

**PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE**  
**AGREEMENT BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM,**  
**OF THE ONE PART, AND THE EURASIAN ECONOMIC UNION AND**  
**ITS MEMBER STATES, OF THE OTHER PART**

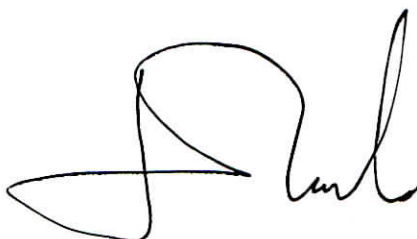
On the signing of the Free Trade Agreement between the Socialist Republic of Viet Nam, of the one part, and the Eurasian Economic Union and its Member States, of the other part (hereinafter referred to as “the Agreement”), the Socialist Republic of Viet Nam and the Russian Federation have agreed to undertake commitments in respect of trade in services, establishment, commercial presence, activities and movement of natural persons under Chapter 8 (Trade in Services, Investment and Movement of Natural Persons) of the Agreement in accordance with Annex 1 (List of MFN Exemptions in accordance with Articles 8.15 and 8.22 of the Agreement), Annex 2 (Schedule of Specific Commitments under Section II (Trade in Services)), Annex 3 (List of Reservations under Section III (Establishment, Commercial Presence and Activities)) and Annex 4 (Schedule of Specific Commitments under Section IV (Movement of Natural Persons)) to this Protocol.

This Protocol, including Annexes hereto, shall constitute an integral part of the Agreement.

Done at Burabay, this 29<sup>th</sup> day of May 2015, in two originals in the English language, both texts being equally authentic.

**For the Socialist Republic of Viet Nam**

**For the Russian Federation**



**ANNEX 1**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM AND THE RUSSIAN FEDERATION TO THE FREE TRADE**  
**AGREEMENT BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES, OF THE OTHER PART**

**LIST OF MFN EXEMPTIONS OF THE SOCIALIST REPUBLIC OF VIET NAM**  
**IN ACCORDANCE WITH ARTICLES 8.15 AND 8.22 OF THE AGREEMENT**

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Articles 8.15 and 8.22 of the Agreement	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Articles 8.15 and 8.22 of the Agreement	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
Sea-transport services: - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore.	Republic of Singapore.	10 years	Bilateral Agreement.

**ANNEX 2**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,**  
**OF THE OTHER PART**

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE SOCIALIST REPUBLIC OF**  
**VIET NAM UNDER SECTION II (TRADE IN SERVICES) OF CHAPTER 8 (TRADE**  
**IN SERVICES, INVESTMENT AND MOVEMENT OF NATURAL PERSONS) OF**  
**THE AGREEMENT**



Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 932) <sup>1</sup>	(2) None.	(2) None.	
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>			
	(1) None. (2) None.	(1) None. (2) None.	
<b>C. Research and Development Services</b>			
(a) R&D services on natural sciences (CPC 851)	(1) None. (2) None.	(1) None. (2) None.	
(c) Interdisciplinary R&D services (CPC 853)	(1) None. (2) None.	(1) None. (2) None.	
<b>E. Rental/Leasing Services without Operators</b>			
(a) Relating to ships (CPC 83103)	(1) None. (2) None.	(1) None. (2) None.	
(b) Relating to aircraft (CPC 83104)	(1) None. (2) None.	(1) None. (2) None.	
(d) Relating to other machinery and equipment (CPC 83109)	(1) None <sup>2</sup> . (2) None.	(1) None. (2) None.	
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	(1) None. (2) None.	(1) None. (2) None.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
(b) Market research services (CPC 864, excluding 86402)	(1) None. (2) None.	(1) None. (2) None.	
(c) Management consultant services (CPC 865)	(1) None. (2) None.	(1) None. (2) None.	
(d) Services related to management consulting  - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(1) None. (2) None.	(1) None. (2) None.	

<sup>1</sup> Excluding keeping micro-organism strain for veterinary.

<sup>2</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(1) Unbound. (2) None.	(1) None. (2) None.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>3</sup>	(1) None. (2) None.	(1) None. (2) None.	
(h) Services incidental to mining (CPC 883)			
<p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			
	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws. (2) None.	(1) None, except as indicated in market access column. (2) None.	
(i) Services incidental to manufacturing (CPC 884 and 885)	(1) None (2) None.	(1) None. (2) None.	

<sup>3</sup> Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(m) Related scientific and technical consulting services <sup>4</sup> (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.  (2) None.	(1) None, except as indicated in the market access column.  (2) None.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(1) None. (2) None.	(1) None. (2) None.	
(o) Building-cleaning services (CPC 874) - Disinfecting and exterminating services (CPC 87401) - Window cleaning services (CPC 87402) only in industrial zones and export processing zones	(1) None. (2) None.	(1) None. (2) None.	
(q) Packaging services (CPC 876)	(1) None. (2) None.	(1) None. (2) None.	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services (CPC 7512**)</b>  * Express delivery services <sup>5</sup> , i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or	(1) None. <sup>8</sup> (2) None.	(1) None. (2) None.	Services and services suppliers of any other Member shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its

<sup>4</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

<sup>5</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.



Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
foreign destination, of: (a) Written communication <sup>6</sup> , on any kind of physical medium, including: - Hybrid mail service; - Direct mail. Except for the handling of items of written communication the price of which is less than: - 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments; - US\$9 for international shipments; provided that the gross weight of these items is less than 2,000 grams. (b) Parcels <sup>7</sup> and other goods. * Handling of non-addressed items.			competitive activities.

<sup>8</sup> The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

<sup>6</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>7</sup> Books, catalogues are included hereunder.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Telecommunication Services</b>			
<p>Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).</p>			
<u>Basic telecommunication services</u> (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**)	(1) None, except:  <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.  <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.
(c) Circuit-switched data transmission services (CPC 7523**)			
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC 7523**)			
(f) Facsimile services (CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o*) Other services  - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting <sup>9</sup> - Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) <sup>10</sup>	- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - <i>Multinational</i> companies <sup>11</sup> , which are licensed to use satellite-earth stations.  (2) None.	(2) None.	

<sup>9</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

<sup>10</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>11</sup> A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other WTO member; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a WTO Member; and e) is licensed to use satellite services in at least one WTO Member.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Basic telecommunication services:</u> (o*) Other services - Virtual Private Network (VPN) <sup>12</sup>	(1) None, except: <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.

<sup>12</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul> <p>(2) None</p>	<p>(2) None.</p>	
<p><u>Value-added services</u></p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (incl. transaction processing) (CPC 843**)</p>	<p>(1) None, except:</p> <p><i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.</p> <p><i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:</p> <ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>19</sup>, which are licensed to use satellite-earth stations.</li> </ul>	<p>(1) None.</p>	
	<p>(2) None.</p>	<p>(2) None.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Value added services</u> (o) Other - Internet Access Services IAS <sup>13</sup>	(1) <i>Wire-based and mobile terrestrial services</i> : None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services</i> : Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization' representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations; - Multinational companies <sup>19</sup> , which are licensed to use satellite-earth stations.	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.
	(2) None.	(2) None.	

<sup>13</sup> Services providing internet access to the end users.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>D. Audiovisual Services</b>			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(1) Unbound. (2) Unbound.	(1) Unbound. (2) Unbound.	
- Motion picture distribution (CPC 96113, excl. video tape)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(b) Motion picture projection service (CPC 96121)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(e) Sound recording	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	(1) Unbound.* (2) None.	(1) Unbound.* (2) None.	
B. General construction work for civil engineering (CPC 513)			
C. Installation and assembly work (CPC 514, 516)			
D. Building completion and finishing work (CPC 517)			
E. Other (CPC 511, 515, 518)			

\* Due to lack of technical feasibility.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
<u>Measures applicable to all sub-sectors in Distribution Services:</u>			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>14</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)			
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>15</sup>	(2) None.	(2) None.	

<sup>14</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

<sup>15</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.



Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Franchising services (CPC 8929)	(1) (2) None.	(1) (2) None.	
<b>5 EDUCATIONAL SERVICES</b>			
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.			
With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
D. Adult education (CPC 924)			
E. Other education services (CPC 929 including foreign language training)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b> Access to certain geographic areas may be restricted for national security reasons <sup>16</sup> .			
A. Sewage Services (CPC 9401)	(1) Unbound, except related consulting services. (2) None.	(1) Unbound, except related consulting services. (2) None.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402) <sup>17</sup>	(1) Unbound, except related consulting services. (2) None.	(1) None. (2) None.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
D. Other services	(1) Unbound, except related consulting services. (2) None.	(1) Unbound, except related consulting services. (2) None.	
- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(1) Unbound, except related consulting services. (2) None.	(1) Unbound, except related consulting services. (2) None.	
- Environmental impact assessment services (CPC 94090*)	(1) None. (2) None.	(1) None. (2) None.	

<sup>16</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Articles XIV and XIV bis of the GATS.

<sup>17</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<b>A. Insurance and Insurance-Related Services</b>	(1) None for:	(1) None.	
a. Direct insurance (a) Life insurance, excl. health insurance services (b) Non-life insurance services b. Reinsurance and retrocession c. Insurance intermediation (such as brokerage and agency) d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	<ul style="list-style-type: none"> <li>- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;</li> <li>- Reinsurance services;</li> <li>- Insurance services in international transportation, including insurance of risks relating to:               <ul style="list-style-type: none"> <li>+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and</li> <li>+ goods in international transit;</li> </ul> </li> <li>- Insurance broking and reinsurance broking services;</li> <li>- Consultancy, actuarial, risk assessment and claim settlement services.</li> </ul>		
	(2) None.	(2) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. Banking and Other Financial Services</b>			
<p>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services.</p> <p>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.</p>			
(a) Acceptance of deposits and other repayable funds from the public  (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction  (c) Financial leasing  (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts  (e) Guarantees and commitments  (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: <ul style="list-style-type: none"> <li>- Money market instrument (including cheques, bills, certificates of deposits);</li> <li>- Foreign exchange;</li> <li>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;</li> </ul>	(1) Unbound, except B(k) and B(l). (2) None.	(1) Unbound, except B(k) and B(l). (2) None.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Bullion.			
(h) Money broking			
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services			
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments			
(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services			
(l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. <u>Securities</u></b></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Derivative products incl. futures and options;</li> <li>- Transferable securities;</li> <li>- Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and related software by suppliers of securities services</p> <p>(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice,</p>	<p>(1) Unbound, except services C(k) and C(l).</p> <p>(2) None.</p>	<p>(1) Unbound.</p> <p>(2) None.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
advice on acquisitions and on corporate restructuring and strategy (for other services under (1), refer to (1) under banking sector)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311)	(1) None. (2) None.	(1) None. (2) None.	
B. Medical and dental services (CPC 9312)			
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including  - Lodging services (CPC 64110)  - Catering food (CPC 642) and drink services (CPC 643)	(1) None. (2) None.	(1) None. (2) None.	
B. Travel agencies and tour operator services (CPC 7471)	(1) None. (2) None.	(1) None. (2) None.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
D. Other  - Electronic games business (CPC 964**)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	



Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>	(1) Unbound, except international freight transportation: None. (2) None.	(1) Unbound, except international freight transportation: None. (2) None.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  <ol style="list-style-type: none"> <li>1. Pilotage;</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal;</li> <li>5. Port Captain's/Harbour Master's services;</li> <li>6. Navigation aids;</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</li> <li>8. Emergency repair facilities;</li> <li>9. Anchorage, berth and berthing services;</li> <li>10. Access to maritime agency services.<sup>18</sup></li> </ol>
(a) Passenger transportation less cabotage (CPC 7211)  (b) Freight transportation less cabotage (CPC 7212)			

<sup>18</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Maritime Auxiliary Services</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
- Container handling services (CPC 7411) <sup>19</sup>			
- Customs Clearance Services <sup>20</sup>	(1) Unbound.* (2) None.	(1) Unbound.* (2) None.	
- Container Station and Depot Services <sup>21</sup>	(1) Unbound.* (2) None.	(1) Unbound.* (2) None.	
<b>B. Internal Waterways Transport</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(a) Passenger transport (CPC 7221)			
(b) Freight transport (CPC 7222)			
<b>C. Air Transport Services</b>	(1) None. (2) None.	(1) None. (2) None.	
(a) Sales and marketing air products services			
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. (2) None, except as indicated in Mode 1.	(1) None.  (2) None.	

<sup>19</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>20</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

\* A commitment on this mode of delivery is not feasible.

<sup>21</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None.	(1) None. (2) None.	
<b>E. Rail Transport Services</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(a) Passenger transportation (CPC 7111)			
(b) Freight transportation (CPC 7112)			
<b>F. Road Transport Services</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(a) Passenger transportation (CPC 7121+7122)			
(b) Freight transportation (CPC 7123)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>H. Services Auxiliary to all Modes of Transport</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(a) Container handling services, except services provided at airports (part of CPC 7411)			
(b) Storage and warehouse services (CPC 742)	(1) Unbound.* (2) None.	(1) Unbound. (2) None.	
(c) Freight transport agency services (CPC 748) <sup>22</sup>			
(d) Other (part of CPC 749) <sup>23</sup>	(1) Unbound, except freight brokerage services: None. (2) None.	(1) Unbound, except freight brokerage services: None. (2) None.	

<sup>22</sup> Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

\* A commitment on this mode of delivery is not feasible.

<sup>23</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.





**ANNEX 3**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,**  
**OF THE OTHER PART**

**LIST OF RESERVATIONS OF THE SOCIALIST REPUBLIC OF VIET NAM**  
**UNDER SECTION III**  
**(ESTABLISHMENT, COMMERCIAL PRESENCE AND ACTIVITIES) OF**  
**CHAPTER 8 (TRADE IN SERVICES, INVESTMENT AND MOVEMENT OF**  
**NATURAL PERSONS) OF THE AGREEMENT**

Viet Nam undertakes the commitment to not maintain or introduce limitations inconsistent with Article 8.21 (National Treatment), Article 8.23 (Market Access), Article 8.24 (Performance Requirements) and Article 8.25 (Senior Management and Boards of Directors) of Section III (Establishment, Commercial Presence and Activities) of Chapter 8 (Trade in Services, Investment and Movement of Natural Persons) of the Agreement, except for those reservations listed in this List of Reservations.

Nothing in this List of Reservations affects rights and obligations of Viet Nam in Annex 4 (Schedule of Specific Commitments of the Socialist Republic of Viet Nam under Section IV (Movement of Natural Persons)) in respect of entry, stay and movement of natural persons.

Industry Classification refers, for Viet Nam, where applicable, to the activity covered by the reservations, according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

1.

**Sector:** All sectors

**Sub-sector:**  
**Obligations** National Treatment  
**Concerned:** Market Access

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
 - Law on Investment No. 67/2014/QH13 dated 26 November 2014  
 - Decision No. 88/2009/QD-TTg dated 18 June 2009

**Description:** Establishment

Representative offices of foreign service suppliers and investors are not allowed to engage in any direct profit-making activities<sup>1</sup> in Viet Nam.

Foreign service suppliers and investors are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. The total equity held by foreign service suppliers and investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority. In specific sectors and sub-sectors committed in Viet Nam's Schedule of Specific Commitments in Services under the GATS (WT/ACC/VNM/48/Add.2), the level of equity held by foreign service suppliers and investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of transitional periods, where applicable.

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<sup>1</sup> Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.



