

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
Legal Services (CPC 8619)  covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia	(1) None  (2) None  (3) Only through a corporation incorporated in the Federal Territory of Labuan.  Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.  (4) Unbound, except as indicated in 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	
Accounting, auditing and bookkeeping services (CPC 862)	(1) None  (2) None  (3) Only through a locally registered partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 45 per cent.	(1) None  (2) None  (3) None	4) The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the MIA will be conducted in the English language.

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	(4) 5 specialists/experts for each institution, subject to registration with MIA and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.	(4) Unbound, except for the categories of natural persons referred to under market access	
Taxation Services (CPC 863 / 8630)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 40 per cent.</p> <p>(4) 2 specialists/experts for each institution, subject to registration as a tax agent under Section 153 of the Income Tax Act 1967 and fulfilment of residency requirements. Entry shall be limited to maximum period of two years, subject to domestic regulations.</p>	<p>(1) None, subject to domestic regulations</p> <p>(2) None, subject to domestic regulations</p> <p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	4) The qualifying examination to determine the competence and ability to supply the services for the purposes of registration with the professional bodies will be conducted in the English language.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Architectural services (CPC 8671)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Architectural services may be supplied only by natural person;</p> <p style="padding-left: 20px;">b) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed</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 architect in Malaysia.</p> <p>(2) None</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 the professional bodies will be conducted in the English language.</p>

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering services (CPC 8672)  covering: (CPC 86721- 86729)	(1) None  (2) None  (3) For multi-disciplinary practices (Architecture, Engineering and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.  (4) Unbound, except as indicated in the horizontal sector and in respect of 2 b), subject to temporary registration for a period of one year per temporary registration	(1) Engineering services must be authenticated by a registered professional Engineer in Malaysia  (2) None  (3) None  (4) Engineering services must be authenticated by a registered professional engineer in Malaysia.	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. Other requirements as per in ASEAN Chartered Professional Engineer (ACPE) Registry.
Integrated engineering services (CPC 8673)  covering: (CPC 867231, 86732, 86733, 86739)	(1) None  (2) None	(1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia  (2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia	(4) The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<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>Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract</p> <p>(4) Unbound, except as indicated in the horizontal section and in respect of 2 b), for a period of up to one year or the duration necessary to complete the services contract</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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape architectural services (CPC 86742)	(1) None (2) None (3) Only through a locally registered partnership with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the JV corporation shall not exceed 40 per cent. (4) Two specialists/experts per institutions, subject to qualification of registration and domestic regulations. Temporary registration for a maximum period of one year and entry subject to domestic regulations	(1) None (2) None subject to domestic regulation (3) None (4) Unbound, except for the categories of natural persons referred to under market access	(4) Qualifying examination to determine the competency and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.

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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Landscaping services, covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks (CPC 86742*)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent (4) Unbound, except as indicated in 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	
Subsurface surveying services  Covering Offshore 3-D Seismic Site Surveys - 3-D Seismic Site Surveys Offshore in Support of Resource Exploration and Development (CPC 86752)	(1) Technically not feasible (2) None (3) Unbound (4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	(1) Technically not feasible (2) Unbound (3) Unbound (4) Unbound, except for the categories of natural persons referred to under market access	

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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
<p>Surface surveying services</p> <p>Covering Quantity Surveying (Cost Engineering) Specialist Services in the provision of Arbitration/litigation, Tax Depreciation, Pre/Post Contract Audits, Technical Due Diligence, Resource analysis, Construct ability Analysis (CPC 86753)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section</p>	<p>(1) Technically not feasible</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
<p>Surface surveying services</p> <p>Covering Building Surveying Services only in the provision of the survey of buildings in the investigation and assessment of the construction, condition and dilapidation of building(s), including diagnosis of building defects, costs of repair and guidance on remedial works for the Commercial and Industrial sub-sector of the Property (Real Estate) Sector (CPC86753)</p>	<p>(1) Technically not feasible</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section</p>	<p>(1) Technically not feasible</p> <p>(2) Unbound</p> <p>(3) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	



