indicated in the Horizontal Commitments section. In respect of 1(b), additional two specialists/experts for each firm/company.	(4) Unbound except for the categories of natural persons referred to in the market access column.	

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d. Architectural services (CPC 8671)	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Architectural services may be supplied only by a natural person (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)¹, 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.</p> <p>(4) 2 specialists/experts per country and registration is subject to qualification of registration and domestic regulations. Temporary registration on annual basis and renewal subject to domestic regulations</p>	<p>(1) Architectural services must be authenticated by a licensed professional architect in Malaysia</p> <p>(2) Architectural services must be authenticated by a licensed professional architect in Malaysia</p> <p>(3) (a) None (b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	<p>4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with professional bodies will be conducted in the English language</p>

¹ While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include quantity surveyors.

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e. Engineering services (CPC 8672)	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Engineering services may be supplied only by a natural person. (b) For multidisciplinary practices (Architecture, Engineering and/or Quantity Surveying)², foreign equity up to a maximum of 10 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.</p> <p>(4) Unbound except as indicated in the horizontal section of 2 (b), subject to temporary registration for a period of one year per temporary registration</p>	<p>(1) Engineering services must be authenticated by a registered professional engineer in Malaysia</p> <p>(2) Engineering services must be authenticated by a registered professional engineer in Malaysia</p> <p>(3) (a) None (b) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	<p>4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with professional bodies will be conducted in the English language</p>

² While a multidisciplinary practice can comprise architects, engineers and/or quantity surveyors, for the purposes of this offer, it does not include quantity surveyors.

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f. Integrated engineering services (CPC 8673)	<p>(1) None</p> <p>(2) None</p> <p>(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.</p> <p>The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p> <p>(4) Unbound except as indicated in the Horizontal Commitments section</p>	<p>(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia</p> <p>(2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia</p> <p>(3) None</p> <p>(4) Unbound except for the categories of natural persons referred to in the market access column.</p>	

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<p>g. Urban Planning Services Covering development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning. (CPC 86741)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint organization with Malaysian registered town planners. The aggregate foreign equity shall not exceed 30 per cent and to register with the Board of Town Planners Malaysia.</p> <p>Establishment of such joint venture corporation is only for duration necessary to complete the services contract.</p> <p>(4) Registration with the Board of Town Planners Malaysia</p>	<p>(1) Urban planning services must be authenticated by a registered professional Town Planner in Malaysia</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	<p>The Board's qualifying requirement for registration of Body Corporate to provide urban planning services in Malaysia.</p>

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<p>B. Computer and Related Services</p> <p>a. Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>b. Consultancy services related to software implementation covering advisory and implementation services for customised software (CPC 842)</p> <p>c. Computer software development services covering development of new software for general application, including ready-made software packaged for general application (CPC 842*)</p> <p>d. Data processing services (CPC 843)</p> <p>e. Database services (CPC 844)</p> <p>Maintenance and Repair Services of Computers (CPC 845)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for the categories of natural persons referred to under market access</p>	

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<p>g. Other computer services (CPC 849**)</p> <ul style="list-style-type: none"> - data preparation services for clients not involving data processing services(CPC 84910) - development of creative content - other computer services n.e.c. covering training services for staff of clients; data recovery services; (CPC 84990**) 	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the Horizontal Commitments section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for the categories of natural persons referred to under market access</p>	
<p>C. Research and Development Services</p> <p>a) Research and development services on natural sciences and engineering (CPC 851** except for research and development services involving Malaysia’s natural resources, biodiversity and genetic materials and CPC 85105 research and development services on medical sciences and pharmacy) Limited to industrial activities and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 51 per cent.</p> <p>(4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal commitments.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound, and the horizontal commitments do not apply.</p>	

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not include:- (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.			
b) Research and development services on medical sciences and pharmacy (CPC 85105**) <p>Covering clinical trials and study which involves any investigation in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmaco-dynamic effects of an investigation product(s), and/or to identify any adverse reaction to an investigational product(s), and/or to study absorption, distribution, metabolism, and excretion of an investigational product(s) with the object of ascertaining its safety and/or efficacy</p>	(1) None (2) None (3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 51 per cent. (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound, and the horizontal commitments do not apply.	

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(This will also include pre-clinical contract research organization and contract manufacturing organization)			
<p>c) Interdisciplinary research and development services (CPC 853** except for interdisciplinary research and development services involving Malaysia's natural resources, biodiversity and genetic materials) Covering industrial activities; all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include:</p> <p>(i) Quality control of products or routine testing of materials, devices, products or produce;</p> <p>(ii) Research in the social sciences or humanities;</p> <p>(iii) Routine data collection;</p> <p>(iv) Efficiency surveys or management studies; and</p> <p>(v) Market research or sales promotion.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only for contract research and development company and research and development company locally incorporated as a joint venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign equity shall not exceed 51 per cent</p> <p>(4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal commitments.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound, and the horizontal commitments do not apply.</p>	

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E. Rental/Leasing Services without Operators b. 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 for the categories of natural persons referred to in the market access column.	
F. Other Business Services b. Market research and public opinion polling services (CPC 86401, 86402)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporation 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 in the market access column.	