2.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Senior Management and Boards of Directors

**Source of Measure:**

- Resolution No. 71/2006/QH11 dated 29 November 2006
- Law on Investment No. 67/2014/QH13 dated 26 November 2014
- Labour Code No. 10/2012/QH13 dated 18 June 2012
- Decree No. 111/2008/ND-CP dated 10 October 2008
- Decree No. 03/2006/ND-CP dated 06 January 2006
- Decree No. 102/2013/ND-CP dated 05 September 2013

**Description:** Establishment

Unless otherwise provided in the Annex 4 (Schedule of Specific Commitments of Viet Nam under Section IV (Movement of Natural Persons)) of Chapter 8 (Trade in Services, Investments and Movement of Natural Persons) of the Agreement, Viet Nam reserves the right to adopt or maintain any measure in relation to the employment of expatriates. Restrictions<sup>2</sup> may be imposed on the number or ratio, minimum wages, duration and type of expatriates employed.

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<sup>2</sup> For illustrative purpose, the restriction may include but not limited to:

- In the case of managers, executives and specialists, at least 20% of the total number of them shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise;
- The legal representative of an enterprise shall reside permanently in Viet Nam as stipulated in the Law on Enterprise (Law No. 68/2014/QH13 dated 26 November 2014).

3.

<b>Sector:</b>	Professional Services
<b>Sub-sector:</b>	Legal Services (CPC 861)
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on Lawyers No. 65/2006/QH11 dated 29 June 2006 - Law No. 20/2012/QH13 dated 20 November 2012 providing amendments for the Law on Lawyers No. 65/2006/QH11 dated 29 June 2006 - Decree No. 123/2013/ND-CP dated 14 October 2013 - Law on Intellectual Property No. 50/2005/QH11 dated 29 November 2005 - Law No. 36/2009/QH12 dated 19 June 2009 amending Law on Intellectual Property No. 50/2005/QH11 dated 29 November 2005
<b>Description:</b>	<u>Establishment</u>  Foreign lawyers organizations <sup>3</sup> may only provide legal services in Viet Nam, through the following forms: <ul style="list-style-type: none"> <li>- Branches of foreign lawyers organizations;</li> <li>- Wholly foreign limited liability law firm;</li> <li>- Joint venture limited liability law firm;</li> <li>- Partnerships between foreign lawyers organizations and Viet Nam's law partnerships.</li> </ul> Wholly foreign owned limited liability law firm, joint venture limited liability law firm and partnerships between foreign lawyer organisations and Viet Nam's law partnerships are called as "foreign law firms". These entities and branches of foreign lawyers organizations are not allowed to: <ul style="list-style-type: none"> <li>- participate in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;</li> <li>- participate in legal documentation and certification services of the laws of Viet Nam.</li> </ul> Foreign lawyers may only provide legal services in Viet Nam through the following forms: <ul style="list-style-type: none"> <li>- Working as partners for branches of foreign lawyers organizations or foreign law firms in Viet Nam;</li> </ul>

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<sup>3</sup> A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

- Working under contracts for branches of foreign lawyers organizations, foreign law firms or Viet Nam's lawyers organizations.

The foreign lawyers practicing laws in Viet Nam are not permitted to make consultations on Vietnamese laws unless they have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners. They are not allowed to participate in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam.

Foreign lawyers organizations must commit and ensure to have at least 2 foreign lawyers, including Chief of branch, Director of foreign law firm, presenting and practicing in Viet Nam for at least 183 days within any 12 consecutive months.

4.

**Sector:** Professional Services

**Sub-sector:** Engineering services (CPC 8672)  
Integrated engineering services (CPC 8673)

**Obligations  
Concerned:** National Treatment

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014  
- Law on Investment No. 67/2014/QH13 dated 26 November 2014

**Description:** Establishment

Investment related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, sectoral development planning are subject to the authorization of the Government of Viet Nam.

5.

<b>Sector:</b>	Professional Services
<b>Sub - sector:</b>	Urban planning and urban landscape architectural services (CPC 8674)
<b>Obligations Concerned:</b>	National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Law on Urban Planning No 30/2009/QH12 dated 17 June 2009
<b>Description:</b>	<u>Establishment</u>

Foreign service suppliers must be authenticated by an architect who has appropriate practicing certificate working in a Vietnamese architectural organization which has juridical entity status, and comply with relevant laws and regulations of Viet Nam.

The responsible foreign architects working in foreign-invested enterprises must have the professional practicing certificate granted or recognized by the Government of Viet Nam.

In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service.

6.

**Sector:** Professional Services

**Sub-sector:** Veterinary services (CPC 932)

**Obligations** Market Access

**Concerned:** National Treatment

Senior Management and Boards of Directors

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
- Administrative measures

**Description:** Establishment

Foreign investors may not provide veterinary services in Viet Nam unless they are natural persons providing such services in the form of private professional practice and under the authorization by the veterinary authorities.

7.

<b>Sector:</b>	Computer and Related Services (CPC 841-845, CPC 849)
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment  Senior Management and Boards of Directors
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/QH11 dated 29 November 2006</li> <li>- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014</li> <li>- Law on Investment No. 67/2014/QH13 dated 26 November 2014</li> <li>- Law on Information Technology No. 67/2006/QH11 dated 29 June 2006</li> <li>- Decree No. 71/2007/ND-CP dated 03 May 2007</li> </ul>
<b>Description:</b>	<u>Establishment</u>  The chief of the branch has to be a resident in Viet Nam.

8.

<b>Sector:</b>	Distribution services
<b>Sub-sector:</b>	Commission agents' services (CPC 621, 61111, 6113, 6121) Wholesale trade services (CPC 622, 61111, 6113, 6121) Retailing services (CPC 631, 632, 61112, 6113, 6121) <sup>4</sup>
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Decree No. 23/2007/ND-CP dated 12 February 2007 - Circular No. 09/2007/TT-BTM dated 17 July 2007 - Circular No. 05/2008/TT-BCT dated 14 April 2008 - Decision No. 10/2007/QD-BTM dated 21 May 2007 - Circular No. 08/2013/TT-BCT dated 22 April 2013
<b>Description:</b>	<u>Establishment</u>

Foreign-invested companies engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products.

The establishment by foreign investors of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT).

Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

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<sup>4</sup> For transparency purposes, these services include multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.



9.

<b>Sector:</b>	Distribution services
<b>Sub-sector:</b>	Franchising services (CPC 8929)
<b>Obligations Concerned:</b>	National Treatment Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Law on Trade No. 36/2005/QH11 dated 14 June 2005
<b>Description:</b>	<u>Establishment</u>  The chief of the branch has to be a resident in Viet Nam.

10.

<b>Sector:</b>	Other Business Services
<b>Sub - sector:</b>	Advertising services (CPC 871)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Law on advertising No. 16/2012/QH13 dated 21 June 2012 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not supply advertising services except through a joint venture or business cooperation contract with a Vietnamese partner legally authorized to provide advertising services, or the purchase of shares of less than 100% in a Viet Nam's enterprise legally authorized to provide advertising services.  The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.

11.

<b>Sector:</b>	Other Business Services
<b>Sub-sector:</b>	Management consultant services (CPC 865) Services related to management consulting (CPC 866)
<b>Obligations Concerned:</b>	National Treatment Senior Management and Boards of Directors
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/QH11 dated 29 November 2006</li> <li>- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014</li> <li>- Law on Investment No. 67/2014/QH13 dated 26 November 2014</li> <li>- Law on Trade No. 36/2005/QH11 dated 14 June 2005</li> <li>- Law on Commercial Arbitration No. 54/2010/QH12 dated 17 June 2010</li> </ul>
<b>Description:</b>	<p><u>Establishment</u></p> <p>The chief of the branch has to be a resident in Viet Nam.</p> <p>Viet Nam reserves the right to adopt or maintain any measures with respect to Arbitration and conciliation services (CPC 86602), except for Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**).</p>

12.

**Sector:** Other Business Services

**Sub-sector:** Technical testing and analysis services (CPC 8676)

**Obligations Concerned:** Market Access  
National Treatment  
Senior Management and Boards of Directors

**Source of Measure:**

- Decree No. 140/2007/ND-CP dated 5 September 2007
- Circular No. 26/2013/TT-BKHHCN dated 15 November 2013
- Circular No. 08/2009/TT-BKHHCN dated 8 April 2009
- Circular No. 09/2009/TT-BKHHCN dated 8 April 2009

**Description:** Establishment

Where Viet Nam allows private suppliers of technical testing and analysis services access to a sector previously closed to private sector competition on the grounds that the service had been supplied in the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access, all limitations shall be abolished.

Foreign investors shall not provide services related to conformity testing of transport vehicles and certification of transport vehicles.

Access to certain geographical areas may be restricted for national security reasons and public order reasons in accordance with Articles XIV and XIV bis of the GATS.

13.

<b>Sector:</b>	Other Business Services
<b>Sub-sector:</b>	Services incidental to agriculture, hunting and forestry (CPC 881)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures

**Description:** Establishment

Foreign investors may not provide services incidental to agriculture, hunting and forestry except through a business cooperation contract, a joint venture or the purchase of shares in a Viet Nam's enterprise. In the case of a joint venture or the purchase of shares in an enterprise, foreign equity shall not exceed 51%.

Viet Nam reserves the right to adopt or maintain any measures with respect to services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture.

Access to certain geographical areas may be restricted for national security reasons and public order reasons in accordance with Articles XIV and XIV bis of the GATS.

14.

**Sector:** Other Business Services

**Sub-sector:** Services incidental to mining (CPC 883)

**Obligations  
Concerned:** National Treatment  
Market Access

**Source of Measure:**

- Resolution No. 71/2006/QH11 dated 29 November 2006
- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014
- Law on Investment No. 67/2014/QH13 dated 26 November 2014
- Law on Minerals No. 60/2010/QH12 dated 17 November 2010

**Description:** Establishment

Foreign investment is only allowed in form of joint ventures with foreign capital contribution not exceeding 51%, 100% foreign-invested enterprises, or the purchase of shares in a Viet Nam's enterprise.

Viet Nam reserves the right to adopt or maintain any measures with respect to the supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.

15.

**Sector:** Other Business Services

**Sub-sector:** Related scientific and technical consulting services (CPC 8675)

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:**

- Resolution No. 71/2006/QH11 dated 29 November 2006
- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014
- Law on Investment No. 67/2014/QH13 dated 26 November 2014
- Law on Science and Technology No. 29/2013/QH13 dated 18 June 2013
- Decision No. 97/2009/QD-TTg dated 24 July 2009
- Decree No.133/2008/ND-CP dated 31 December 2008
- Law on Standards and Technical Regulations No. 68/2006/QH11 dated 29 June 2006
- Law on Product and Goods Quality No.05/2007/QH12 dated 21 November 2007
- Law on Measurement No.04/2011/QH13 dated 11 November 2011
- Law on High Technology No. 21/2008/QH12 dated 13 November 2008

**Description:** Establishment

Foreign investment is only allowed in form of joint ventures with foreign capital contribution not exceeding 51%, 100% foreign-invested enterprises, or the purchase of shares in a Viet Nam's enterprise.

The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

Viet Nam reserves the right to adopt or maintain any measures with respect to the supply of map-making services (CPC 86754).

16

**Sector:** Other Business Services

**Sub-sector:** Packaging services (CPC 876)

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:**

**Description:** Establishment

Foreign investment is only allowed in form of joint ventures with foreign capital contribution not exceeding 70%.

17.

**Sector:** Other Business Services

**Sub-sector:** Services incidental to manufacturing (CPC 884 and 885)

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:**

- Resolution No.71/2006/QH11 dated 29 November 2006
- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014
- Law on Investment No. 67/2014/QH13 dated 26 November 2014

**Description:** Establishment

Foreign investment is only allowed in form of joint ventures with foreign capital contribution not exceeding 50%, 100% foreign-invested enterprises, or the purchase of shares in a Viet Nam's enterprise.

18.

<b>Sector:</b>	Other Business Services
<b>Sub-sector:</b>	Maintenance and repair of equipment (CPC 633)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No.71/2006/QH11 dated 29 November 2006 - Law on Enterprise No. 68/2014/QH13 dated 26 November 2014 - Law on Investment No. 67/2014/QH13 dated 26 November 2014
<b>Description:</b>	<u>Establishment</u>  Foreign investment is only allowed in form of joint ventures with foreign capital contribution not exceeding 51%, 100% foreign-invested enterprises, or the purchase of shares in a Viet Nam's enterprise.



19.

**Sector:** Telecommunications Services

**Sub-sector:** *Basic Services*

- a. Voice telephone services (CPC 7521)
- b. Packet-switched data transmission services (CPC 7523\*\*)
- c. Circuit-switched data transmission services (CPC 7523\*\*)
- d. Telex services (CPC 7523\*\*)
- e. Telegraph services (CPC 7523\*\*)
- f. Facsimile services (CPC 7521\*\* + 7529\*\*)
- g. Private leased circuit services (CPC 7522\*\* + 7523\*\*)
- o\*. Other services
  - Videoconference services (CPC 75292)
  - Video Transmission services, excluding broadcasting<sup>5</sup>
  - Radio based services includes:
    - \* Mobile telephone (terrestrial and satellite)
    - \* Mobile data (terrestrial and satellite)
    - \* Paging
    - \* PCS
    - \* Trunking
  - Internet Exchange Service (IXP)<sup>6</sup>
  - Virtual Private Network (VPN)<sup>7</sup>

*Value-added Services*

- h. Electronic mail (CPC 7523 \*\*)
- i. Voice mail (CPC 7523 \*\*)
- j. On-line information and database retrieval (CPC 7523\*\*)
- k. Electronic data interchange (EDI) (CPC 7523\*\*)
- l. Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC 7523\*\*)
- m. Code and protocol conversion

<sup>5</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio program signals to the general public, but does not cover contribution links between operators.

<sup>6</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>7</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialing or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

- n. On-line information and data processing (incl. transaction processing) (CPC 843\*\*)
- o. Other services
  - Internet Access Services IAS

**Obligations Concerned:** Market Access  
National Treatment  
Performance Requirements

**Source of Measure:** - Law on Telecommunications No. 41/2009/QH12 dated 23 November 2009  
- Decree No 108/2006/ND-CP dated 22 September 2006  
- Decree No 25/2011/ND-CP dated 6 April 2011  
- Administrative measures

**Description:** Establishment

- *Non facilities-based services*: Foreign investors may not provide non facilities-based services except through a joint venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 65%, or 70% in the case of virtual private networks.

- *Facilities-based services*: Foreign investors may not provide facilities-based services except through a joint venture or the purchase of shares in a Viet Nam's enterprise dully licensed in Viet Nam, with foreign equity not exceeding 49%, or 50% in the case of value-added services.

20.

**Sector:** Audiovisual Services

**Sub-sector:** Motion picture production (CPC 96112)  
Motion picture distribution (CPC 96113)  
Motion picture projection service (CPC 96121)

**Obligations  
Concerned:** Market Access  
National Treatment  
Performance Requirements

**Source of Measure:** - Resolution No.71/2006/QH11 dated 29 November 2006  
- Administrative measures

**Description:** Establishment

Foreign investor may not provide motion picture production, distribution and projection services except through a business cooperation contract or a joint venture with a Vietnamese partner who is authorized to provide such services, or the purchase of shares in a Viet Nam's enterprise legally authorized to provide such services. In the case of a joint venture or the purchase of shares in an enterprise, foreign equity shall not exceed 51%.

For motion picture projection service, foreign investors are not allowed to engage in business cooperation contract or joint-venture with Viet Nam's houses of culture, film projection place, public cinema clubs and societies and mobile projection teams.

All films must have their content censored by Viet Nam's competent authorities.

Viet Nam reserves the right to adopt or maintain any measures with respect to production and distribution of video tape.

21.

**Sector:** Audiovisual Services**Sub-sector:****Obligations  
Concerned:** National Treatment  
Market access**Source of Measure:** Decree No. 54/2010/ND-CP dated 21 May 2010**Description:** Establishment

Cinemas must screen Vietnamese films on the occasion of big anniversaries of the country and for political, social and foreign-relation tasks under regulations of the Ministry of Culture, Sports and Tourism.