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<p><b>B. Computer and Related Services</b></p> <p>Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>Software implementation service (CPC 842)</p> <p>Data base services (CPC 844 / 84400)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in 1 a) and b) 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 for the categories of natural persons referred to under market access</p>	
<p><b>C. Research and Development Services</b></p> <p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent</p> <p>(4) Unbound, except as indicated in 1 a) and b) 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 for the categories of natural persons referred to under market access</p>	

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Research and experimental development services on economics (CPC 85202)	(1) None (2) None (3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate foreign shareholding in the joint venture corporation shall not exceed 35% (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	
<b>E. Rental/Leasing Services without Operator</b>  Relating to ships exclude cabotage and offshore trades (CPC 83103)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	(1) None (2) None (3) Only through a representative office, regional office or Malaysian-controlled corporation acting as an agent (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	
Leasing or rental services concerning construction machinery and equipment without operator (CPC 83107)	(1) None (2) None (3) None except only through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian-controlled corporation acting or both. Aggregate foreign shareholding in the joint venture corporation shall not exceed 30% (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	

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<p><b>F. Other Business Services</b></p> <p>Advertising services (CPC 8711, 8712, 8719)</p>	<p>(1) Commercial presence is required</p> <p>(2) None</p> <p>(3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 49 per cent</p> <p><u>Advertisement through electronic media</u> Advertisement must have at least 80 per cent local content and be made in Malaysia</p> <p>(4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section</p>	<p>(1) Unbound</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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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Market research services (CPC 86401)	(1) None (2) None (3) Only through a locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both with foreign equity up to 35 % (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	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Management Consulting Services</p> <p>a) covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (CPC 8650*)</p> <p>b) covering advisory, guidance and operational assistance on environmental management services including risk assessment services (CPC 8650*)</p> <p>c) covering advisory and guidance in the field of pharmacy as follows:                      -Basic material manufacturing consultancy in the manufacture of drugs in raw material form;                      -New systems of drug delivery;                      -Biotechnology-new techniques for influencing the process and products of living cells;                      -New techniques in drug development and methods of producing drugs and vaccine; and                      - Vaccine production.                      (CPC 8650*)</p> <p>d) covering advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications                      (CPC 8650*)</p>	<p>(1) None</p> <p>(2) None</p> <p>(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</p> <p>(4) Unbound, except as indicated in 1 a) and b) 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 for the categories of natural persons referred to under market access</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Technical Testing and Analysis 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	
Convention and Exhibition Management Services  Covering the provision of planning, organisational, management and marketing services for conventions and other similar events (CPC 87909)	(1) None (2) None (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent (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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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Supplied by natural person (4) No limitation subject to domestic regulation	(1) None (2) None (3) None (4) No limitation subject to domestic regulation	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except for the categories of natural persons referred to under market access	



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<p>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, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)</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>(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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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>COMMUNICATIONS SERVICES</b>			
<b>Telecommunication Services</b>			
Basic Telecommunications	(1) None	(1) None	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)
1. Voice service (wired or wireless) (CPC 7521)	(2) None	(2) None	
2. Packet-switched data transmission services, including frame-relay services (CPC 7523)	(3) a) Only through acquisition of shares of existing licensed public telecommunications operators	(3) None	
3. Circuit switched data transmission services (CPC 7523)	b) Foreign shareholding of up to 49 percent in these service providers is allowed		
4. Facsimile Service (CPC 7521**, PCPC 7529**)	(4) Unbound	(4) Unbound except for the categories of natural persons referred to under market access	
5. Private leased circuit service (CPC 7522** & CPC 7523**)			

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<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
Basic Telecommunications  Paging services (CPC 75291)	(1) None  (2) None  (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysia controlled corporations or  only through acquisitions of shares of an existing licensed telegraph operator/corporation  Aggregate foreign shareholdings shall not 49 percent for ASEAN Nationals  (4) Unbound	(1) None  (2) None  (3) None        (4) Unbound except for the categories of natural persons referred to under market access	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other telecommunication services 7. Domestic/ International satellite services and satellite links/capacities (inclusive of mobile satellite) 8. Satellite earth station 9. International switching and other international gateway 10. Mobile services analogue/digital cellular 11. Trunked radio services 12. Video transport services	(1) None (2) None (3) a) Only through acquisition of shares of existing licensed public telecommunications operators b) Foreign shareholding of up to 49 percent in these service providers is allowed (4) Unbound	(1) None (2) None (3) None (4) Unbound except for the categories of natural persons referred to under market access	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I)

