

**TEMPORARY EXCLUSION LIST
FOR THE OPENING UP OF INDUSTRIES FOR SERVICES INCIDENTAL TO THE
MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING AND QUARRYING SECTORS**

Viet Nam

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
Services Incidental to Manufacturing	CPC 864 / 871	Advertising services	Foreign investment is allowed in the BCC and JV forms only and in the following industries: <ul style="list-style-type: none"> • Advertisement strategy formulation • Training in advertisement • Model designing and technology transfer in advertisement
	32/ 88560	<ul style="list-style-type: none"> • Services related to producing of electronic scales for postal operation; 	Subject to export, technology and quality requirements
	88550	<ul style="list-style-type: none"> • Services related to producing of small capacity microwave equipment, main distribution frame component (MDF), subscriber local loop equipment, terminal boxes of different size, wiring cables 	
	88560	<ul style="list-style-type: none"> • Services related to producing of small capacity telephone switching systems • Services related to producing of optical fiber terminals • Services related to producing of telephone sets 	Subject to export, technology and quality requirements
	88640	Services related to maintaining and repairing of electrical and mechanical equipment used in steel industry	No investment license will be issued

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	88700	Services related to supplying of energy, water and chromate bricks to metallurgy factories	No investment license will be issued
	2411/ 88460	Services related to producing of industrial gas such as oxy, nitro, CO ₂ (solid or liquid)	Foreign investment is restricted
		Services related to producing of H ₃ PO ₄ and HCl acids	Subject to export and advanced technology requirements
		Services related to producing of caustic soda NaOH (liquid)	Foreign investment is restricted
	2413 / 88470	Services related to producing of plastic products such as DOP, PVC	Subject to requirement of export 100%
	2421 / 88460	Services incidental to producing of common used insecticides	Foreign investment is allowed in producing of input materials (toxin) only
	2422 / 88460	Services related to producing of common used paints	Foreign investment is restricted
	2424 / 88460	Services related to producing of soap-powder, soap-cream, shampoo, surface-active substances	Subject to requirement of export at least 80%
	2511 / 88470	Services related to producing of tires and tubes of bicycles, motorcycles and trolleys	Subject to requirement of export 100%
	3140 / 88550	Services related to producing of batteries for starters	Subject to requirement of export 100%

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	2429 / 88460	Services related to producing of chemical products such as phosphor, silicate-natri, tripolyphosphat, aluminium hydroxide, light powder, calcium chloride, active coal and black carbon	Subject to high quality or export requirements
	86501	Services related to R&D, investment consultancy, designing, environment treatment etc., in chemical sector	Subject to high quality requirements
	88470	Services related to producing of plastic packing	Foreign investment is restricted
	88492	Services related to producing of PP packing	Foreign investment is restricted
	2811/ 88520	Services related to manufacturing of products from structure metal	Subject to export and technology requirements
	2812 / 88520	Services related to manufacturing of barrels, tanks and metal containers	Subject to export and technology requirements
	88120	Services related to dairy processing	No investment license will be issued
	0200 / 88430	Services related to purchase and export of wood materials for paper production	No investment license will be issued
	0112 / 88110	Services related to processing of vegetable oil	In conjunction with development of local raw materials resources and subject to export requirement

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	2915/ 88530	Services related to manufacturing of lifting and loading equipment and machinery	Subject to export and technology requirements
	2919/ 88530	Services related to manufacturing of other common used machinery	Subject to export and technology requirements
	30/ 88540	Services related to testing and control of computer's quality	With the commitment to investment supports, training and technology transfer
	32/ 88560 88492	Services related to packaging integrated circuits (IC)	Subject to export and technology transfer requirements
		Services related to assembling of electronics components, electronic and telecommunication products based on contracts or a fee	Subject to export and technology transfer requirements
	842 / 84230	Services related to designing by computer (computer-aid-design CAD)	Subject to export and technology transfer requirements
		Other services	Subject to planning of the Government
Services Incidental to Agriculture and Forestry	0140 / 86742	Services related to exploiting and utilising of water resources construction works	No investment license will be issued
		Services related to landscapes	No investment license will be issued
	88430 88491	Services related to wood and wood-furniture processing	In conjunction with development of local raw materials resources