The ratio of screening Vietnamese feature films to total film shows must be at least 20%. Vietnamese feature films must be screened in the daily timeframe from 18 hours to 22 hours and may be screened at other hours.

22.

**Sector:** Construction and related engineering services**Sub-sector:** General construction work for building (CPC 512)  
General construction work for civil engineering (CPC 513)  
Installation and assembly work (CPC 514, 516)  
Building completion and finishing work (CPC 517) and Other (CPC 511, 515, 518)**Obligations  
Concerned:** National Treatment  
Market Access  
Senior Management and Boards of Directors**Source of Measure:** - Resolution No.71/2006/QH11 dated 29 November 2006  
- Administrative measures**Description:** Establishment

The chief of the branch has to be a resident in Viet Nam.

23.

<b>Sector:</b>	Educational services
<b>Sub-sector:</b>	Higher education services (CPC 923) Adult education (CPC 924) Other education services (CPC 929 including foreign language training)
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Resolution No.71/2006/QH11 dated 29 November 2006 - Administrative measures

**Description:** Establishment

Foreign services suppliers are not permitted to provide educational services other than those in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.

Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.

The education content must be approved by Viet Nam's Ministry of Education and Training.

24.

**Sector:** Environmental services

**Sub-sector:** Sewage Services (CPC 9401)

**Obligations  
Concerned:** Market Access  
National Treatment

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
- Law on Environmental protection No. 55/2014/QH13 dated 23 June 2014 and its guiding documents  
- Decree No. 80/2006/ND-CP dated 09 August 2006  
- Decision No. 249/QD-TTg dated 10 February 2010

**Description:** Establishment

Services supplied in the exercise of governmental authority as defined in Article I:3(c) (GATS) may be subject to public monopolies or exclusive rights granted to private operators.

Access to certain geographical areas may be restricted for national security reasons and public order reasons in accordance with Articles XIV and XIV bis of the GATS.

25.

**Sector:** Environmental services

**Sub-sector:** Refuse disposal services (CPC 9402)<sup>8</sup>

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
- Administrative measures

**Description:** Establishment

Services supplied in the exercise of governmental authority as defined in Article I:3(c) (GATS) may be subject to public monopolies or exclusive rights granted to private operators.

For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.

Access to certain geographical areas may be restricted for national security reasons and public order reasons in accordance with Articles XIV and XIV bis of the GATS.

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<sup>8</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

26.

<b>Sector:</b>	Environmental services
<b>Sub-sector:</b>	Other services - Cleaning services of exhaust gases (CPC 94040) Noise abatement services (CPC 94050)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Services supplied in the exercise of governmental authority as defined in Article I:3(c) (GATS) may be subject to public monopolies or exclusive rights granted to private operators.  Access to certain geographical areas may be restricted for national security reasons and public order reasons in accordance with Articles XIV and XIV bis of the GATS.

27.

<b>Sector:</b>	Health related and social services
<b>Sub-sector:</b>	Hospital services (CPC 9311) Medical and dental services (CPC 9312)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign service suppliers and investors are permitted to invest and provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners, business cooperation contract or the purchase of shares in a Viet Nam's enterprise.  The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.



28.

<b>Sector</b>	Tourism and travel related services
<b>Sub-sector:</b>	Travel agencies and tour operator services (CPC 7471)
<b>Obligations Concerned:</b>	Market Access National Treatment Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not provide travel agency and tour operator services except through a joint venture with a Vietnamese partner or the purchase of shares of less than 100% in a Viet Nam's enterprise  Tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists as an integral part of inbound services.

29.

<b>Sector</b>	Recreational, cultural and sporting services
<b>Sub-sector:</b>	Entertainment services (including theatre, live bands and circus services) (CPC 9619)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not provide entertainment services covered by CPC 9619 (including theatre, live bands and circus services) except through a joint venture or the purchase of shares in a Viet Nam's enterprise with foreign equity not exceeding 49%.

30.

<b>Sector</b>	Recreational, cultural and sporting services
<b>Sub-sector:</b>	Electronic games business
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures

**Description:** Establishment

Foreign investors may not provide electronic games services except through a business cooperation contract or a joint venture with Vietnamese partner authorised to provide such services or the purchase of shares in a Viet Nam's enterprise authorized to provide such services. In case of a joint venture or the purchase of shares in an enterprise, foreign equity shall not exceed 49%.

31.

<b>Sector:</b>	Maritime Transport Services
<b>Sub-sector:</b>	Passenger transportation (CPC 7211) Freight transportation (CPC 7212)
<b>Obligations Concerned:</b>	Market Access National Treatment Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Resolution No. 71/2006/QH11 dated 29 November 2006 - Administrative measures

**Description:** Establishment

a) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam:

Foreign investors may not provide maritime passenger and freight transportation services under the national flag of Viet Nam except through a joint venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 49%. In addition, foreign seafarers may not exceed 1/3 of total employees of the ships. The Master or first chief executive must be a Vietnamese citizen.

(b) Other forms of commercial presence for investment in

international maritime transport services<sup>9</sup>:

Foreign-invested enterprises are only permitted to carry out activities as indicated below:

1. Marketing and sales maritime transport services through direct contact with customers, from quotation to invoicing;
2. Acting on behalf of the cargo owners;
3. Provision of required business information;
4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported;
5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.
6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required; and
7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.

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<sup>9</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

32.

<b>Sector:</b>	Maritime Auxiliary Services
<b>Sub-sector:</b>	Container handling services, except services provided at airports (CPC 7411)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Decree No. 140/2007/ND-CP dated 5 September 2007 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not provide container handling services except through a joint venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 50%.  Public utility concession or licensing procedures may apply in case of occupation of the public domain.

33.

<b>Sector:</b>	Maritime Auxiliary Services
<b>Sub-sector:</b>	Customs Clearance Services <sup>10</sup>
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not provide customs clearance services except through a joint venture or the purchase of shares of less than 100% in a Viet Nam's enterprise.

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<sup>10</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

34.

**Sector:** Maritime Auxiliary Services

**Sub-sector:** Shipping agency services

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:** - Decree No. 30/2014/ND-CP dated 14 April 2014  
- Maritime code No.40/2005/QH11 dated 14 June 2005  
- Administrative measures

**Description:** Establishment

Foreign investors may not provide shipping agency services except through a joint venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 49%.

35.

**Sector:** Internal Waterways Transport

**Sub-sector:** Passenger transport (CPC 7221)  
Freight transport (CPC 7222)

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:** - Decree No. 140/2007/ND-CP dated 5 September 2007  
- Administrative measures

**Description:** Establishment

Foreign investors may not provide internal waterway transport services except through a joint venture with a Vietnamese partner or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 49%.

36.

<b>Sector:</b>	Air Transport Services
<b>Sub-sector:</b>	Sales and marketing air products services
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Law on Civic Air Service No. 66/2006/QH11 dated 29 June 2006
<b>Description:</b>	<u>Establishment</u>  Airlines are only permitted to provide services in Viet Nam through their ticketing offices or agents in Viet Nam.

37.

<b>Sector:</b>	Rail Transport Services
<b>Sub-sector:</b>	Passenger transportation (CPC 7111) Freight transportation (CPC 7112)
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Decree No. 140/2007/ND-CP dated 5 September 2007 - Administrative measures
<b>Description:</b>	<u>Establishment</u>  Foreign investors may not provide rail freight transport services except through a joint venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 51%.  Foreign investors are not permitted to provide passenger rail transport services.

38.

**Sector:** Air Transport Services**Sub-sector:** Computer reservation services**Obligations Concerned:** Market Access  
National Treatment**Source of Measure:** - Resolution No. 71/2006/NQ-QH11 dated 29 November 2006  
- Law on Civic Air Service No. 66/2006/QH11 dated 29 June 2006**Description:** Establishment

The foreign service suppliers and investors must use public telecommunication network under the management of Viet Nam telecommunication authority.

39.

**Sector:** Road Transport Services**Sub-sector:** Passenger transportation (CPC 7121+7122)  
Freight transportation (CPC 7123)**Obligations Concerned:** Market Access  
National Treatment**Source of Measure:** - Decree No. 140/2007/ND-CP dated 5 September 2007  
- Administrative measures**Description:** Establishment

Foreign investors may not provide road passenger and freight transport services except through a business cooperation contract, a joint-venture or the purchase of shares in a Viet Nam's enterprise, with foreign equity not exceeding 49%.

In the case of road freight transport services, subject to the needs of the market<sup>11</sup>, the foreign equity limitation may be raised to but shall not exceed 51%.

100% of joint-venture's drivers shall be Vietnamese citizen.

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<sup>11</sup> The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

40.

<b>Sector:</b>	Services Auxiliary to all Modes of Transport
<b>Sub-sector:</b>	Other services (part of CPC 749 <sup>12</sup> )
<b>Obligations Concerned:</b>	Market Access National Treatment
<b>Source of Measure:</b>	- Decree No. 140/2007/ND-CP dated 5 September 2007 - Administrative measures

**Description:** Establishment

Foreign investors may not provide bill auditing, freight brokerage, freight inspection, weighing and sampling, freight receiving and acceptance and transportation document preparation services on behalf of cargo owners except through a joint venture or the purchase of shares, with foreign equity less than 100%.

41.

<b>Sector:</b>	Manufacturing
<b>Sub-sector:</b>	Aircraft Manufacture Industry (ISIC 353) Manufacture of railway rolling stock, spare parts, wagon and coach (ISIC 352)
<b>Obligations Concerned:</b>	Market access National Treatment
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Administrative measures

**Description:** Establishment

Foreign investors may not engage in the manufacture of aircraft, railway rolling stock, spare parts, wagon and coach except through a joint venture or the purchase of shares in Viet Nam's enterprise, with foreign equity not exceeding 49%.

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<sup>12</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.



42.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006</li> <li>- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010</li> <li>- Circular No. 40/2011/TT-NHNN dated 15 December 2011</li> <li>- Decree No. 39/2014/ND-CP dated 7 May 2014</li> <li>- Administrative measures</li> </ul>
<b>Description</b>	<p>Foreign credit institutions<sup>13</sup> are only permitted to establish commercial presence in Viet Nam in the following forms:</p> <ul style="list-style-type: none"> <li>- With respect to foreign commercial banks: representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign-invested financial leasing company, joint venture finance company and 100% foreign-invested finance company, and 100% foreign-owned banks.</li> <li>- With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign-invested finance company, joint venture financial leasing company and 100% foreign-invested financial leasing company.</li> <li>- With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.</li> </ul>

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<sup>13</sup> Credit institutions is defined as in Article 4 of Law on Credit Institution 2010. For greater certainty, a foreign credit institution does not include branch or an entity that has no independent legal existence of investor.

43.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006</li> <li>- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010</li> <li>- Decree No. 01/2014/ND-CP dated 3 January 2014</li> <li>- Administrative measures.</li> </ul>
<b>Description</b>	<p>Total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital.</p> <ul style="list-style-type: none"> <li>- Equity held by a foreign investor and its affiliated persons in each Viet Nam's joint-stock commercial bank may not exceed 5% of the bank's chartered capital.</li> <li>- Equity held by a foreign institution and its affiliated persons in each Viet Nam's joint-stock commercial bank may not exceed 15% of the bank's chartered capital,</li> <li>- Equity held by a foreign strategic investor<sup>14</sup> and its affiliated persons in each Viet Nam's joint-stock commercial bank may not exceed 15% of the bank's chartered capital,</li> </ul> <p>In special cases, the Prime Minister based on proposal of the State Bank of Viet Nam, decides the shareholding of a foreign strategic investor and its affiliated persons that may exceed 15% but not exceed 20% of the bank's chartered capital.</p>

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<sup>14</sup> "Foreign strategic investor" means a foreign organization which has financial capacity and has a written commitment of competent person to bind its long-term benefit with Vietnamese credit institutions and support Vietnamese credit institutions in transferring modern technologies; developing banking products and services, raising the administration and financial capacity.

44.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	National Treatment
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006</li> <li>- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010</li> <li>- Decree No. 79/2002/ND-CP dated 4 October 2002</li> <li>- Decree No. 81/2008/ND-CP dated 29 July 2008</li> <li>- Decree No. 16/2001/ND-CP dated 2 May 2001</li> <li>- Decree No. 95/2008/ND-CP dated 25 August 2008</li> <li>- Circular No. 40/2011/TT-NHNN dated 15 December 2011</li> <li>- Administrative measures.</li> </ul>
<b>Description</b>	<ul style="list-style-type: none"> <li>- The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam: The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.</li> <li>- The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank: The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</li> <li>- The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company: The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application.</li> <li>- Only persons being nationality of Viet Nam can be allowed to be founding shareholders of joint stock commercial banks.</li> </ul>

45.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010 - Administrative measures
<b>Description</b>	A foreign credit institution or a foreign institution engaged in a banking operation shall only be permitted to establish one representative office in each province or city under central authority.

46.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010 - Administrative measures
<b>Description</b>	General director (director), deputy general directors (deputy directors), chief accountant, directors of branches and directors of subsidiary companies and equivalent positions must reside in Viet Nam during their term of office whenever they assume the positions in the Board of Directors.

47.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking and Other Financial Services (Excluding Securities and Insurance)
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006</li> <li>- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010</li> <li>- Decree No. 141/2006/ND-CP dated 16 June 2006</li> <li>- Decree No. 10/2011/ND-CP dated 26 January 2011</li> <li>- Circular No. 21/2013/TT-NHNN dated 9 September 2013</li> <li>- Administrative measures</li> </ul>
<b>Description</b>	<ul style="list-style-type: none"> <li>- A foreign bank branch shall not be permitted to: (i) either contribute capital or purchase shares; (ii) carry out activities that the foreign bank is not allowed to conduct in its home country; (iii) supply some foreign exchange services in the international market to customers in Viet Nam, including but not limited to off-shore lending and off-shore issuance of bonds; (iv) open a transaction point<sup>15</sup> outside its location which is stated in the License in any form;</li> <li>- Prudential ratios of foreign bank branch in Viet Nam must be calculated based on its regulatory capital, which must be located in Viet Nam;</li> <li>- The legal capital required for a foreign bank branch in Viet Nam is 15 million USD.</li> </ul>

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<sup>15</sup> *Transaction point* means a location set up outside the office of a foreign bank branch in order to conduct a limited number of transactions with clients.

48.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Insurance
<b>Obligations Concerned</b>	National Treatment
<b>Source of Measure:</b>	Law on Insurance Business No.24/2000/QH10 dated 9 December 2000
<b>Description</b>	<p>Individuals who conduct insurance agency activities must be Vietnamese citizens residing in Viet Nam.</p> <p>Employees who directly perform the insurance agency activities in Organizations which conduct insurance agency activities must be Vietnamese citizens residing in Viet Nam.</p>

49.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Insurance
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	Decree 123/2011/NĐ-CP dated 28 December 2011
<b>Description</b>	<p>No foreign insurance company except foreign non-life insurance one is permitted to open branches in Viet Nam.</p> <p>In order to be granted the license for establishment of non-life insurance branch in Viet Nam, a foreign non-life insurance company must satisfy the conditions under Vietnamese laws, including:</p> <ul style="list-style-type: none"> <li>- Operational and financial capacity and branch management and supervisory capacity in Viet Nam of foreign non-life insurance company.</li> <li>- The cooperation between the foreign insurance administrative body of the country where the company head office is located and the Vietnamese insurance administrative body in managing and supervising the branch of foreign non-life insurance company in Viet Nam.</li> </ul>

50.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Securities Law No. 70/2006/QH11 dated 29 June 2006 and Amended Law on Securities No.62/2010/QH12 dated 24 November 2010</li> <li>- Decree No. 58/2012/ND-CP dated 20 July 2012 detailing and guiding the Securities Law and amendments thereof</li> </ul>
<b>Description</b>	<p>Foreign securities service suppliers shall only be permitted to establish representative offices and joint ventures with Vietnamese partners with foreign equity not exceeding 49% or 100% foreign invested enterprises for following services:</p> <ul style="list-style-type: none"> <li>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</li> <li>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</li> <li>(k) Provision and transfer of financial information, and related software by suppliers of securities services</li> <li>(l) Advisory, intermediation and other auxiliary securities-related excluding</li> <li>(f) including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector).</li> </ul> <p>The operation and services provided by branches of foreign securities company and fund management company in Viet Nam are subject to approval of the Government of Viet Nam, including of the imposition of conditions of the approval.</p>

51.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Most-Favoured-Nation Treatment
<b>Source of Measure:</b>	Securities Law No. 70/2006/QH11 dated 29 June 2006  Article 10 - Regulations on members of the Viet Nam Securities Depository Center promulgated under Decision No. 28/QD-VSD dated 22 April 2010.
<b>Description</b>	Viet Nam reserves the right to regulate rights and obligations of foreign central securities depositories (CSDs), who want to become the members of Viet Nam securities depository centre according to the agreements between VSD and the foreign CSDs.  The Viet Nam Securities Depository (VSD) is the only organization authorized to act as a Central Securities Depository (CSD) which typically supplies services on registration, depository, clearing and settlement of securities and securities transactions.