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Data and message transmission services</p> <p>Covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion (CPC 7523)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing licensed VAS operator/corporation.</p> <p>Aggregate foreign shareholding shall not exceed 49 per cent for ASEAN nationals.</p> <p>The license shall specify the type of services to be provided; and simple resale is not permitted.</p> <p>(4) Two specialists/experts for each institution, for a maximum period of two years, subject to domestic regulations.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Voice telephone services (CPC 7521)	(1) None (2) None (3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or  Only through acquisitions of shares of an existing licensed telegraph operator/corporation.  Aggregate foreign shareholding shall not exceed 49 per cent for ASEAN nationals. (4) Unbound	(1) None (2) None (3) None       (4) Unbound, except for the categories of natural persons referred to under market access	
Mobile telephone service (CPC 75213)	(1) None (2) None	(1) None (2) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing licensed telegraph operator/corporation.</p> <p>Aggregate foreign shareholding shall not exceed 49 per cent for ASEAN nationals.</p> <p>(4) Unbound</p>	<p>(3) None</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
Telegraph services (CPC 7522)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>Only through acquisitions of shares of an existing licensed telegraph operator/corporation.</p> <p>Aggregate foreign shareholding shall not exceed 49 per cent for ASEAN nationals.</p> <p>(4) Unbound</p>	<p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	
Telex services (CPC 7523)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through a JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing licensed telex operator/corporation.</p> <p>Aggregate foreign shareholding shall not exceed 35 per cent for 3(i) and 3(ii)</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
Mobile data services (CPC 7523)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through locally incorporated JV corporation with Malaysian individuals or Malaysian controlled corporations; or</p> <p>Only through acquisitions of shares of an existing licensed VAS operator/corporation.</p> <p>Aggregate foreign shareholding shall not exceed 49 per cent for ASEAN nationals.</p> <p>(4) Two specialists/experts for each institution, for a maximum period of two years, subject to 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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
Audiovisual Services  Motion picture, video tape and audio recording distribution services (CPC 96113)	(1) Commercial presence is required  (2) None  (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 30 per cent  (4) Unbound, except as indicated in 1 a) and b) and 2 a) and c) in the horizontal section	(1) Unbound  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access	
Broadcasting services  covering transmission from foreign broadcast station of foreign broadcast matter from foreign territory through television or radio (CPC 7524*)	(1) 20 per cent of total screening time; and dubbing into the national language may be required  (2) None  (3) Unbound due to lack of technical feasibility  (4) Unbound due to lack of technical feasibility	(1) Unbound for government channel  (2) None  (3) Unbound due to lack of technical feasibility  (4) Unbound due to lack of technical feasibility	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
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 5 13)	(3) None except through a representative office, regional office or locally incorporated joint venture corporation with Malaysian individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 51%	(3) None	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)	(4) Unbound except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access	
Building Completion and Finishing Work (CPC 517)			