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e. Technical Testing and Analysis Services - composition and purity testing and analysis services, testing and analysis services of physical properties, testing and analysis services of integrated mechanical and electrical systems, and technical inspection services (CPC 8676 except 86764)	(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 1(a) and (b) and 2(a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	
e. Technical Inspection Services (CPC 86764)	(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 equity shall not exceed 51 per cent in 2010. (4) Unbound except as indicated in 1(a) and (b) and 2(a) and (c) 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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<p>t. (i) Operational Headquarters (OHQ) Services</p> <p>covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management,</p> <p>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.</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) Unbound due to lack of technical feasibility</p> <p>(3) Only through a locally incorporated wholly foreign-owned company.</p> <p>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.</p> <p>OHQ must operate in Malaysia and fulfil the following criteria:</p> <p>(a) carry out at least 3 of the OHQ service activities;</p> <p>(b) have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies;</p> <p>(c) have a well established foreign-owned company which is sizeable in terms of assets and employees</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) Unbound due to lack of technical feasibility</p> <p>(3) None</p>	

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	<p>(d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>(e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia;</p> <p>(f) be able to contribute to the Malaysian economy by:</p> <ul style="list-style-type: none"> (i) using services such as legal, accounting etc. provided by Malaysians; (ii) creating job opportunities for Malaysians; (iii) Enabling greater inflow of foreign funds. <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

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2. COMMUNICATION SERVICES			
<p>C. Telecommunication Services</p> <p>Basic Telecommunications Based on domestic regulation, Malaysia has reclassified its communications service sector on the basis of provisioning of Network facilities provider (NFP), Network service (NSP) and Application service provider</p> <p>Individual licence 1. NFP (I)a 2. NSP (I)b</p> <p>C. Telecommunication Services</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) With respect to 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 acquisitions of shares of an existing licensed ASP(I) operator/corporations.</p> <ul style="list-style-type: none"> - For NFP(I) and NSP(I), foreign shareholding of up to 30 per cent in these service providers is allowed. - For ASP(I), foreign shareholding of up to 49 per cent in these service providers is allowed. <p>[The management control of such companies shall be in the hands of Malaysians and in the case of Telekom Malaysia, the foreign shareholding permitted shall not exceed 30 per cent foreign in aggregate with not one single country holding more than 5 of the equity at any one time]</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	

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<p>Value-Added Services ³</p> <p>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</p> <p>Class licence</p> <ol style="list-style-type: none"> 1. NFP (C)c 2. NSP (C)d 3. ASP (C)e 	<p>(1) None</p> <p>(2) None</p> <p>(3) With respect to NFP and NSP components of the service, only through acquisition of shares of existing licensed NFP(C) and NSP(C). With respect to ASP, through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or through acquisitions of shares of an existing licensed ASP(C) operator/corporations.</p> <p>For NFP(C) and NSP(C), foreign shareholding of up to 30 per cent in these service providers is allowed and up to:</p> <p>With respect to ASP(C), foreign shareholding of up to 49 per cent in these service providers is allowed.</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	<p>Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)</p>

³ Explanatory note for Class Licence Categories

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<p>Explanatory Notes</p> <p>1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.</p> <p>2) Definitions as per Communications and Multimedia Act 1998</p> <ul style="list-style-type: none"> 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. b. Network facilities provider means a person who is an owner of any network facilities. c. Network services means a service for carrying communications by means of guided and/or unguided electromagnetic radiation. d. Network service provider means a person who provides network services. e. Application service means a service provided by means of, but not solely by means of, one or more network services. f. Application service provider means a person who provides an applications service. <p>3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001</p> <ul style="list-style-type: none"> 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. b. 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. c. 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. d. 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. e. 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. f. 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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D. Audiovisual Services			
Motion picture or video tape distribution services (CPC 96113)	(1) None (2) None (3) Only through a locally incorporated joint-venture company with Malaysian individuals/companies and the aggregate foreign equity shall not exceed 30 per cent. (4) Unbound except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal commitments.	<u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content including setting, local natural persons, etc.
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) (a) 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 30 per cent	(3) (a) None (b) Unbound	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)	(b) Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with		
Building Completion and Finishing Work (CPC 517)			

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	<p>local contractors, on project-by-project basis:</p> <ul style="list-style-type: none"> 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 loans iii. Projects with foreign investment equal to or more than 50 per cent where local expertise is not available; iv. 100% Malaysian funded construction projects where local expertise is not available <p>(4) Unbound except as indicated in the Horizontal Commitments section</p>	<p>(4) Unbound</p>	

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For the 1st Package of Commitments under ASEAN – India Agreement on 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
5. EDUCATIONAL SERVICES			
<p><u>C. Higher Education</u></p> <p>Other Higher Education Services provided by privately funded higher education institutions⁴ other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance. (CPC 92390)</p>	<p>(1) Unbound except for requirement of commercial presence</p> <p>(2) None</p> <p>(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. Up to 51 per cent foreign equity will be considered subject to an additional needs test which include among others:</p> <p style="margin-left: 20px;">(a) courses deemed important to attain Malaysia's educational objectives;</p> <p style="margin-left: 20px;">(b) Potential to generate export revenues.</p>	<p>(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.</p> <p>(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.</p> <p>(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.</p>	