52.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Law on Securities No. 70/2006/QH11 dated 29 June 2006 - Decision No. 55/2009/QD-TTg dated 15 April 2009 - Administrative measures.
<b>Description</b>	Viet Nam reserves the right to adopt or maintain any measures on new securities products or services which are not existing in Viet Nam's securities market (in accordance with domestic laws and regulations).



53.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	- Resolution No. 71/2006/NQ-QH11 dated 29 November 2006 - Law on Securities No. 70/2006/QH11 dated 29 June 2006 - Administrative measures
<b>Description</b>	Natural persons are not allowed to perform securities services in the territory of Viet Nam.

54.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	- Securities Law No.70/2006/QH11 dated 29 June 2006 and Amended Law on Securities No.62/2010/QH12 dated 24 November 2010 - Article 1, 2, 3-Decision No.55/2009/QĐ-TTg dated 15 April 2009 of the Prime Minister
<b>Description</b>	Viet Nam reserves the right to adopt or maintain any measure wwith respect to securities to be listed or listed on a stock exchange and any matter relating to the acquisition of interests in, take-overs of, and mergers of a public-listed company.  Foreign participation from above 49% to less than 100% of charter capital of a securities company, fund management company in Viet Nam is subject to approval of the Government of Viet Nam, including the imposition of conditions for the approval.

55.

**Sector** Financial Services

**Sub-sector** Securities

**Obligations Concerned** National Treatment  
Market Access

**Source of Measure:**

**Description** Viet Nam reserves the right to adopt or maintain any measures relating to establishment, ownership and operation structure of regulated securities markets.

56.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Law on Investment No. 67/2014/QH13 dated 26 November 2014  
- Law on Enterprises No. 68/2014/QH13 dated 26 November 2014

**Description:** Establishment

Based on the socio-economic conditions and requirements for State administration in each period and consistent with the undertakings in international treaties of which the Socialist Republic of Viet Nam is a member, the Government regulates the industries in which business investment is prohibited and the list of industries in which business investment is conditional, and the conditions applicable to the establishment of economic organizations, the forms of investment, and opening of the market in a number of sectors as applicable to foreign investors.

Where an enterprise with foreign owned capital invested in a sector in which investment was unconditional but during the course of the investment activity the list of sectors in which investment is conditional was amended with the result that the relevant sector was included, the investor shall be permitted to continue its investment activity in that sector.

57.

**Sector:** All sectors**Sub-sector:****Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Performance Requirements  
Senior Management and Boards of Directors**Source of Measure:****Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure conferring rights or privileges to the socially, economical and geographically disadvantaged minorities and ethnic groups.

58.

**Sector:** All sectors**Sub-sector:****Obligations Concerned:** National Treatment  
Market Access  
Performance Requirements  
Most-Favoured-Nation Treatment  
Senior Management and Boards of Directors**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to investment procedures including procedures for registration of investment, evaluation of investment projects, procedures for investments involving establishment of economic organizations and operational duration of projects, foreign exchange management procedures.

59.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Law on Investment No. 67/2014/QH13 dated 26 November 2014  
- Law on Enterprise No. 68/2014/QH13 dated 26 November 2014  
- Decree No. 108/2006/ND-CP dated 22 September 2006  
- Decree No. 139/2007/ND-CP dated 05 September 2007

**Description:** Establishment

Unless otherwise provided in Chapter (SOE), Viet Nam reserves the right to adopt or maintain any measure relating to State Owned Enterprises<sup>16</sup> and the investment with and management of investment by State funds, including but not limited to privatization, equitization or divestment of assets through transfer or disposal of equity interests or assets of State Owned Enterprises.

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<sup>16</sup> The term “State-owned enterprise” is defined under Article 4 of the Law on Enterprises, 2005 as amended as follows: State-owned enterprise means an enterprise in which the State owns more than 50% of the charter capital.

60.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Law on Investment No. 67/2014/QH13 dated 26 November 2014  
- Law on Land No. 45/2013/QH13 dated 29 November 2013 and its implementing regulations  
- Law on Real Estate Business No. 66/2014/QH13 dated 25 November 2014  
- Law of Housing No. 65/2014/QH13 dated 25 November 2014

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure affecting land, property and natural resources<sup>17</sup> associated with land, including but not limited to acquisition, ownership<sup>18</sup>, lease, policy on the usage of land, land planning, term of land use, rights and obligations of land users.

Depending on land use purpose for implementing investment projects, foreign-invested enterprise shall be permitted by the State of Viet Nam to allocate land with land use fee; to lease land with full one-off rental payment for the entire lease period or an annual land rental payment. Term of land use is determined by the duration of the investment projects and stated in the investment license; at the expiry of the term, if the foreign-invested enterprises are still in need of using land, the State of Viet Nam will consider an extension in accordance with the permitted extension duration of implementing the investment projects.

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<sup>17</sup> Natural resources found in land belong to the Government of Viet Nam.

<sup>18</sup> The term for land allocation or land lease to organizations for the purpose of agriculture, forestry, aquaculture or salt production; to organizations, households or individuals for the purpose of trading and services or for non-agricultural production establishments; to organizations for implementing investment projects; to overseas Vietnamese and foreign-invested enterprises for implementing investment projects in Viet Nam, shall be considered and decided on the basis of the investment projects or applications for land allocation or land lease, but must not exceed 50 years.

For large investment projects with slow recovery of capital, projects in areas with difficult socio-economic conditions or with especially difficult socio-economic conditions which require a longer term, the term of land allocation or land lease must not exceed 70 years.

For projects on construction of houses for sale or for a combination of sale and rent or for lease-purchase, the land use term shall be determined in accordance with the duration of the project. Those who buy houses associated with land use rights may use land for a long and stable term.

At the expiry of the term, if the land users still have land use needs, the State shall consider an extension which must not exceed the term prescribed in this Reservation.

61.

<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Boards of Directors
<b>Source of Measure:</b>	
<b>Description:</b>	<u>Establishment</u>

Viet Nam reserves the right to adopt or maintain any measure in regard of the establishment of commercial presence of foreign enterprises and investors in Viet Nam in the form of branch<sup>19</sup>, except for the follow sectors and sub-sectors:

- Legal services (CPC 861);
- Computer and Related Services (CPC 841-845, CPC 849);
- Management consultant services (CPC 865);
- Services related to management consulting (CPC 866);
- Construction and related engineering services (CPC 51);
- Franchising services (CPC 8929).

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<sup>19</sup> In case where it is otherwise specified in specific sector or sub-sector in this annex, the specifications shall prevail

62.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure regarding subsidies, including but not limited to subsidies for research and development, subsidies in health, education and audio-visual sectors.

63.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to new sectors and activities, including services or activities related to existing and new products or the manner in which a product is delivered that are not currently supplied or carried out in the territory of Viet Nam.

64.

**Sector:***Professional Services*

- Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)
- Veterinary services (keeping micro-organism strain for veterinary) (CPC 932)
- Other (1.A.k in Document MTN.GNS/W/120 of the WTO)

*Research and Development Services*

- Research and development services on social sciences and humanities (CPC 852)
- Interdisciplinary Research and development services (CPC 853)

*Real Estate Services (CPC 821+822)**Rental/Leasing Services without Operators*

- Relating to ships (CPC 83103)
- Relating to other transport equipment (CPC 83101+83102+83105)
- Other (CPC 832)

*Other Business Services*

- Public opinion polling services (CPC 86402)
- Services incidental to fishing (CPC 882)
- Services incidental to energy distribution (CPC 887)
- Placement and supply services of personnel (CPC 872)
- Investigation and security (CPC 873)
- Building-cleaning services (CPC 874), except for Disinfecting and exterminating services (CPC 87401) and Window cleaning services (CPC 87402) only in industrial zones and export processing zones
- Photographic services (CPC 875)
- Printing (part of CPC 88442)
- Publishing (part of CPC 88442)
- Convention services (CPC 87909\*)
- Other business services (87909)

*Audiovisual services*

- Video tape production and distribution services (9611)
- Radio and television services (CPC 9613)
- Radio and television transmission services (CPC 7524)
- Other (2.d.f in Document MTN.GNS/W/120 of the WTO)

*Communication services*

- Postal services (CPC 7511)
- Other communication services

*Game onlines*


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\*The (\*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in this classification list.



*Other distribution services (4.E in Document MTN.GNS/W/120 of the WTO)*

*Environmental services*

- Sanitation and similar services (CPC 9403)- Other (6.D in Document MTN.GNS/W/120 of the WTO)

*Health related and social services*

- Social Services (CPC 933)  
- Other health related and social services

*Tourism and travel related services*

- Hotels and restaurants, excluding lodging services (CPC 64110) and catering food (CPC 642) and drink services (CPC 643)  
- Tourist guides services (CPC 7472)  
- Other (9.D in Document MTN.GNS/W/120 of the WTO)

*Recreational, cultural and sporting services*

- News agency services (CPC 962)  
- Libraries, archives, museums and other cultural services (CPC 963)  
- Sporting and other recreational services- Other (10.E in Document MTN.GNS/W/120 of the WTO), excluding electronic games business (CPC 964\*\*)

*Transport services*

- Maritime Transport Services: Rental of vessels with crew (CPC 7213); Maritime cabotage services; Maintenance and repair of vessels (CPC 8868\*\*); Pushing and towing services (CPC 7214); Supporting services for maritime transport (CPC 745\*\*)  
- Internal Waterways Transport: cabotage services, rental of vessels with crew (CPC 7223); Maintenance and repair of vessels (CPC 8868\*\*); Pushing and towing services (CPC 7224); Supporting services for internal waterway transport (CPC 745\*\*)  
- Air Transport Services, except for Sales and marketing air products services; Computer reservation services; Maintenance and repair of aircraft (CPC 8868\*\*)  
- Space Transport (CPC 733)  
- Road Transport Services: Cabotage services; Rental of commercial vehicles with operator (CPC 7124); Maintenance and repair of road transport equipment (CPC 6112+8867); Supporting services for road transport services (CPC 744)  
- Pipeline Transport  
- Services auxiliary to all modes of transport: Cargo-handling services provided at airports  
- Other Transport Services  
- New information technology, such as cloud computing or grid computing  
- Asset appraisal/valuation services  
- Financial intangible assets: For greater certainty, this reservation is without prejudice to the rights and obligations of Viet Nam in the

## Section Investment

*Other services not elsewhere classified (CPC 95+97+98+99)***Sub-sector:****Obligations  
Concerned:**

National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:****Description:**Establishment

Viet Nam reserves the right to adopt or maintain any measure that is not consistent with the obligations of National Treatment, Most-Favoured-Nation Treatment, Market Access, Senior Management and Boards of Directors, Performance Requirements in establishment of commercial presence in the above sectors and subsectors.

65.

<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Market Access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Decree No. 56/2009/ND-CP dated 30 June 2009 on assistance to the development of small and medium sized enterprises
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure regarding the development policies of Small and Medium-sized Enterprises <sup>20</sup> in the area of production site assistance, human resource training and competitiveness strengthening activities such as technology research and development assistance, legal aids, market information and promotion.

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<sup>20</sup> The term “small and medium-sized enterprise” is defined under Article 3 of the Decree 56/2009/ND-CP, dated 30/6/2009 of the Government as follows: small and medium-sized enterprise is an enterprise established in accordance with laws which has less than or equal to 300 employees or has total legal capital of less than or equal to 100 billion VND.

66.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Decree No. 187/2013/ND-CP dated 20 November 2013  
- Policy on national food security

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to maintaining food security.

67.

**Sector:** River ports, sea ports and airports construction, operation and management

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to river ports, sea ports and airports construction, operation and management.

68.

**Sector:** All sectors**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:** - Law on Investment No. 67/2014/QH13 dated 26 November 2014  
 - Law on Securities No. 70/2006/QH11 dated 29 June 2006

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to activities:

- In the event those activities restricted to designated enterprises are liberalised to those other than the designated entities; or

- In the event such designated enterprise no longer operates on a non commercial basis<sup>21</sup>.

69.

**Sector:** All sectors**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Market access  
 Most-Favoured-Nation Treatment  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:** Law on Union of Co-operatives No. 23/2012/QH13 dated 20 November 2013

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to establishment and operation of co-operatives, union of co-operatives, households business and sole-proprietorship.

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<sup>21</sup> For greater certainty, designated enterprises may include, among other, state trading enterprises.

70.

**Sector:** Manufacturing and Agriculture

**Sub-sector:** *Manufacturing*

- Production of firecrackers, including fireworks (ISIC 2927);
- Production of sky-lanterns (ISIC 3150);
- Production and supply of explosive materials (ISIC 2429);
- Production of cigarettes and cigars (ISIC 1600);
- Production of alcoholic beverages and soft drink (ISIC 1551);
- Production of tobacco production (ISIC 1600);
- Production of lubrication oil, grease (ISIC 2320);
- Production of NPK fertilizer (ISIC 2412);
- Production of fluorescent tubes and bulbs (ISIC 3150);
- Production of under 10000DWT cargo ships; under 800 TEU container ships; lighters and under 500 seats passenger ships (ISIC 3511);
- Production of oil-well cement, barite and betonies for drilling fluids (ISIC 2694);
- Production and supply of industrial explosive materials using in oil and gas activities (ISIC 2429);
- Production of industrial explosive devices (ISIC 2429);
- Assembly and manufacture of buses and passengers cars with more than 29 seats (ISIC 3410);
- Cane sugar production (ISIC 1542).

*Agriculture*

Cultivating, producing or processing rare or precious plants, breeding or husbandry of precious or rare wild animal and processing of those plants or animals (including both living animals and processed matter taken from animals)<sup>22</sup>. The list of living animals and processed matter taken from animals is established by the relevant legislation.

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to establishment of commercial presence in these sectors and sub-sectors.

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<sup>22</sup> List of rare or precious plants and animals can be found in website: [www.kiemlam.org.vn](http://www.kiemlam.org.vn)

71.

<b>Sector:</b>	Professional services
<b>Sub-sector:</b>	Accounting, auditing and bookkeeping services (CPC 862) Taxation services (CPC 863)
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Performance Requirements
<b>Source of Measure:</b>	Law on Independent Auditing No. 67/2012/QH-12 dated 29 March 2012
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure which may require a service supplier or investor of any other Party to establish or maintain a representative office or any form of commercial presence, or to be resident, in its territory or any measure which may be inconsistent with performance requirements.

72.