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>DISTRIBUTION SERVICES</b>			
Wholesale, and Retail Trade Businesses (CPC 6111, 6113, 6121, 6130, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 631, 632)	(1) Unbound  (2) None  (3) Entry is limited to: i) <u>Legal entity</u> The foreign company involved in wholesale and retail businesses must be incorporated locally under the Companies Act 1965; ii) <u>Equity Structure</u> The aggregate of foreign equity shall not exceed 30%, while local shareholding in the joint-venture corporation should be 70% out of which 30% must be for Bumiputras. iii) <u>Minimum Capital Requirement</u> Minimum capital investment in terms of company's shareholding funds should be: <ul style="list-style-type: none"> <li>• RM10 million for departmental stores/ hypermarkets.</li> <li>• RM5 million for supermarkets.</li> <li>• For other types of distributive business, the minimum capital requirement will be considered on the merit of each case with particular reference to their contribution to the socio-economic development of Malaysia.</li> </ul>	(1) Unbound  (2) None  (3) Unbound	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>(4) One (1) key post and a maximum of ten (10) time posts per company subject to the following conditions:</p> <p><u>a) Key Post</u> The person applying for the post must hold or has held a management position in the company's wholesale or retail business outside Malaysia for a period of not less than 3 years preceding the date of application for the work permit.</p> <p><u>b) Time Post</u> These posts are for executives or experts who must possess the necessary qualification and practical experience including holding equivalent or related position in the company's business for not less than 3 years and subject to the condition that Malaysians are trained to eventually take over the post concerned through an acceptable training programme.</p>	<p>(4) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>EDUCATION SERVICES</b>			
Primary education services (CPC 921)	(1) Unbound due to technical feasibility	(1) Unbound due to technical feasibility	For international School only
General secondary education services (CPC 9221)	(2) None	(2) None	
	(3) Only through a joint venture with foreign equity not exceeding 49%.	(3) None	
	(4) Unbound, except as indicated in the horizontal commitments	(4) Unbound except as indicated in the horizontal commitments	
Other education services (CPC 929 / 9290 / 92900)	(1) Unbound due to technical feasibility	(1) Unbound due to technical feasibility	
	(2) None	(2) None	
	(3) Only through a joint venture with foreign equity not exceeding 49%.	(3) None	
	(4) Unbound, except as indicated in the horizontal commitments	(4) Unbound except as indicated in the horizontal commitments	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<p>Technical and vocational secondary education services (CPC 9223)</p> <p>Technical and vocational secondary school-type education services for handicapped students (CPC 9224)</p>	<p>(1) Unbound due to technical feasibility</p> <p>(2) None</p> <p>(3) Only through a joint venture with foreign equity not exceeding 49%.</p> <p>(4) Unbound, except as indicated in the horizontal commitments</p>	<p>(1) Unbound due to technical feasibility</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal commitments</p>	<p>For technical and vocational secondary education services (private education services) (CPC 9223)</p> <p>AND</p> <p>Technical and vocational secondary education school-type education services for handicapped students (private education) (CPC 9224), are required to use National curriculum.</p>
<p>Other Higher Education Services provided by privately funded higher education institutions excluding private higher education institutions with Government equity or that receive government assistance (CPC 92390)</p> <p>Adult education services provided by privately funded education institutions excluding private education institutions with Government equity or that receive government assistance (CPC 924)</p>	<p>(1) Unbound, except for requirement for commercial presence</p> <p>(2) None</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 equity or citizens/permanent residents</p> <p>(2) Unbound</p>	<p>3) Not more than 51% foreign equity will be considered subject to additional criteria which include:</p> <p>a) courses deemed important to attain Malaysia's educational objective</p> <p>b) Potential to generate export revenues</p>