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	88110 88120	Experiment and testing of animal breeds and plant varieties	No investment license will be issued
	88110	Services related to cane sugar production and sugar processing industry	In conjunction with development of local raw materials resources and subject to export requirement
		Other services	Subject to planning of the Government
Services Incidental to Fishery	0500/ 88200	Services related to fry production and aquaculture operation	Subject to advanced technology, fry quality, food hygiene, grown sea products health and environmental protection requirements. Subject to planning on plant and growing of sea products
	88200	Services related to processing and preservation of aquatic products	100% foreign equity ownership is restricted and subject to advanced technology and food hygiene requirements
	1723 / 88492	Services related to producing of fishing net and twine for fishery sector	No new investment license will be issued
	88200	Services related to fisheries exploitation: <ul style="list-style-type: none"> • Services on education and training • Services on repairing and maintaining of fishing boats 	<ul style="list-style-type: none"> • The experts/trainers should have got a degree or qualification according to the training requirement and international standard • 100% foreign equity ownership is restricted and subject to advanced technology requirement

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		<ul style="list-style-type: none"> Services on assembling marine engines and mechanical electric refrigeration equipment Services on canning aquatic products 	<ul style="list-style-type: none"> 100% foreign equity ownership is restricted and subject to advanced technology requirement 100% foreign equity ownership is restricted and subject to advanced technology requirement and export at least 80%
	88200	Services related to cold-storage	100% foreign equity ownership is restricted and subject to advanced technology requirement
	88200	Services related to packaging of aquatic products	100% foreign equity ownership is restricted and subject to advanced technology requirement
		Other services	Subject to planning of the Government
Services Incidental to Mining and Quarrying	1120/ 88300	Risk assessment, including field-survey, data collection, using special software on impact assessment of frequency and sensitiveness, proposing minimization measures	Foreign investment shall not be licensed
	1120/ 9404 94090	Services on Environment Protection and Management, including: <ul style="list-style-type: none"> Environmental background study; Establishing oil-spill response plan, including: <ul style="list-style-type: none"> - Environmental sampling and analysis (sediment samples, 	No new foreign investment license will be issued. Subject to environmental protection requirement

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	I S I C / C P C Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		biology, soil, water, air) - Measuring water and air quality, obtaining on-site spectrum - Collecting and assessing data on nature (such as environmental climatic, and hydrographic data), socio-economic data, etc - Making reports on environmental background study, environmental impact assessment, oil-spill response plan - Proposing environmental management plan in oil and gas activities, particularly for offshore environment and sensitive coastline areas	
	1120/ 8790 87909	Services on organising scientific seminar and field-survey guide for oil and gas contractors	No new foreign investment license will be issued
	1120/ 851 87909	Implementing the scientific study contracts on petroleum exploration and economy	No new foreign investment license will be issued
	1120/ 88300	Application of science and technology to production, including: <ul style="list-style-type: none"> • Completion of production technology and process for heat-insulation material for covering pipes • Preparation for the following services: <ul style="list-style-type: none"> - Production of aromatic chemicals for gas industry - Discharged water treatment on platform and drilling mud supply - Study on waste oil collection and treatment 	Foreign investment shall not be licensed

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		<ul style="list-style-type: none"> - Covering reinforced concrete and anti-corrosive paint for oil and gas pipeline - Producing gas tanks, gas fired cooker and gas equipment - Issuing quality certification for gas equipment and facilities 	
	1120/ 88300	Services related to testing, adjusting, repairing and maintaining industrial measure and control equipment for oil and gas sector	Foreign investment shall not be licensed
	1120/ 831 88300	No-controller vessel chartering services for oil and gas sector	Foreign investment shall not be licensed
	1120/ 88300	Oil and gas warehouse services	Foreign investment shall not be licensed
	1120/ 88300	Oil and gas supply base services	Foreign investment shall not be licensed
	1120/ 88300 88411	Catering and allied services including food and foodstuff, clean-water and vegetable to off-shore construction facilities	Foreign investment shall not be licensed
	1120/ 88300 8720	Manpower supply services including professional manpower, skills and foreign language training for manpower supplied to foreign countries, signing manpower supply contracts with foreign companies	No new foreign investment license will be issued
	2320	Gas processing: separating	No new foreign investment

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	88300	Bupro, Condensate	license will be issued until 2007
	1120/ 745 88300	Repair and maintenance of vessels, offshore facilities for oil and gas industry such as anti-corrosion, metal structure repair, platform survey, maintenance and overhaul	No new foreign investment license will be issued
	1120/ 88300	Leasing services related to other machines and equipment including specialized equipment in oil and gas industry	No new foreign investment license will be issued
	CPC 8676 / 8675 ISIC 1120 88300	Technical analysis and inspection services for oil and gas industry, including core samples analysis services and laboratories	No new foreign investment license will be issued
	CPC 881 / 88450 ISIC 2320 88300	Technical analysis and inspection services for oil and gas products	No new foreign investment license will be issued until 2008
	2320/ 88450	Processing and supply of major oil and gas products for domestic market such as liquefied gas LPG; unleaded petrol; petroleum; kerosene; diesel using in transportation sector; diesel using in industrial sector; propylene with polymer grade; fuel oil; lubricant and bitumen	No new foreign investment license will be issued
		Other services	Subject to regulations and planning of the Government