<b>Sector:</b>	Rental/Leasing Services without Operators
<b>Sub-sector:</b>	Relating to other machinery and equipment (CPC 83109)
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Market Access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	
<b>Description:</b>	<u>Establishment</u>  Relating to other machinery and equipment (CPC 83109), except for mining and oil field equipment; commercial radio, television and communication equipment: only joint venture with the foreign capital contribution not exceeding 51% shall be permitted. Viet Nam reserves the right to adopt or maintain any measure with respect to mining and oil field equipment; commercial radio, television and communication equipment.

73.

**Sector:** Distribution Services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Performance requirements  
Senior Management and Boards of Directors

**Source of Measure:**

- Law on Trade No. 36/2005/QH11 dated 14 June 2005
- Decree No. 23/2007/ND-CP dated 12 February 2007
- Revised Publishing Law No. 19/2012/QH1330/2004/QH11
- Amendment and Supplement to Publishing Law No 12/2008/QH12 dated 3 June 2008
- Decree No. 11/2009/ND-CP dated 10 February 2009
- Decree No. 110/2010/ND-CP dated 6 November 2010
- Circular No. 02/2010/TT-BTTTT dated 11 January 2010

**Description:** Establishment

- Viet Nam reserves the right to adopt or maintain any measure in regard of establishment of commercial presence regarding cigarettes and cigars, publications<sup>23</sup>, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs<sup>24</sup>, explosives, processed oil and crude oil, rice, cane and beet sugar.

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<sup>23</sup> For greater clarity, publications include but not limited to:

- Printed books, books printed in Braille, e-books (work read or heard through electronic devices, digital devices or the Internet);
- Calendars, tear-off calendars, pocket calendars, book calendars, desk calendars;
- Pictures, photos, maps, posters, leaflets, and brochures with contents specified in Article 4 of the Publication Law;
- Audio tapes and discs, video tapes, and discs substituting or illustrating books.

<sup>24</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.



74.

**Sector:** Oil and gas

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance requirements  
Senior Management and Boards of Directors

**Source of Measure**

- Law on Investment No. 67/2014/QH13 dated 26 November 2014
- Law on Minerals No. 60/2010/QH12 dated 17 November 2010
- Law on Oil and Gas No. 19/2000/QH10 dated 09 June 2000
- Decree No. 108/2006/ND-CP dated 22/9/2006
- Decree No. 160/2005/ND-CP dated 27/12/2005
- Decree No. 07/2009/ND-CP dated 22/01/2009
- Decision No. 37/2007/QD-BCN dated 07 July 2007

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to oil and gas.

75.

**Sector:** Telecommunication services**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:****Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to the supply and use of telecommunication services other than those specified in reservation no. 19 of this List of Reservations.

Viet Nam reserves the right to adopt or maintain any measure with respect to the establishment of commercial presence, building, operating and exploiting telecommunication networks and services in rural areas, remote areas and ethnic minority areas of Viet Nam.

Viet Nam reserves the right to adopt or maintain any measure with respect to the supply and use of broadcasting (radio and television) services through telecommunication network.

76.

**Sector:** Audiovisual Services**Sub-sector:** Sound recording

**Obligations Concerned:** National Treatment  
 Market Access  
 Most-Favoured-Nation Treatment  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure****Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to sound recording.

77.

**Sector:** Educational services

**Sub-sector:** Secondary education services (CPC 922)

**Obligations Concerned:** National Treatment  
Market Access  
Most-Favoured-Nation Treatment  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to secondary education services.

78.

**Sector:** Educational services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to establishment of commercial presence in and/or the supply of primary education services.

79.

**Sector:** Entertainment, Culture and mass communication

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to creative arts cultural heritage and other cultural industries, including entertainment services, mass communication and other cultural services.

“Creative arts” include but not limited to: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, and video, language arts, creative on-line content, television, video, radio, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work, including those that use new technologies to transcend discrete art form divisions. The term encompasses those activities involved in the presentation, execution and interpretation of the arts; and the study and technical development of these art forms and activities.

“Cultural heritage” includes but not limited to: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

80.

<b>Sector:</b>	Recreational, cultural and sporting services
<b>Sub-sector:</b>	Entertainment services (including theatre, live bands and circus services) (CPC 9619)
<b>Obligations Concerned:</b>	National Treatment Market Access Most-Favoured-Nation Treatment Senior Management and Boards of Directors
<b>Source of Measure:</b>	
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure with respect to establishment of commercial presence in entertainment services (including theatre, live bands and circus services) except that joint ventures with foreign capital contribution not exceeding 49% are permitted.

81.

<b>Sector:</b>	Transportation services
<b>Sub-sector:</b>	Rail Transport Services, including: - Passenger transportation (CPC 7111) - Freight transportation (CPC 7112)
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Senior Management and Boards of Directors Market Access
<b>Source of Measure:</b>	Decree No. 140/2007/ND-CP dated 5 September 2007
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure with respect to rail transport services regarding passenger and freight transportation, except that foreign suppliers are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the foreign capital contribution shall not exceed 51%.

82.

**Sector:** Power Development**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:** - Law on Electricity No. 28/2004/QH11 dated 3 December 2004  
 - Amended Law on Electricity No. 24/2012/QH13 dated 20 November 2012

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to electricity.

83.

**Sector:** Mining and Quarrying (except Oil and Gas)**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:****Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure to regulate mining and quarrying (except Oil and Gas) related activities carried out within the territory or jurisdiction of Viet Nam.

84.

<b>Sector:</b>	Manufacturing
<b>Sub-sector:</b>	Production of industrial explosive devices (ISIC 2429) Cement production (ISIC 2694) Automobile assembly and manufacture (ISIC 3410) Motorcycle assembly and manufacture (ISIC 3591)
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Market access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on Investment No. 67/2014/QH13 dated 26 November 2014 - Law on Minerals No. 60/2010/QH12 dated 17 November 2010 - Decision No. 150/2007/QD-TTg dated 10 September 2007 - Decree No. 39/2009/ND-CP dated 23 April 2009 - Decision No. 121/2008/QD-TTg dated 29 August 2008 - Decision No. 02/2007/QD-BCT dated 29 August 2007
<b>Description:</b>	<u>Establishment</u>  Investment in these sub-sectors shall be subject to planning of the Government which may give preferences to local investors <sup>25</sup> .

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<sup>25</sup> For illustrative purpose, local manufacturer of motorcycles may be given privileges in terms of production quantity to meet the demand of domestic market and location preferences.

85.

<b>Sector:</b>	Mineral and natural resources investigation, exploitation, prospecting and using
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Market Access Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on environmental protection No. 52/2005/QH11 dated 29 November 2005 - Decree No. 160/2005/ND-CP dated 27 December 2005 - Law on Minerals No. 60/2010/QH12 dated 17 November 2010 - Law on Investment No. 67/2014/QH13 dated 26 November 2014
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure with respect to investigation, exploitation, prospecting, mining, quarrying and usage of rare and precious mineral and natural resources.



86.

**Sector:** Fishery**Sub-sector:****Obligations  
Concerned:** National Treatment  
Market access  
Senior Management and Boards of Directors**Source of Measure:**

- Law on Investment No. 67/2014/QH13 dated 26 November 2014
- Law on Fishery No. 17/2003/QH11 dated 26 November 2003
- Decree No. 108/2006/ND-CP dated 22 September 2006
- Decree No. 49/1998/ ND-CP dated 13 July 1998.
- Decree No. 86/2001/ND-CP dated 16 November 2001
- Decree No. 191/2004/ND-CP dated 18 November 2004
- Decree No. 59/2005/ND-CP dated 4 May 2005
- Decision No. 10/2007/QD-TTg dated 11 January 2006
- Circular No. 02/2005/TT-BTS dated 4 May 2005
- Circular No. 62/2008/TT-BNN dated 20 May 2008
- Decree No. 32/2010/ND-BNN dated 30 March 2010

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure in relation to fishery activities within Viet Nam sovereignty and jurisdiction waters as defined in accordance with the 1982 UNCLOS.

No investment license shall be issued to foreign investors<sup>26</sup> in:

- Fresh-water fishing, marine fishing (ISIC 0500)
- Coral and natural pearl exploitation (ISIC 0500)

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<sup>26</sup> For the purpose of this reservation, the term “foreign investor” can be found in the Law on Investment, 2014.

87.

**Sector:** Forestry and hunting

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Resolution No. 71/2006/QH11 dated 29 November 2006  
- Law on Protection and Development of Forest No. 29/2004/QH11 dated 3 December 2004.  
- Decree No. 23/2006/QD-TTg dated 3 March 2006.

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to forestry and hunting activities.

88.

**Sector:** Traditional Markets

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:** - Decree No. 02/2003/ND-CP dated 11 January 2003  
- Decree No. 114/2009/ND-CP dated 23 December 2009

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to traditional market.

89.

**Sector:** Geodesic and cartography**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:** Decree No. 12/2002/ND-CP dated 22 December 2002**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to Geodesic and cartographic activities.

90.

**Sector:** Cultural heritage**Sub-sector:**

**Obligations Concerned:** National Treatment  
 Most-Favoured-Nation Treatment  
 Market Access  
 Performance Requirements  
 Senior Management and Boards of Directors

**Source of Measure:** - Law on Cultural Heritage No. 32/2009/QH12 dated 18 June 2009 amending and supplementing several articles of Law on Cultural Heritage No. số 28/2001/QH10 dated 29 June 2001  
 - Law on Cultural Heritage No. số 28/2001/QH10 dated 29 June 2001

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure to protect, maintain and renovate tangible and intangible cultural heritage.

91.

**Sector:** Commodity exchange

**Sub-sector:**

**Obligations  
Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to Commodity exchange.

92.

<b>Sector:</b>	Services relating to legal documentation and certification of Viet Nam's laws Judicial administration services, including but not limited to services relating to nationality Civil enforcement
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Most-Favoured-Nation Treatment Market Access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on Lawyers No. 65/2006/QH11 dated 29 June 2006, Law No. 20/2012/QH13 dated 20 November 2012 providing amendments for the Law on Lawyers No. 65/2006/QH11 dated 29 June 2006 and related Decrees - Law on Adoption No. 52/2010/QH12 dated 17 June 2010 - Law on Public Notary No. 53/2014/QH13 dated 20 June 2014 - Law on Nationality No. 24/2008/QH12 dated 13 November 2008 - Law on Criminal Record No.28/2009/QH12 dated 17 June 2009 - Decree No. 83/2010/ND-CP dated 23 July 2010 on the registration of secured transaction
<b>Description:</b>	<u>Establishment</u>  Viet Nam reserves the right to adopt or maintain any measure with respect to services relating to legal documentation and certification of Viet Nam's laws, judicial administration services (including but not limited to services relating to nationality, civil enforcement).

93.

**Sector:** Lottery, betting and gambling services**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:****Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to lottery, betting and gambling services.

94.

**Sector:** Financial services**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Director

**Source of Measure:** - Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010  
- Law on Insurance Business No. 24/2000/QH10 dated 9 December 2000  
- Law on Securities No. 70/2006/QH11 dated 29 June 2006 and Amended Law on Securities No. 62/2010/QH12 dated 24 November 2010

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure with respect to financial services supplied by a commercial presence that is not a commercial presence supplying financial services in Viet Nam's territory".

95.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** Market Access  
National Treatment

**Source of Measure:**

**Description:** Establishment

For services sectors, Viet Nam reserves the right to adopt or maintain any measure, except for maximum percentage limit on shareholding by the persons of the other Party in the capital of a juridical person of Viet Nam or on degree of control over such juridical person, that is not inconsistent with Viet Nam's obligations as set out in Viet Nam's Schedule of Specific Commitments in Services under the GATS (WT/ACC/VNM/48/Add.2).

96.

**Sector:** Services in the exercise of governmental authority

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Most-Favoured-Nation Treatment  
Market Access  
Performance Requirements  
Senior Management and Boards of Directors

**Source of Measure:**

**Description:** Establishment

Viet Nam reserves the right to adopt or maintain any measure relating to services in the exercise of governmental authority when these services are opened for private sector.

97.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking
<b>Obligations Concerned</b>	National Treatment Most Favoured Nations Market Access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010 - Decision No. 254/QD-TTg dated 1 March 2012
<b>Description</b>	Viet Nam reserves the right to adopt or maintain any measure relating to the equitization of state owned commercial banks and restructuring process of credit institutions in Viet Nam.

98.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Banking
<b>Obligations Concerned</b>	National Treatment Most Favoured Nations Market access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010 - Decision No. 131/2002/QD-TTg dated 4 October 2002 - Decision No. 108/2006/QD-TTg dated 19 May 2006 - Decision No. 214/QD-NHNN dated 31 January 2011 - License No. 166/GP-NHNN dated 4 June 2013 - Policies for financial services
<b>Description</b>	Viet Nam may grant advantages or exclusive rights to one or more development financial institutions, co-operative banks, people's credit funds and microfinance institutions including but not limited to Viet Nam Bank for Social Policies, Viet Nam Development Bank, Co-operative Bank of Viet Nam, Bank for Agricultural and Rural Development, Mortgage Refinancing Bank.



99.

**Sector** Financial Services

**Sub-sector**

**Obligations Concerned** National treatment  
Most Favoured Nations  
Market Access  
Performance Requirements

**Source of Measure:**

- Law on Credit Institutions No. 47/2010/QH12 dated 16 June 2010
- Law on Insurance Business No. 24/2000/QH10 dated 9 December 2000
- Law on Securities No. 70/2006/QH11 dated 29 June 2006 and Amended Law on Securities No. 62/2010/QH12 dated 24 November 2010
- Policies for financial services

**Description** Viet Nam may impose a pilot testing program for a new financial service and in doing so may impose either a cap on the number of financial service providers that may participate in a pilot testing program or restrictions on scope of pilot testing program.

100.

**Sector** Financial Services

**Sub-sector**

**Obligations Concerned** National Treatment  
Most Favoured Nations  
Market Access  
Performance Requirements

**Source of Measure:** Ordinance on Foreign Exchange No. 28/2005/PL-UBTVQH11 dated 13 December 2005 and Amended Ordinance on Foreign Exchange No. 06/2013/PL-UBTVQH13 dated 18 March 2013

**Description** Viet Nam reserves the right to adopt or maintain any measure whenever it deems necessary in order to guarantee financial security and the national currency including but not limited to:

- Restrict purchase, carrying, remittance or payment with respect to transactions in current transactions accounts and capital accounts.
- Apply economic, financial, monetary and other necessary measures.

101.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	
<b>Obligations Concerned</b>	National Treatment Most Favored Nation Market Access Performance Requirements Senior Management and Boards of Directors

**Source of Measure:**

<b>Description</b>	Viet Nam reserves the right to adopt or maintain any measures including but not limited to financial support, such as government-supported loans, guarantees and insurance with respect to activities for a public purpose: income security and insurance, social security, social welfare, social development, housing development, poverty reduction, public education, public training, health, and childcare, promoting the welfare and employment of ethnic minorities and people living in disadvantages areas, small and medium enterprises' development, granting of one-time subsidization to promote and facilitate the process of equitisation.
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## DOMESTIC REGULATION

The measures listed below are included by Viet Nam for the purposes of transparency and reflect the measures of domestic regulation.

1.

**Sector:** Communication Services

**Sub-sector:** Courier Services (CPC 7512\*\*)

\* Express delivery services<sup>27</sup>, i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:

(a) Written communication<sup>28</sup>, on any kind of physical medium, including:

- Hybrid mail service;
- Direct mail.

Except for the handling of items of written communication the price of which is less than:

- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;
- US\$9 for international shipments;

provided that the gross weight of these items is less than 2,000 grams.

(b) Parcels<sup>29</sup> and other goods.