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>(3) Only through a joint venture with foreign equity not exceeding 49% and subject to the requirement of a needs test if necessary</p> <p>(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>a) senior managers being persons with an organization having proprietary 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>(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 equity or citizens/permanent residents.</p> <p>(4) Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. <u>Intra-corporate Transferees</u></p> <p>a) senior managers being persons with an organization having proprietary 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 organisation.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>(b) <u>Lecturers and experts</u></p> <p>10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience.</p> <p>2. <u>Others</u></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>(b) <u>Business visitors</u></p> <p>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>(b) <u>Lecturers and experts</u></p> <p>10 lecturers and/or experts but not more than 20% of lecturers employed in an educational institution who possess the necessary qualifications, knowledge, credentials or experience.</p> <p>2. <u>Others</u></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>(b) <u>Business visitors</u></p> <p>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>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>(c) <u>Contractual Service Suppliers</u></p> <p>(i) <u>Independent Professionals</u></p> <ul style="list-style-type: none"> <li>- the natural person has obtained a service contract in the territory of the Member where the service is to be provided;</li> <li>- possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies;</li> <li>- commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title;</li> <li>- commitment applies only to the list of sectors specified in the schedule.</li> </ul> <p>(ii) <u>Employees of Juridical Persons</u></p> <p>(a) 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</p>	<p>(c) <u>Contractual Service Suppliers</u></p> <p>(i) <u>Independent Professionals</u></p> <ul style="list-style-type: none"> <li>- the natural person has obtained a service contract in the territory of the Member where the service is to be provided;</li> <li>- possess appropriate educational and professional qualification relevant to the service to be provided and/or recognized by and registered with professional bodies;</li> <li>- commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title;</li> <li>- commitment applies only to the list of sectors specified in the schedule.</li> </ul> <p>(ii) <u>Employees of Juridical Persons</u></p> <p>(a) 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</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
	<p>service is to be provided;</p> <p>(b) The juridical person has obtained a service contract to be provided in the territory of another Member;</p> <p>(c)The employees receive remuneration from their employer while abroad;</p> <p>(d) The employees may not engage in other employment in the territory of the Member where the service is to be provided;</p> <p>(e) The employees have appropriate educational and professional qualifications relevant to the service to be provided;</p> <p>(f) 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;</p> <p>(g) Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector.</p>	<p>the service is to be provided;</p> <p>(b) The juridical person has obtained a service contract to be provided in the territory of another Member;</p> <p>(c)The employees receive remuneration from their employer while abroad;</p> <p>(d) The employees may not engage in other employment in the territory of the Member where the service is to be provided;</p> <p>(e) The employees have appropriate educational and professional qualifications relevant to the service to be provided;</p> <p>(f) 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;</p> <p>(g) Commitment applies only to the List of sectors specified and the employee provides the service as a professional/specialist in the specified sector.</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>HEALTHCARE SERVICES</b>			
Medical speciality services (CPC 93122)  covering forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	(1) None (2) None (3) Medical specialty services may be supplied only by a natural person (4) Unbound, except indicated in 2 a) in the horizontal section	(1) None (2) None (3) None (4) None other than: - practice only in private hospitals of at least 50 beds; - practice to be only at a specified location and a change of location requires approval; and - the setting up of individual or joint group practices is not permitted	4) The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services**

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

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
Private hospital services (CPC 93110*)	(1) None (2) None (3) Economic needs test; Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and  The joint-venture corporation shall operate a hospital with a minimum of 100 beds.  (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Establishment of feeder out patient clinics is not permitted  (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
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel and restaurant services (CPC 64110) covering only:  (i) Hotel Lodging Services (CPC 64110)  (ii) Holiday Centre and Holiday Home Services (CPC 64192)  (iii) Letting Services of Furnished Accommodation (CPC 64193)	(1) None  (2) None  (3) Joint venture corporation with Malaysia individuals or Malaysia – controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 49% foreign equity (for 4&5 star hotel)  (4) Unbound except as indicated in (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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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Food serving services (CPC 642)  Beverage serving services for consumption on the premises (CPC 643)	(1) None  (2) None  (3) 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% foreign equity.  (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.	
Travel Agencies and Tour Operators Services (CPC 7471)	(1) None  (2) None  (3) Joint venture corporation with Malaysia individuals or Malaysia controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 49% foreign equity (for inbound only).  (4) Unbound except as indicated in (a) in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound except for the categories of natural persons referred to under market access	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) Unbound due to lack of technical feasibility (4) None	(1) None (2) None (3) Unbound due to lack of technical feasibility (4) None	
Convention Centre (CPC 87909)  (convention and exhibition management services oaring the provision of planning, organizational, management and marketing services or conventions and other similar events)	(1) None (2) None (3) a) on joint venture basis with foreign investors allowed up to 30% equity (for convention centres with over 3000 seating capacity) b) Joint venture corporation with Malaysia individuals or Malaysia controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 49% foreign equity (for convention centres with over 5000 seating capacity) (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	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services**

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

<b>Sector or Subsector</b>	<b>Limitation on Market Access</b>	<b>Limitation on National Treatment</b>	<b>Additional Commitments</b>
<p>Theme Park</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, edutainment, adventure and excitement. 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) Joint venture corporation with Malaysia individuals or Malaysia controlled corporations or both and aggregate foreign shareholding in the joint venture corporation shall not exceed 49% foreign equity subject to domestic regulation.</p> <p>(4) Unbound except as indicated in (a) and (b) 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 (a) and (b) and 2 (a) and (c) in the horizontal section</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services**

