

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 | I S I C / C P C 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 |

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| SECTOR | I S I C / C P C 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% |

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|--------|-----------------------------------|---|--|
| | | 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 |

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|--|---|---|--|
| | | 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 |

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| 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 |

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|--|--|---|--|
| | | 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 |

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|--------|--|--|--|
| | | 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: • Completion of production technology and process for heat-insulation material for covering pipes • Preparation for the following services: - 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 |

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| SECTOR | I S I C / C P C 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 |

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|--------|--|--|---|
| | | 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 |

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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 |

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| | | SECTOR / INDUSTRIES | RESTRICTION / REQUIREMENTS |
| | 88412 | <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 | |
| | | 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 |
| | I3210 / 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 |
| | I2912 / 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% |

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| | | 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 |

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| | | 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 | No investment license will be issued |
| | | 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 |

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| | | 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 |

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| | | 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 |

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| | | 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 |

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

VIET NAM

| SUBMISSIONS | |
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| 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 |

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| SUBMISSIONS | |
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| 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. |

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| 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. |

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