\* Handling of non-addressed items

**Obligations** National Treatment

**Concerned:** Market Access

**Source of Measure:** - Post Law No. 49/2010/QH12 dated 17 June 2010  
 - Decree No. 108/2006/ND-CP dated 22 September 2006  
 - Decree No. 47/2011/NĐ-CP dated 17 June 2011

**Description:** Establishment

Foreign investment of more than VND 15 billions (USD 0.75 million) in this subsector is required to be evaluated before being submitted to the Prime Minister for investment certificate.

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<sup>27</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

<sup>28</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>29</sup> Books, catalogues are included hereunder.

2.

**Sector:** Telecommunications Services

**Sub-sector:** *Basic Services*

- a. Voice telephone services (CPC 7521)
- b. Packet-switched data transmission services (CPC 7523\*\*)
- c. Circuit-switched data transmission services (CPC 7523\*\*)
- d. Telex services (CPC 7523\*\*)
- e. Telegraph services (CPC 7523\*\*)
- f. Facsimile services (CPC 7521\*\* + 7529\*\*)
- g. Private leased circuit services (CPC 7522\*\* + 7523\*\*)
- o\*. Other services
  - Videoconference services (CPC 75292)
  - Video Transmission services, excluding broadcasting<sup>30</sup>
  - Radio based services includes:
    - \* Mobile telephone (terrestrial and satellite)
    - \* Mobile data (terrestrial and satellite)
    - \* Paging
    - \* PCS
    - \* Trunking
  - Internet Exchange Service (IXP)<sup>31</sup>
  - Virtual Private Network (VPN)<sup>32</sup>

*Value-added Services*

- h. Electronic mail (CPC 7523 \*\*)
- i. Voice mail (CPC 7523 \*\*)
- j. On-line information and database retrieval (CPC 7523\*\*)
- k. Electronic data interchange (EDI) (CPC 7523\*\*)
- l. Enhance/value-added facsimile services, including store and forward, store and retrieve (CPC 7523\*\*)
- m. Code and protocol conversion

<sup>30</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio program signals to the general public, but does not cover contribution links between operators.

<sup>31</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>32</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialing or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

- n. On-line information and data processing (incl. transaction processing) (CPC 843\*\*)
- o. Other services
  - Internet Access Services IAS

**Obligations Concerned:** Market Access  
National Treatment  
Performance Requirements

**Source of Measure:** - Law on Telecommunications No. 41/2009/QH12 dated 23 November 2009  
- Decree No 108/2006/ND-CP dated 22 September 2006  
- Decree No 25/2011/ND-CP dated 6 April 2011  
- Administrative measures

**Description:** Establishment

Foreign investment of less than VND 300 billion in this subsector is required to be registered at provincial competent authorities for investment license.

Foreign investment of more than VND 300 billion in this subsector is required to be evaluated by provincial competent authorities for investment license.

Foreign investment in this subsector is required to be evaluated by provincial competent authorities in accordance with governmental investment policies for investment license.

3.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Insurance
<b>Obligations Concerned</b>	National Treatment
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Law on Insurance Business No.24/2000/QH10 dated 9 December 2000</li> <li>- Decree 45/2007/NĐ-CP dated 27 March 2007</li> <li>- Law amending and supplementing some articles of the Insurance Business Law No. 61/2010/QH12 dated 24 November 2010</li> <li>- Decree 123/2011/NĐ-CP dated 28 December 2011</li> <li>- Circular 124/2012/TT-BTC dated 30 July 2012</li> </ul>
<b>Description</b>	In addition to the general conditions for being granted the establishment and operation license, financial services suppliers or investors of a Party asking for the permission to establish foreign insurance enterprises, foreign insurance brokerage enterprises and reinsurance enterprises and reinsurance enterprises must satisfy a number of additional conditions on a minimum years of experience, value of total assets, making profits and no violation of the laws and regulations on insurance broking business or of other laws of the country where it has head office.

4.

<b>Sector</b>	Financial Services
<b>Sub sector</b>	Insurance
<b>Obligations Concerned</b>	National Treatment
<b>Source of Measure:</b>	Law on insurance business No 24/2000/QH10 dated 9 December 2000
<b>Description</b>	In addition to the general requirements of accounting, auditing and financial reporting regimes, the foreign-invested insurance enterprises and representative offices of foreign-invested insurance enterprises must submit the annual financial reports of their parents company within 180 days from the end of a fiscal year.

5.

<b>Sector</b>	Financial Services
<b>Sub sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	- Regulation on securities trading at the Hanoi Stock Exchange - promulgated under Decision No. 326/QD-SGDHN dated 04 June 2010 by the General Director of Hanoi Stock Exchange - Regulation on securities trading at the Ho Chi Minh Stock Exchange – promulgated under Decision No.124/QD-SGDHCM dated 9 October 2007 by the General Director of Ho Chi Minh Stock Exchange
<b>Description</b>	Foreign securities services suppliers or foreign securities investment companies must comply with the regulations on securities trading of foreign investors relating to trading codes and trading principles for foreign investors in the regulated organized securities trading markets (Stock exchange, UpCom or other regulated markets). The transaction might be made in his own account or on behalf of customers.

6.

<b>Sector</b>	Financial Services
<b>Sub-sector</b>	Securities
<b>Obligations Concerned</b>	National Treatment Market Access
<b>Source of Measure:</b>	<ul style="list-style-type: none"> <li>- Securities Law No.70/2006/QH11 dated 29 June 2006 and Amended Law on Securities No.62/2010/QH12 dated 24 November 2010</li> <li>- Circular No.43/2010/TT-BTC dated 23 March 2010 to amend and supplement regulations on securities registration, depository, clearing and settlement– attached to Decision No.87/2007/QD-BTC dated 22 October 2007 of the Minister of Finance</li> </ul>
<b>Description</b>	Viet Nam reserves the right to adopt or maintain any measures on registration regulation and procedures to become settlement bank for securities transactions in Viet Nam.



7.

<b>Sector:</b>	Manufacturing
<b>Sub-sector:</b>	<ul style="list-style-type: none"> <li>- Processing of aqua-product and canned seafood (ISIC 1512)</li> <li>- Paper production (ISIC 2101)</li> <li>- Production of automobile tires and tubes up to 450mm (ISIC 2511)</li> <li>- Production of rubber gloves, labour sanitary boots (ISIC 2520)</li> <li>- Assembly of marine engines (ISIC 2911)</li> <li>- Production of electro-mechanical and refrigeration equipment (ISIC 2919)</li> <li>- Manufacturing of cultivation, processing, reaping machines, insecticide pumps, spare parts of agricultural machines and engines (ISIC 2921)</li> <li>- Production of household electric appliances (ISIC 2930)</li> <li>- Production of electrical fans (ISIC 2930)</li> <li>- Production of bicycle manufacture (ISIC 3592)</li> <li>- Production of sanitary ceramics, porcelain and tiles (ISIC 2691)</li> <li>- Manufacturing and assembling of transport vehicles (ISIC 3410)</li> </ul>
<b>Obligations Concerned:</b>	<p>National Treatment</p> <p>Most-Favoured-Nation Treatment</p> <p>Market access</p> <p>Performance Requirements</p> <p>Senior Management and Boards of Directors</p>
<b>Source of Measure:</b>	
<b>Description:</b>	<p><u>Establishment</u></p> <p>Viet Nam reserves the right to adopt or maintain technology and/or environment and/or quality requirements in these above subsectors.</p>

**ANNEX 4**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,**  
**OF THE OTHER PART**

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE SOCIALIST REPUBLIC OF**  
**VIET NAM UNDER SECTION IV (MOVEMENT OF NATURAL PERSONS) OF**  
**CHAPTER 8 (TRADE IN SERVICES, INVESTMENT AND MOVEMENT OF**  
**NATURAL PERSONS) OF THE AGREEMENT**

Nothing in this Schedule of Specific Commitments affects rights and obligations of the Socialist Republic of Viet Nam in Annex 3 (List of Reservations of the Socialist Republic of Viet Nam under Section III (Establishment, Commercial Presence and Activities)) in respect of entry, stay and movement of natural persons.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>I. HORIZONTAL COMMITMENTS</b></p> <p>1. Viet Nam's commitments under Section IV (Movement of Natural Persons), in relation to the supply by a service supplier of a Party through presence of natural persons of a Party in the territory of Viet Nam, apply only in relation to the categories of natural persons set out below.</p> <p>2. In accordance with Section IV (Movement of Natural Persons), for the categories of natural persons set out in this Schedule, Viet Nam specifies below terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Viet Nam.</p>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) <u>Intra-corporate transferees</u></p> <p>Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers,</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>executives and specialists shall be permitted per enterprise.</p> <p>Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.</p> <p>Specialists are natural persons working within an organization who possess knowledge at an advanced level of expertise and with knowledge of the organization's services, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the commercial presence, but also of whether the</p>		

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>person has a high level of skills or qualification referring to a type of work or trade requiring specific technical knowledge. Specialists may include, but are not limited to, members of licensed professions.</p> <p>(b) <u>Other personnel</u></p> <p>Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.</p> <p>(c) <u>Service sales persons</u></p> <p>Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the</p>		

Mode of delivery: (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period.</p> <p>(d) <u>Persons responsible for setting up a commercial presence</u></p> <p>Managers and executives (as defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Member when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a WTO Member other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.</p> <p>(e) <u>Contractual service suppliers (CSS)</u></p> <p>Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever</p>		

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>is less provided that the following conditions and requirements shall be applied:</p> <ul style="list-style-type: none"> <li>- The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the bona fide character of the contract.</li> <li>- These persons must possess: (a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level; (b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and (c) at least 5 years of professional experience in the sector.</li> <li>- The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.</li> <li>- These persons should have been employed by the foreign</li> </ul>		

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" above.</p> <p>The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).</p>		



Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services (CPC 861, excluding:  - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Accounting and auditing and bookkeeping services (CPC 862)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(c) Taxation services (CPC 863)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Architectural services (CPC 8671)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(e) Engineering services (CPC 8672)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(f) Integrated engineering services (CPC 8673)			
(g) Urban planning and urban landscape architectural services (CPC 8674)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(i) Veterinary services (CPC 932) <sup>1</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>1</sup> Excluding keeping micro-organism strain for veterinary.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. Computer and Related Services (CPC 841-845, CPC 849)</b>			
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>C. Research and Development Services</b>			
(a) R&D services on natural sciences (CPC 851)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(c) Interdisciplinary R&D services (CPC 853)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>E. Rental/Leasing Services without Operators</b>			
(a) Relating to ships (CPC 83103)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Relating to aircraft (CPC 83104)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Relating to other machinery and equipment (CPC 83109)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
(b) Market research services (CPC 864, excluding 86402)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(c) Management consultant services (CPC 865)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Services related to management consulting  - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>2</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(h) Services incidental to mining (CPC 883)			
<p>1. The commitments specified hereunder are not understood to cover the following activities: supply of equipment, materials and chemicals, supply base services, offshore/marine support vessels, accommodation and catering, helicopter services.</p> <p>2. The commitments specified hereunder are made without prejudice to the rights of the Government of Viet Nam to set out the necessary regulations and procedures to regulate the oil and gas related activities carried out within the territory or jurisdiction of Viet Nam in full conformity with the rights and obligations of Viet Nam under the GATS.</p>			
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(i) Services incidental to manufacturing (CPC 884 and 885)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>2</sup> Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(m) Related scientific and technical consulting services <sup>3</sup> (CPC 86751, 86752 and 86753 only)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(o) Building-cleaning services (CPC 874) - Disinfecting and exterminating services (CPC 87401) - Window cleaning services (CPC 87402) only in industrial zones and export processing zones	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(q) Packaging services (CPC 876)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services (CPC 7512**)</b>  * Express delivery services <sup>4</sup> , i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of: (a) Written communication <sup>5</sup> , on any kind of physical medium, including: - Hybrid mail service; - Direct mail.	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Services and services suppliers of any other Member shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.

<sup>3</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

<sup>4</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

<sup>5</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Except for the handling of items of written communication the price of which is less than: <ul style="list-style-type: none"> <li>- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;</li> <li>- US\$9 for international shipments;</li> </ul> provided that the gross weight of these items is less than 2,000 grams. <p>(b) Parcels<sup>6</sup> and other goods.</p> <p>* Handling of non-addressed items.</p>			

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<sup>6</sup> Books, catalogues are included hereunder.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Telecommunication Services</b>			
Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).			
<u>Basic telecommunication services</u>			
(a) Voice telephone services (CPC 7521)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.
(b) Packet-switched data transmission services (CPC 7523**)			
(c) Circuit-switched data transmission services (CPC 7523**)			
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC 7523**)			
(f) Facsimile services (CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**)			

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>(o*) Other services</li> <li>- Videoconference services (CPC 75292)</li> <li>- Video Transmission services, excluding broadcasting<sup>7</sup></li> <li>- Radio based services includes:               <ul style="list-style-type: none"> <li>+ Mobile telephone (terrestrial and satellite)</li> <li>+ Mobile data (terrestrial and satellite)</li> <li>+ Paging</li> <li>+ PCS</li> <li>+ Trunking</li> </ul> </li> <li>- Internet Exchange Service (IXP)<sup>8</sup></li> </ul>			

<sup>7</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

<sup>8</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Basic telecommunication services:</u> (o*) Other services - Virtual Private Network (VPN) <sup>9</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.  For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.

<sup>9</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).



Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Value-added services</u> (h) Electronic mail (CPC 7523 **) (i) Voice mail (CPC 7523 **) (j) On-line information and database retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and data processing (incl. transaction processing) (CPC 843**)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Value added services</u> (o) Other - Internet Access Services IAS <sup>10</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.

<sup>10</sup> Services providing internet access to the end users.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>D. Audiovisual Services</b>			
With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.			
(a) Motion picture production (CPC 96112, excl. video tape)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Motion picture distribution (CPC 96113, excl. video tape)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Motion picture projection service (CPC 96121)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(e) Sound recording	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for building (CPC 512)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
B. General construction work for civil engineering (CPC 513)			
C. Installation and assembly work (CPC 514, 516)			
D. Building completion and finishing work (CPC 517)			
E. Other (CPC 511, 515, 518)			

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
<u>Measures applicable to all sub-sectors in Distribution Services:</u>			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>11</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)			
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>12</sup>			
D. Franchising services (CPC 8929)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>11</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

<sup>12</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>5 EDUCATIONAL SERVICES</b> Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.			
B. Secondary education services (CPC 922)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
D. Adult education (CPC 924)			
E. Other education services (CPC 929 including foreign language training)			

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b> Access to certain geographic areas may be restricted for national security reasons <sup>13</sup> .			
A. Sewage Services (CPC 9401)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
B. Refuse disposal services (CPC 9402) <sup>14</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).
D. Other services			
- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Environmental impact assessment services (CPC 94090*)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>13</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Articles XIV and XIV bis of the GATS.