⁴ As defined in Malaysian Legislation

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. Intra-corporate Transferees</p> <p>a) <u>senior managers</u> being persons with an organization having propriety information of the organization and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of directors or partners of the organization.</p> <p>b) <u>Lecturers and experts</u> 10 lecturers and/or experts but not more than 20 per cent of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience.</p> <p>2. Others</p> <p>a) <u>Professionals</u> 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.</p>	<p>(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. Intra-corporate Transferees</p> <p>a) <u>senior managers</u> being persons with an organization having propriety information of the organization and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of directors or partners of the organization.</p> <p>b) <u>Lecturers and experts</u> 10 lecturers and/or experts but not more than 20 per cent of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience.</p> <p>2. Others</p> <p>a) <u>Professionals</u> 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.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p><u>b) Business visitors</u> Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who is an investor or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the purposes of evaluating business opportunities.</p> <p><u>c) Contractual Service Suppliers</u></p> <p>(i) Independent Professionals</p> <ul style="list-style-type: none"> - the natural person has obtained a service contract in the territory of the Member where the service is to be provided; - possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies; - commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; - Commitment applies only to the list of sectors specified in the schedule. 	<p><u>b) Business visitors</u> Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who is an investor or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the purposes of evaluating business opportunities.</p> <p><u>c) Contractual Service Suppliers</u></p> <p>(i) Independent Professionals</p> <ul style="list-style-type: none"> - the natural person has obtained a service contract in the territory of the Member where the service is to be provided; - possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies; - commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; - Commitment applies only to the list of sectors specified in the schedule. 	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(ii) Employees of Juridical Persons</p> <ul style="list-style-type: none"> - Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Member where the service is to be provided;The juridical person has obtained a service contract to be provided in the territory of another Member - The employees receive remuneration from their employer while abroad; - The employees may not engage in other employment in the territory of the Member where the service is to be provided; - The employees have appropriate educational and professional qualifications relevant to the service to be provided; - Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned; - Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector. 	<p>(ii) Employees of Juridical Persons</p> <ul style="list-style-type: none"> - Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Member where the service is to be provided;The juridical person has obtained a service contract to be provided in the territory of another Member - The employees receive remuneration from their employer while abroad; - The employees may not engage in other employment in the territory of the Member where the service is to be provided; - The employees have appropriate educational and professional qualifications relevant to the service to be provided; - Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned; - Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector. 	

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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 operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641)	(1) None (2) None (3) For CPC 64110 covering 4 & 5 star establishments, 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 51 per cent. (4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access.	
Restaurant (including catering) (CPC 642, 643)	(1) None (2) None (3) 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 51 per cent (4) No commitment except as in horizontal	(1) Unbound (2) Unbound (3) Unbound (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
Travel agencies and tour operators services (CPC 7471)	(1) None (2) None (3) For inbound travel only, joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 51 per cent. (4) Unbound except as indicated in 1 (a) in the horizontal section.	(1) None (2) None (3) Unbound except for the categories of natural persons referred to under market access. (4) Unbound except for the categories of natural persons referred to under market access.	
Convention Centre (CPC 87909)	(1) None (2) None (3) For Convention Centres with over 5,000 seating capacity, 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 51 per cent. (4) Unbound except as indicated in 1 a) and 2 a) and c) 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
<p>Theme Park (CPC 96194)</p> <p>(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 and adventure. The concept of the park can either be outdoor or indoor or a combination of both)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) 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 51 per cent</p> <p>(4) Unbound except as indicated in 1 a) and 2 a) and c) in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in 1 a) and 2 a) and c) in the horizontal section.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
<p>A. International Maritime Transport Services</p> <p>Passenger Transportation (CPC 7211)</p> <p>Freight Transportation excluding cabotage (CPC 7212)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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 49 per cent</p> <p>(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.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	<p>Following services at the port are available to international maritime transport suppliers:</p> <ol style="list-style-type: none"> 1. Pilotage 2. Towing and tug assistance 3. Provisions, fuelling and watering 4. Garbage collection and ballast waste disposal 5. Port Captain's services 6. Navigations aids 7. Shore-based operational services including communications, water and electrical suppliers 8. Emergency repair 9. Anchorage, berth and berthing services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Maritime Freight Forwarding Services</p> <p>Covering activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both. Foreign equity allowable up to 49 per cent.</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 for the categories of natural persons referred to under market access</p>	
<p>Maritime Agency services (CPC 7454**).</p> <p>(shipping agent only)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</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>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repairs of sea going vessels. (CPC 8868**)	(1) None (2) None (3) Only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporation or both. Foreign equity allowable up to maximum of 49 per cent. (4) Unbound, except as indicated in the horizontal commitments	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	
F. Road transport services b) Class C Freight Transportation (Private Carrier License—to transport own goods) (CPC 7123). (**)	(1) None (2) None (3) Foreign equity 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	