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
Other entertainment services (CPC 96191, 96192, 96194)	(1) Unbound due to lack of technical feasibility  (2) None  (3) Entertainment services may be supplied only by a natural person  (4) Unbound except as indicated in 2 a) in the horizontal section	(1) Unbound due to lack of technical feasibility  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access  Participation of Malaysian entertainers/ artistes may be required based on the guidelines of the Ministry of Culture, Arts and Tourism	
Sports events management services (CPC 96411, 96412)	(1) Unbound due to lack of technical feasibility  (2) None  (3) Only through a Malaysian-controlled corporation acting as the local sponsor  (4) Unbound, except as indicated in 2 a) in the horizontal section	(1) Unbound due to lack of technical feasibility  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>TRANSPORT SERVICES</b>			
<p><b>A. Maritime Transport Services</b></p> <p>International maritime transportation services, excludes cabotage (CPC 7211, 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 40%per cent.</p> <p><u>Malaysian registered vessels</u> To register a vessel in Malaysia, the following conditions must be met:</p> <p>1) Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2) Majority shareholding to be held by Malaysians; 3) Majority of the board of directors to be Malaysians; and 4) Principal place of business to be in Malaysia.</p> <p>(4) Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth.</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>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>1) Pilotage 2) Towing and tug assistance 3) Provisioning, fuelling and watering 4) Garbage collection 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</p>

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<p>Rental of cargo vessels with crew for international shipping (CPC 7213)</p> <p>Rental of cargo Vessels without crew (Bareboat Charter) for international shipping (CPC 83103)</p> <p>Rental and leasing services of all types of self-propelled seagoing vessels with operator, such as passenger vessels ( except pleasure bath), tankers, bulk dry cargo vessels, cargo and freight vessels.)</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 Bumiputera shareholding in the joint-venture corporation of at least 40 per cent</p> <p>(4) Ships crew (for vessels with 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) Unbound</p> <p>(4) Unbound</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<p><b>F. Supporting services for maritime transport</b></p> <p>Vessel salvage and refloating services (not applicable in harbour) (CPC 74540)</p> <p>(Vessels salvage services provided on ocean and seas. Such services consist of recovering distressed and sunk vessels\ and their cargoes, including the raising of sunken vessels, the righting of capsized vessels and the refloating of stranded vessels)</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 Bumiputera shareholding in the joint-venture corporation of at least 40 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</p> <p>Covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required</p> <p>(CPC 7454*)</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 Bumiputera shareholding in the joint-venture corporation of at least 40 per cent</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services**

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except for the categories of natural persons referred to under market access	
Services Auxiliary to All Modes of Transport  Maritime freight forwarding services (CPC 7480)  (Consist of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, reparation of documentation and provision of business information)	(1) None  (2) None  (3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both Foreign equity allowable up to 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	



**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<p>Maintenance and repair vessels (CPC 8868**)</p> <p>(these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels)</p>	<p>(1) Unbound due to lack of technical feasibility</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 maximum of 40 per cent.</p> <p>(4) Unbound, except as indicated in the horizontal commitments</p>	<p>(1) Unbound due to lack of technical feasibility</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except for the categories of natural persons referred to under market access</p>	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
<b>OTHER SERVICES</b>			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1) automated manufacturing technology; 2) advanced materials technology; 3) biotechnology; 4) electronics; 5) information technology; and 6) avionics/aviation technology (CPC 97090)	(1) None  (2) None  (3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent; and Establishment of local branches requires additional licenses  (4) Unbound, except as indicated in the horizontal section	(1) None  (2) None  (3) None  (4) Unbound, except for the categories of natural persons referred to under market access	

**MALAYSIA – SCHEDULE OF SPECIFIC COMMITMENTS**

**For the 5<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on 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
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ANNEX I

Annex to Additional Commitments (Telecommunication Services)

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