<sup>14</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>7. FINANCIAL SERVICES</b>			
<b>A. Insurance and Insurance-Related Services</b>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
a. Direct insurance			
(a) Life insurance, excl. health insurance services			
(b) Non-life insurance services			
b. Reinsurance and retrocession			
c. Insurance intermediation (such as brokerage and agency)			
d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)			

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>B. Banking and Other Financial Services</b></p> <p>Commitments with respect to banking and other financial services are undertaken in accordance with relevant laws and regulations promulgated by competent authorities of Viet Nam to ensure the consistency with Article VI of the GATS and Para 2 (a) of the Annex on Financial Services.</p> <p>As a general rule and on a non-discriminatory basis, the offer of banking and other financial services or products is subject to relevant institutional and juridical form requirements.</p>			
<p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Money market instrument (including cheques, bills, certificates of deposits);</li> <li>- Foreign exchange;</li> <li>- Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements;</li> </ul>			



Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Bullion.			
(h) Money broking			
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services  (j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments  (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services  (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs from (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. <u>Securities</u></b></p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- Derivative products incl. futures and options;</li> <li>- Transferable securities;</li> <li>- Other negotiable instruments and financial assets, excluding bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues</p> <p>(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services</p> <p>(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments</p> <p>(k) Provision and transfer of financial information, and related software by suppliers of securities services</p> <p>(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice,</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
advice on acquisitions and on corporate restructuring and strategy (for other services under (l), refer to (l) under banking sector)			

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
B. Medical and dental services (CPC 9312)			
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotel and restaurant including  - Lodging services (CPC 64110)  - Catering food (CPC 642) and drink services (CPC 643)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
B. Travel agencies and tour operator services (CPC 7471)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
D. Other  - Electronic games business (CPC 964**)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			
(a) Passenger transportation less cabotage (CPC 7211)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage;</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal;</li> <li>5. Port Captain's/Harbour Master's services;</li> <li>6. Navigation aids;</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</li> <li>8. Emergency repair facilities;</li> <li>9. Anchorage, berth and berthing services;</li> <li>10. Access to maritime agency services.<sup>15</sup></li> </ol>
(b) Freight transportation less cabotage (CPC 7212)			

<sup>15</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Maritime Auxiliary Services</b>			
- Container handling services (CPC 7411) <sup>16</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Customs Clearance Services <sup>17</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Container Station and Depot Services <sup>18</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>B. Internal Waterways Transport</b>			
(a) Passenger transport (CPC 7221)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Freight transport (CPC 7222)			
<b>C. Air Transport Services</b>			
(a) Sales and marketing air products services	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>16</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>17</sup> "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

<sup>18</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

Mode of delivery: (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>E. Rail Transport Services</b> (a) Passenger transportation (CPC 7111) (b) Freight transportation (CPC 7112)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>F. Road Transport Services</b> (a) Passenger transportation (CPC 7121+7122) (b) Freight transportation (CPC 7123)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>H. Services Auxiliary to all Modes of Transport</b> (a) Container handling services, except services provided at airports (part of CPC 7411)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Storage and warehouse services (CPC 742) (c) Freight transport agency services (CPC 748) <sup>19</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Other (part of CPC 749) <sup>20</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

<sup>19</sup> Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

<sup>20</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.





**ANNEX 1**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM AND THE RUSSIAN FEDERATION**  
**TO THE FREE TRADE AGREEMENT BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES, OF THE OTHER PART**

**LIST OF MFN EXEMPTIONS OF THE RUSSIAN FEDERATION**  
**IN ACCORDANCE WITH ARTICLES 8.15 AND 8.22 OF THE AGREEMENT**

Sectors or sub-sectors	Description of measure indicating its inconsistency with Article 8.15 and 8.22 of the Agreement	Country or countries to which the measure applies	Intended duration	Conditions creating the need for the MFN exemption
All sectors/presence of natural persons.	Measures based on existing and future agreements with the objective of providing for the movement of natural persons supplying services.	Parties to the Partnership and Cooperation Agreement between the Russian federation and the European Communities and their Member States signed at 24 June 1994 with future supplements; CIS countries.	Indefinite.	Measures are aimed at progressive liberalization between the Russian Federation and its regional trading partners.
<b>2. COMMUNICATION SERVICES</b>				
D. Audio-visual services	Measures with respect to broadcasting and other similar forms of transmission of the audio-visual works, including television and radio programs, meeting origin criteria and other criteria, established by the respective agreements.	Parties to the Council of Europe Convention on Trans-frontier Television or other countries with whom bilateral agreements may be concluded.	Indefinite.	Development of cultural links and protection of cultural heritage.
D. Audio-visual services	Measures based on co-production agreements, which confer national treatment with respect to audio-visual works covered by these agreements, including in relation to subsidies for production and distribution.	Parties to the European Convention on Cinematographic Coproduction and countries with whom bilateral co-production agreements are/may be concluded.	Indefinite.	Development of cultural links and protection of cultural heritage.

Sectors or sub-sectors	Description of measure indicating its inconsistency with Article 8.15 and 8.22 of the Agreement	Country or countries to which the measure applies	Intended duration	Conditions creating the need for the MFN exemption
D. Audio-visual services	Measures granting the benefit of support programs to audio-visual works, including television and radio programs, and suppliers of such works meeting certain origin criteria.	Parties to the Council of Europe Convention on Trans-frontier Television, Parties to the European Convention on Cinematographic Coproduction or other European countries with whom bilateral agreements may be concluded.	Indefinite.	Development of cultural links and protection of cultural heritage.
5. EDUCATIONAL SERVICES				
	Measures with respect to opening and activity of branches.	Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Tajikistan, Turkmen, Uzbekistan, Ukraine.	Indefinite.	Measures are aimed at preservation and development of relations in the field of education.
11. TRANSPORT SERVICES				
A. Maritime Transport Services	In the cases and subject to the procedure established by the Government of the Russian Federation cabotage transportation and cabotage towing may be carried out by foreign vessels.	All countries.	Indefinite.	The measure reflects existing practice of ad hoc regulation of the issues concerned on the basis of case-by-case decisions and subject to the concrete situation.
	Measures with respect to the access of vessels under Polish flag to the Russian part of Kaliningrad bay and Baltic sea channel.	Poland.	Indefinite.	Ensuring of obligations under international agreement and preservation of traditional relations in the field of maritime transportation.
	Special regime of shipping in Caspian sea.	Azerbaijan, Iran, Kazakhstan, Turkmenistan.	Indefinite.	Development of regional cooperation.
	Measures allowing for bilateral agreements concerning cargo sharing and cargo reservation.	Algeria, Brazil, Malaysia, Mexico, Syria, Tunisia, Sri Lanka, Pakistan, Ethiopia, Ghana.	Indefinite.	Existing respective agreements.
	Measures related to maritime operators such as priority rights under the Production Sharing Agreements and in relation to maritime agency activities.	Parties to the Partnership and Cooperation Agreement between the Russian federation and the European Communities and their Member States signed at 24 June 1994 with future supplements.	Indefinite.	Ensuring of obligations under international agreement.

Sectors or sub-sectors	Description of measure indicating its inconsistency with Article 8.15 and 8.22 of the Agreement	Country or countries to which the measure applies	Intended duration	Conditions creating the need for the MFN exemption
	Measures related to maritime operators such as priority rights under the Production Sharing Agreements.	Norway.	Indefinite.	Ensuring of obligations under international agreement.
B. Internal Waterways Transport a) Passenger transportation b) Freight transportation	Measures contained in the existing and future agreements on access to inland waterways which provide for the preferential treatment with respect to traffic rights and access to ports and port service, payment of tonnage, dues and other charges.	All parties to existing and future agreements.	Indefinite.	Maintenance and development of the achieved level of economic links with the States concerned and more particularly with certain regions of such states.
C. Air Transport Services - Selling and marketing	Measures concerning establishment of companies and opening of representative offices, applied on the basis of reciprocity.	All parties to existing and future respective air transportation agreements.	Indefinite.	Implementation of the conditions for supply of air transport services established in the framework of the existing bilateral air transportation agreements.
E. Rail Transport Services	Measures maintained in the framework of the existing and future agreements regulating the rules of carriage, the terms of operation and transportation, supply of services related to rail transport services in the territory of Russian Federation and between the countries – parties to the agreements.	All parties to existing and future agreements.	Indefinite.	Ensuring the integrity of railway transport as a single production and technological complex, regulation of carriage in the territory of the Russian Federation and between the countries - parties of the agreements.
F. Road Transport Services - International road passenger and freight transportation	Measures in the framework of the existing and future agreements on market access in respect of the road transport services including tax exemptions.	All parties to existing and future respective agreements, which may be concluded.	Indefinite.	Limitations, prohibitions, and differences in the market access treatments are applied on the basis of reciprocity with respect to States maintaining similar measures in respect of the Russian carriers and/or means of transport.

**ANNEX 2**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,**  
**OF THE OTHER PART**

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE RUSSIAN FEDERATION**  
**UNDER SECTION II (TRADE IN SERVICES) OF CHAPTER 8 (TRADE IN**  
**SERVICES, INVESTMENT AND MOVEMENT OF NATURAL PERSONS) OF THE**  
**AGREEMENT**

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>In the present Schedule of Specific Commitments (hereinafter "the Schedule"):</p> <ul style="list-style-type: none"> <li>- Asterisk (*) designates "part of";</li> <li>- CPC numbers indicated in the brackets with regard to sectors/sub-sectors of services are references to the UN Provisional Central Product Classification of the UN (Statistical Papers Series M No. 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991). The (**) indicates that the service specified constitutes only part of the total range of activities covered by CPC concordance (as indicated in MTN.GNS/W/120);</li> <li>- "Juridical person of the Russian Federation" means a juridical person as defined in the legislation of the Russian Federation.</li> </ul>			
All sectors/sub-sectors included in this Schedule			
<ul style="list-style-type: none"> <li>- Subsidies and other forms of State support</li> </ul>		<p>(1, 2) Access to subsidies and other forms of State support, including access to the financial and other material resources of the State, may be granted only to juridical persons of the Russian Federation established within the territory of the Russian Federation or established within a particular region of the Russian Federation.</p> <p>As criteria of access of these juridical persons to subsidies and other forms of State support, including access to the financial and other material resources of the State, different qualifications such as, <i>inter alia</i>, belonging to small business enterprises, entities of social importance and public utilities, as well as employment of categories of persons suffering from their unfavourable social and economic position, may be considered.</p> <p>Unbound with respect to subsidies and other forms of State support</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
		related to research and development as well as supply of services within the public sector <sup>1</sup> .	
- Land transactions		(1, 2) Foreign ownership is prohibited for agricultural land and border territories and may be limited for other types of land. Rent of land plots is permitted for the period of 49 years (with possible prolongation).	
- Indigenous small peoples and exiguous ethnic communities		(1) Special regime of the use of land of traditional residence and economic activity of the indigenous small peoples and exiguous ethnic communities may be established.	
- Production sharing agreements for the exploration, development and production of mineral raw materials		(1) Juridical persons of the Russian Federation have the priority right to take part in the conduct of the Agreement operations as contractors, suppliers, carriers or in any other capacity under agreements (contracts) with Investors.	

<sup>1</sup> For the purposes of this limitation, these services shall be understood as those types of services receiving subsidies as of 19 November 2006.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services, except for notary services (CPC 861*), only on private international law, international public law and the law of the country in which jurisdiction the personnel of the services supplier is qualified	(1, 2) None.	(1, 2) None.	
(b) Accounting, auditing and bookkeeping services (CPC 862*) with respect to auditing services (CPC 86211 and CPC 86212* except bookkeeping/accounting services <sup>2</sup> )	(1, 2) None, except the following: - unbound with respect to mandatory audit; - the auditing reports must be signed by an auditor certified under the law of the Russian Federation, who works under contract with a juridical person of the Russian Federation licensed to perform auditing activity.	(1, 2) None, except as indicated in the column "Limitations on market access"	

<sup>2</sup> Bookkeeping and accounting services shall be understood to mean operation in the field of accountancy/bookkeeping, namely:

- organization of bookkeeping and presentation of accounting statements to the end-user concerned (e.g. chief executives, founders, participants, owners, lenders, tax and finance authorities);
- operation in concrete bookkeeping and accounting area/areas, such as, for example, keeping account of fixed assets, inventory holdings, production costs or sales of products (e.g. goods, works, services);
- consulting on issues of organization and management of accounting records for fuller and more accurate reflection of the objects of accounting (e.g. assets, liabilities, capital) and their movement in the course of economic activity based on the requirements of the legislation in force regulating bookkeeping.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
Bookkeeping/Accounting Services <sup>3</sup>	(1, 2) None except the following: - the accounting report must be signed by an accountant/bookkeeper certified under the law of the Russian Federation, who works under contract with a juridical person of the Russian Federation.	(1, 2) None, except the following: - the accounting report must be signed by an accountant/bookkeeper certified under the law of the Russian Federation, who works under contract with a juridical person of the Russian Federation.	
(c) Taxation services (CPC 863)	(1, 2) None.	(1, 2) None.	
(d) Architectural services (CPC 8671) (g) Urban planning and landscape architectural services (CPC 8674)	(1) None, except the following: - provision of services is allowed only jointly with an architect who is a citizen or a juridical person of the Russian Federation which is a commercial organisation licensed to carry out architectural activity.  (2) None.	(1) None, except as indicated in the column "Limitations on market access".  (2) None.	
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673)	(1, 2) None.	(1, 2) None.	
(h) Medical and dental services (CPC 93121*, 93122*, 93123*) (j) Services provided by midwives,	(1, 2) None, except the following: - compensation of costs of medical	(1, 2) None, except the following: - compensation of costs of medical	

<sup>3</sup> Bookkeeping and accounting services shall be understood to mean operation in the field of accountancy/bookkeeping, namely:

- organization of bookkeeping and presentation of accounting statements to the end-user concerned (e.g. chief executives, founders, participants, owners, lenders, tax and finance authorities);
- operation in concrete bookkeeping and accounting area/areas, such as, for example, keeping account of fixed assets, inventory holdings, production costs or sales of products (e.g. goods, works, services);
- consulting on issues of organization and management of accounting records for fuller and more accurate reflection of the objects of accounting (e.g. assets, liabilities, capital) and their movement in the course of economic activity based on the requirements of the legislation in force regulating bookkeeping.



Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
nurses, physiotherapists and paramedical personnel (CPC 93191*)  Except: - coercive medical treatment of people who suffer mental disorders and have committed acts endangering public safety; - treatment of drug addicts; - certain types of examinations to authorise payment of State allowances (autopsy, diagnosis of persistent or temporary disability), to establish legal liability (forensic pathology, forensic psychiatry, army medicine)	services qualifying for the package provided under the system of State guarantees of free health care for citizens of the Russian Federation. <sup>4</sup>	services qualifying for the package provided under the system of State guarantees free health care for citizens of the Russian Federation. <sup>5</sup>	
<b>B. Computer and Related Services (CPC 84)</b>			
	(1, 2) None.	(1, 2) None.	