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

**SENSITIVE LIST
FOR THE OPENING UP OF INDUSTRIES FOR SERVICES INCIDENTAL TO THE
MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING AND QUARRYING SECTORS**

VIET NAM

SECTOR	I S I C / C P C Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
Services Incidental to Manufacturing	CPC 87909 88441	Publishing services	Foreign investment shall not be licensed
		Printing services	Foreign investment is allowed in the following industries only: <ul style="list-style-type: none"> • Packing printing • Label printing • Designing
	CPC 9614 96114	Services related to producing and distributing of motion picture	Foreign investment is allowed in the BCC form only and with Vietnamese partners who are legally authorised to provide these services in Viet Nam
	CPC 87909 88442	Postage stamp printing services	No investment license will be issued
	1551 / 88411	Services related to processing of alcohol	Subject to brand, quality and export requirements
		Services related to processing of beer and beverages	No new investment license will be issued
	1600/ 88412	<ul style="list-style-type: none"> • Processing of tobacco products such as cigarette, cigar, pipe tobacco, chewing tobacco, farmer cut tobacco based on contracts or a fee 	Foreign investment shall not be licensed

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / C P C Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		<ul style="list-style-type: none"> Processing of reconstituted tobacco based on contracts or a fee Processing of hookah based on contracts or a fee 	
	88412	Processing of manufactured tobacco for production of cigarette based on contract or a fee	Foreign investment shall not be licensed
	2411/ 88460	Services on distributing acid-sulphuric used in producing other products	Foreign investment shall not be licensed
	2412 / 88460	Services on distributing fertilizers such as Super phosphate, FMP (Fused magnesium phosphate and NPK (nitrogen; phosphate and kalium)	Foreign investment shall not be licensed
	13210 / 88560	Services related to assembling of consumer electronic products	Subject to local content requirement and export at least 80%
	3220, 3230/ 88560	Services related to manufacturing of TV sets	Subject to local content requirement and export at least 80%
	2921 / 88530	Services related to manufacturing of walking / pedestrian controlled tractors; diesel engines with capacity under 15 CV	Subject to export requirement
	12912 / 88530	Services related to manufacturing of water pumps used in agriculture	Foreign investment is restricted and subject to foreign equity requirement of maximum of 30%

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	88480	Services related to production of fluorescent tubes and incandescent bulb	Foreign investment shall not be licensed
	88492	Services related to production of industrial explosives and devices	Subject to planning of the Government
	88590	Services related to designing, manufacturing, repairing and maintaining of loading and executing machines used in transport section	No investment license will be issued
		Other services	Subject to planning of the Government
Services Incidental to Agriculture and Forestry	0140 / 88110	Aerial seed crop dusting services	Foreign investment shall not be licensed
		Aerial photographing services	Foreign investment shall not be licensed
		Services related to investigation on situation of plant and animal disease	Foreign investment shall not be licensed
		Aerial crop spraying services	Foreign investment shall not be licensed
		Sterilising and fumigating services	Foreign investment is restricted
		Services related to prevention of plant and animal disease	Foreign investment shall not be licensed

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS		
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS	
	0200 / 88140	Forest management and control	No investment license will be issued	
		Forest measurement and evaluation services	No investment license will be issued	
		Firewood cutting in the forest	No investment license will be issued	
		Pest disease control in the forest	No investment license will be issued	
		Logging services	Exploitation of wood in natural forests is restricted	
		Collecting of wild natural materials in forests	No investment license will be issued	
		Forest patrol	No investment license will be issued	
		88110	Natural forest resources survey and investigation services (natural forest resources including specialities, wild, scare precious animals and plants)	No investment license will be issued
			88200	Transport of logs in the forest
		Survey, design and quality evaluation of capital construction works in agriculture		No investment license will be issued
	Fishing in artificial lake	No investment license will be issued		

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	0150 / 88130	Wild animal hunting, trapping and animal propagation for games, races and hunting and other relating activities	No investment license will be issued
		Other services	Subject to planning of the Government
Services Incidental to Fishery	0500 / 88200	Services related to sending vessels for buying sea-products	Foreign equity is restricted to maximum of 30%
		Services related to hiring of fishing boats and employees	Foreign equity is restricted to maximum of 30%
		Services related to processing on board for fish, crustaceans and mollusks and other related services	Foreign equity is restricted to maximum of 40%
		Services related to exploiting of sea-products	Foreign equity is restricted to maximum of 40%
		Services related to exploiting of fresh water fisheries	No investment license will be issued
		Services related to quarantine, quality control of aquaculture and processing products	No investment license will be issued
	88200	Services on supply of feed, medicines and chemicals for aquaculture	No investment license will be issued
	88200	Services on experiment of new fries, medicines and chemicals for aquaculture	No investment license will be issued

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	88200	Services on collecting and buying aquatic products	Foreign equity is restricted to maximum of 40%
		Other services	Subject to planning of the Government
Services Incidental to Mining and Quarrying	1120/ 88300	Services related to transport of oil and gas via pipelines, including transport of associated gas and domestic transport of petroleum products	Subject to planning of the Government
		Oil and gas insurance	Subject to planning of the Government
		Services related to database for oil and gas study	Foreign investment shall not be licensed
		Services related to database for geological study and seismic survey for oil and gas industry	Foreign investment shall not be licensed
		Sale and purchase of dry and wet gas	Subject to planning of the Government
		Production of oil-well Cement, Barite and Bentonite for drilling fluids	Foreign investment shall not be licensed
	88492	Production and supply of industrial explosive materials	Foreign investment shall not be licensed
	88300	Geological and exploration drilling	Foreign investment shall not be licensed

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SECTOR	ISIC / C P C Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	94060	Coral and natural pearl exploitation	Foreign investment shall not be licensed
		Other services	Subject to regulations and planning of the Government

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

**SENSITIVE LIST
FOR THE GRANTING OF NATIONAL TREATMENT FOR SERVICES INCIDENTAL TO
THE MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING AND QUARRYING SECTORS**

VIET NAM

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining and Quarrying Sectors	
Land, Real Estate	<ul style="list-style-type: none"> • In accordance with the Vietnamese law, foreign organisations and individuals cannot own land. However they can lease land for a long term, which is consistent with the duration of an investment project and is subject to approval of a competent State body, up to 50 years, in special cases, in accordance with the regulations of the Standing Committee of the National Assembly, up to 70 years. • Rights and obligations of foreign investors leasing land from the State are subject to separate regulations. • Foreign investment in residential houses construction and business shall be subject to separate regulations.
Form of Investment	<p>Foreign investors are not allowed to invest under the form of a 100% foreign owned enterprise in the following sectors:</p> <ul style="list-style-type: none"> • Establishment and operation of telecommunication networks; • Exploitation and processing of oil and gas and precious and rare minerals; • Consultancy services (except for technical consultancy); • Air, railway, sea transportation, public passenger transportation; • Maritime and aviation business services; • Construction of sea-ports, river-ports air-ports (BOT, BTO and BT projects may be allowed under the

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining and Quarrying Sectors	
	form of a 100% foreign owned enterprise); <ul style="list-style-type: none"> • Culture (except projects are completely phased out); • Sport and entertainment except sport and entertainment areas; • Travel tourism.
Investment Licensing	Investment license shall be issued in accordance with one of the two following procedures: <ul style="list-style-type: none"> • Registration for issuance of investment licenses in respect of the projects which export at least 80% of products; encouraged or specially encouraged projects which are set up in industrial zones; projects belong to the manufacturing sector with an investment capital of up to US\$ 5 million. • Evaluation for issuance of investment license in respect of other projects.
Establishment, Organisation, Operation of Foreign Invested Enterprise	Subject to relevant regulations on legal form, equity, management, duration of investment, etc.
Labour	The minimum wage of Vietnamese employees working in foreign invested enterprises shall subject to the regulations of the Ministry of Labour, War Invalids and Social Affairs and shall be paid in Vietnamese Dong.
State Assistance	Government subsidies and supports granted to domestic enterprises, which include land allocation for investment projects, preferential credits, research and development and education assistance programs and other forms of Government supports, may not be made available to foreign invested enterprises.
Foreign Exchange	The Government of Vietnam assures its assistance in maintaining foreign currency balance with respect to projects for the construction of infrastructure facilities and other important projects.

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining and Quarrying Sectors	
Local Content Requirements	Foreign invested enterprises in some certain sectors are subject to local content requirements as announced by a competent government body for each period in order to be qualified for stipulated incentives.
Investment Incentives	Foreign invested enterprises are subject to a separate system of investment incentives.

Note: The current Lists are subject to further review. Viet Nam are in the process of reviewing and updating the Lists to reflect improvements in their investment laws.