<sup>4</sup> The system of State guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets at all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

<sup>5</sup> The system of State guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets at all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>C. Research and Development Services</b>			
(b) Research and development services on social science and humanities (CPC 852*) only with respect to:  - Cultural sciences, sociology and psychology (CPC 85201), - Economics (CPC 85202), - Law (CPC 85203), - Other social and humanitarian sciences (CPC 85209).	(1, 2) None.	(1, 2) None, except the following:  - unbound with respect to participation in research and developments fully or partially financed by public funds.	
<b>D. Real Estate Services (CPC 821*, CPC 822*) Except with respect to agricultural land plots.</b>			
	(1, 2) None.	(1, 2) None.	
<b>E. Rental/Leasing Services without Operators</b>			
(a) Relating to ships (CPC 83103)	(1, 2) None.	(1, 2) None.	
(b) Relating to aircraft (CPC 83104)	(1, 2) None.	(1, 2) None.	
(c) Related to other transport equipment only with respect to motor transport (CPC 83101 + 83102)	(1, 2) None.	(1, 2) None.	
(d) Relating to other machinery and equipment (CPC 83107-83109)	(1, 2) None.	(1, 2) None.	
(e) Other (CPC 832*) with respect to rent or lease of articles for personal use or home use	(1, 2) None.	(1, 2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871)	(1, 2) None.	(1, 2) None.	
(b) Market research (CPC 86401)	(1, 2) None.	(1, 2) None.	
(c) Management consulting service (CPC 865)			
(d) Services Related to management consulting (CPC 866*) except labour arbitration (CPC 86602)			
(e) Technical testing and analysis services (CPC 8676)	(1, 2) None only with respect to testing of core samples in relation to mining, and subject to respective authorization for export of samples, otherwise unbound.	(1, 2) None only with respect to testing of core samples in relation to mining, and subject to respective authorization for export of samples, otherwise unbound.	
(f) Services incidental to agriculture (CPC 881*) only with respect to consulting services	(1, 2) None.	(1, 2) None.	
(g) Services incidental to fishing (CPC 882*) - only related to supply of fishery equipment, construction, repair and servicing of fishing vessels	(1, 2) None.	(1, 2) None.	
Services incidental to fishing (CPC 882*) with respect to consulting services only	(1, 2) None.	(1, 2) None.	
(h) Services incidental to mining (CPC 883*) only with respect to consulting services	(1, 2) None.	(1, 2) None.	
(j) Services incidental to energy distribution (CPC 887*) only with respect to consulting services	(1) Unbound. (2) None.	(1) Unbound. (2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(k) Placement and supply services for personnel (CPC 872)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(m) Related scientific and technical consulting services - with respect to geological, geophysical and other research services only (CPC 86751*), except field works	(1, 2) None.	(1, 2) None.	
(n) Maintenance and repair of equipment (CPC 633)	(1, 2) None.	(1, 2) None.	
(o) Building-cleaning services (CPC 874)	(1, 2) None.	(1, 2) None.	
(p) Photographic Services (CPC 875*), except:  - specialty photography services (CPC 87504) - and other photographic services (CPC 87509)	(1, 2) None.	(1, 2) None.	
(q) Packaging Services (CPC 876*), except:  - bottling of alcoholic and alcohol-containing products	(1, 2) None.	(1, 2) None.	
(r) Printing, publishing (CPC 88442)	(1, 2) None.	(1, 2) None.	
(s) Services directly related to organisation and holding of negotiations, meetings and conferences (CPC 87909*)	(1, 2) None.	(1, 2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(t) Other: - Translation and interpretation services (CPC 87905); - Duplicating services (CPC 87904); - Specialty (interior) design services (CPC 87907)	(1, 2) None.	(1, 2) None.	
- Hairdressing and barbers' services (CPC 97021) and Cosmetic treatment, manicuring and pedicuring services (CPC 97022)	(1, 2) None.	(1, 2) None.	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier services (CPC 7512*)</b>			
Only with respect to: - Handling <sup>6</sup> of addressed parcels and packages (including books, catalogues); - Handling <sup>7</sup> of addressed press products (journals, newspapers, periodicals); - Express delivery services <sup>8</sup> for addressed letters, addressed parcels and packages, and addressed press products.	(1, 2) None.	(1, 2) None.	Juridical persons of the Russian Federation, which are operators supplying services listed in the column "Sector/subsector" (including those with foreign participation), will exercise their activity under conditions (enjoy the treatment) not less favourable than the conditions (treatment) enjoyed by the national postal operator with respect to the provision of services not assigned as an exclusive right to a national postal operator (competitive type of activity).
<b>C. Telecommunications services<sup>9</sup></b> (Telecommunications <sup>10</sup> services for the purposes of this Annex do not include the distribution <sup>11</sup> of television and/or radio programmes)			

<sup>6</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>7</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>8</sup> Express delivery services, in addition to significantly greater tariffs for delivery of written correspondence (i.e. letters, post cards), as well as high speed and greater reliability of delivery, may include other value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt. Significantly greater tariffs for delivery of written correspondence are tariffs, which are more than five times higher in comparison with the basic public tariff of the national postal operator for a delivery of written correspondence in the first weight of the fastest standard category.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(a) Public voice telephone services (CPC 7521): - local telephone services (CPC 75211); - long distance and international communication services (CPC 75212); - mobile telephone services (CPC 75213). (b) Packet switched data transmission services (CPC 7523**)	(1) None, except the following:  - unbound with respect to radio communication services including satellite communication, except:  - from the date of Russia's accession to the WTO, none only with respect to fixed satellite services provided by foreign satellite operators to any juridical person of the Russian Federation possessing a licence for telecommunication services;  - after 3 years, starting from August 22, 2012, none with respect to other satellite services provided by foreign satellite operators to any juridical person of the Russian Federation possessing a licence for telecommunication services.	(1) None, except the following:  - unbound with respect to radio communication services including satellite communication, except:  - from the date of Russia's accession to the WTO, none only with respect to fixed satellite services provided by foreign satellite operators to any juridical person of the Russian Federation possessing a licence for telecommunication services;  - after 3 years, starting from the date of Russia's accession to the WTO, none with respect to other satellite services provided by foreign satellite operators to any juridical person of the Russian Federation possessing a licence for telecommunication services.	
(c) Circuit-switched data transmission services (CPC 7523**)			
(g) Private leased circuit services (CPC 7522**, 7523**)			
(h) Electronic mail (CPC 7523**)			
(i) Voice mail (CPC 7523**)			
(j) On-line information and data base retrieval (CPC 7523**)			
(k) Electronic data interchange (EDI) (CPC 7523**)	(2) None.	(2) None.	
(l) Enhanced/value-added facsimile services, incl. store and retrieve			
(m) Code and protocol conversion			
(n) On-line information and/or data processing (incl. transaction processing)			

<sup>10</sup> "Telecommunications" means the transmission and reception of signals by any electromagnetic means.

<sup>11</sup> Distribution of television and/or radio programmes is defined as the uninterrupted transmission of signals required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(o) Other (CPC 7529)			
(d) Telex services (part of CPC 7523**) (e) Telegraph services (part of CPC 7522*) (f) Facsimile services (part of CPC 7521**, 7529**)	(1, 2) None.	(1, 2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>D. Audiovisual services</b>			
(a) Motion picture and video tape production and distribution services (CPC 9611*) only with respect to the sale or rental of movies or tapes to other industries for public entertainment, or sale or rental to others. For the purpose of clarity: these commitments do not cover motion picture or video tape broadcasting or other similar forms of transmission to the general public	(1, 2) None.	(1, 2) None.	
(b) Motion picture or video tape projection services (CPC 96121* and CPC 96122*) by Cinema theatre owners only, excluding projection services for government <sup>12</sup> endorsed film festivals and other cultural events	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(c) Sale of TV and radio programs to TV and radio stations, excluding broadcasting. For the purpose of clarity: these commitments do not cover TV and radio programs broadcasting or other similar forms of transmission to the general public	(1, 2) None.	(1, 2) None.	

<sup>12</sup> For the purpose of transparency, "government" covers national, regional or local governmental bodies.



Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	(1, 2) None.	(1, 2) None.	
B. General construction work for civil engineering (CPC 513, including dredging)			
C. Installation and assembly work (CPC 514, 516)			
D. Building completion and finishing work (CPC 517)			
E. Other (CPC 511 <sup>13</sup> , 515, 518)			

<sup>13</sup> For the purposes of transparency: this code includes CPC 5115 ("Site preparation work for mining").

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>4. DISTRIBUTION SERVICES*</b>			
Except distribution of weapons and arms systems, military ammunition and materiel, explosives, equipment and devices for explosion works and pyrotechnics, precious metals' scrap, precious metals and gems, narcotics and psychotropic substances.			
A. Commission agents' services <sup>14</sup> (CPC 621*, including perfumes and cosmetics; CPC 61111; CPC 6113; CPC 6121), except distribution of pharmaceuticals, medical articles	(1) None, except the following:  - possibility to introduce non-discriminatory State monopoly on ethyl alcohol, alcoholic and alcohol-containing products <sup>15</sup> .  (2) None.	(1, 2) None.	
- Transactions on commodity exchange (CPC 621*, 622*)	(1) None, except the following:  - foreign natural persons and/or legal entities that are not floor traders may participate in the exchange trade exclusively through brokers.  (2) None.	(1) None, except as indicated in the column "Limitations on market access".  (2) None.	
B. Wholesale trade services (CPC 622*, including perfumes and cosmetics; CPC 61111; CPC 6113; CPC 6121) <sup>16</sup> , except distribution of pharmaceuticals, medical articles	(1) None, except the following:  - possibility to introduce non-discriminatory State monopoly on ethyl alcohol, alcoholic and alcohol-containing products.  (2) None.	(1, 2) None.	

<sup>14</sup> For transparency purpose: Including sales by commission agents of registered food supplements in tablet or capsule form to consumers.

<sup>15</sup> For the purposes of this Schedule of specific commitments alcohol-containing products do not include beer, perfumes and cosmetics.

<sup>16</sup> For transparency purpose: Including CPC 62244 – Wholesale trade services of radio and television equipment, musical instruments, music scores and audio and video records and tapes.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
C. Retailing services (CPC 631*; CPC 632*, including perfumes and cosmetics; CPC 6111*; CPC 6113*; CPC 6121*; CPC 6130* only with respect to automobile fuel) <sup>17</sup> , except distribution of pharmaceuticals, medical articles	(1, 2) None.	(1, 2) None.	

<sup>17</sup> For transparency purpose: Including CPC 63234 - Retail sales of radio and television equipment, musical instruments and records, music scores and tapes.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
Commission agents' services, wholesale trade services, retailing services with respect to the pharmaceuticals and medical articles (CPC 62117*, CPC 62251, CPC 62252, CPC 63211)	(1, 2) None, except the following: <ul style="list-style-type: none"> <li>- compensation of the cost of pharmaceutical products and medical articles qualifying for the package provided under the system of State guarantees of free health care for citizens of the Russian Federation<sup>18</sup>;</li> <li>- price formation for pharmaceutical products and medical articles.</li> </ul>	(1, 2) None, except the following: <ul style="list-style-type: none"> <li>- compensation of the cost of pharmaceutical products and medical articles qualifying for the package provided under the system of State guarantees of free health care for citizens of the Russian Federation<sup>19</sup>;</li> <li>- price formation for pharmaceutical products and medical articles.</li> </ul>	
D. Franchising (CPC 8929*) <ul style="list-style-type: none"> <li>- including with respect to express delivery services as defined in this Schedule, but not with respect to: <ul style="list-style-type: none"> <li>- legal services;</li> <li>- auditing services;</li> <li>- postal/courier services (apart from express delivery services as defined in this Schedule);</li> <li>- telecommunication services;</li> <li>- audio-visual services;</li> <li>- construction services;</li> <li>- education services;</li> <li>- financial services.</li> </ul> </li> </ul>	(1, 2) None <sup>20</sup>	(1, 2) None <sup>21</sup> "	

<sup>18</sup> The system of State guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets of all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

<sup>19</sup> The system of State guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets of all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

<sup>20</sup> Commitments in the sector "Franchising" (CPC 8929\*) will not prejudice the measures applied in accordance with this Schedule of specific commitments in other services sectors.

<sup>21</sup> Commitments in the sector "Franchising" (CPC 8929\*) will not prejudice the measures applied in accordance with this Schedule of specific commitments in other services sectors.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>5. EDUCATIONAL SERVICES</b>			
With respect to the privately funded education organizations/services only.			
A. Primary education services (CPC 921*) B. Secondary education services (CPC 922*)	(1, 2) None.	(1, 2) None, except the following: - unbound with respect to subsidies and other forms of State support, including access to the financial and other material resources of the State.	
C. Higher education services (CPC 923*)	(1, 2) None.	(1, 2) None, except the following: - unbound with respect to subsidies and other forms of State support, including access to the financial and other material resources of the State.	
D. Adult education not included in other categories (CPC 924*) in respect of foreign language courses, computer courses, business-courses, examination-training courses only	(1, 2) None.	(1, 2) None, except the following: - unbound with respect to subsidies and other forms of State support, including access to the financial and other material resources of the State.	
<b>6. ENVIRONMENTAL SERVICES*</b>			
Except for treatment of radioactive wastes/contamination.			

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
A. Sewage services (CPC 9401) B. Refuse disposal services (CPC 9402) C. Sanitation and similar services (CPC 9403) D. Other: - Cleaning services of exhaust gases (CPC 9404); - Noise abatement services (CPC 9405); - Nature and landscape protection (CPC 9406); - Environmental impact assessment services (CPC 9409*).	(1) Unbound, except the following: - for environmental impact assessment services (CPC 9409*) - none; - for consultancy/advisory services - none.  (2) None.	(1) Unbound, except the following: - for environmental impact assessment services (CPC 9409*) - none; - for consultancy/advisory services - none.  (2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>7. FINANCIAL SERVICES</b>			
<p>Measures applicable to all sectors of financial services.</p> <p>Commitments in measures related to trade in financial services are undertaken in accordance with the General Agreement on Trade in Services (GATS) and the Annex on Financial Services.</p> <p>To avoid conflict of interest and to achieve the objectives indicated in Article 2(a) of the Annex on Financial Services for organisations supplying financial services the permitted scope and types of operations of services in respective combinations shall be established on a non-discriminatory basis.</p>			
<b>A. All insurance and insurance-related services</b>			
(a) Life insurance services (b) Non-life insurance services	(1, 2) None only with respect to the risks insurance connected with international: <ul style="list-style-type: none"> <li>- maritime transportation;</li> <li>- commercial air transportation;</li> <li>- commercial space launching;</li> <li>- insurance covering in whole or in part:               <ul style="list-style-type: none"> <li>- international transportation of natural persons;</li> <li>- international transportation of export/import cargoes and the vehicles carrying them, including liability arising therefrom;</li> <li>- transportation of goods by international transport;</li> <li>- liability while in cross-border movement of private means of transportation only after joining of the international system of agreements and insurance certificates – Green Card.</li> </ul> </li> </ul>	(1, 2) None only with respect to insurance of risks indicated in the column "Limitations on market access".	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<p>Within 4 years, starting from August 22, 2012, - none with respect to insurance of risks connected with domestic commercial air (except following types of mandatory insurance: insurance of liability of the owner and operator of the aircraft; insurance of liability of the air carrier before passengers, consigner of goods, consignee; life and health insurance of aircraft staff) transportation and maritime transportation when such insurance covers any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom.</p>		
(ii) Reinsurance and retrocession	(1, 2) None.	(1, 2) None.	



Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(iii) Insurance intermediation, such as brokerage and agency	(1, 2) None, except the following:  - insurance intermediation related to the conclusion and distribution of insurance contracts on behalf of foreign insurance companies in the territory of the Russian Federation shall not be allowed (except for cases described in commitments on cross-border supply of insurance services).	(1, 2) None, except the following:  - insurance intermediation related to the conclusion and distribution of insurance contracts on behalf of foreign insurance companies in the territory of the Russian Federation shall not be allowed (except for cases described in commitments on cross-border supply of insurance services).	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services	(1, 2) None.	(1, 2) None.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>B. Banking and other financial services</b> (excluding insurance), with respect to the following services only:			
(v) Acceptance of deposits and other repayable funds from the public; (vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions; (vii) Financial leasing; (viii) All payments and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; (ix) Guarantees and commitments; (x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:  (A) money market instruments (including cheques, bills, certificates of deposits); (B) foreign exchange; (C) derivative products, including but not limited to, futures and options; (D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; (E) transferable securities; (F) other negotiable instruments and financial assets, including bullion. (xi) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether	(1) None only with respect to:  (vii) Financial leasing; (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; (xvi*) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (v) through (xv), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (except the activity of financial consultant (sponsor broker), supplying services related to arrangement of securities issues).  Unbound with respect to services listed in paragraphs (v), (vi), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), and the part of (xvi) excluded above.  (2) None for sub-sectors (v) to (xv) and for Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (v) through (xv), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	(1) None only with respect to:  (vii) Financial leasing; (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; (xvi*) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (v) through (xv), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (except the activity of financial consultant (sponsor broker), supplying services related to arrangement of securities issues).  Unbound with respect to services listed in paragraphs (v), (vi), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), and the part of (xvi) excluded above.  (2) None for sub-sectors (v) to (xv) and for Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (v) through (xv), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	In order to guarantee a level-playing field, Russian authorities shall ensure that foreign banks established in Russia shall enjoy the same level of guarantee from the State for deposits as all other banks (including State-owned banks) and the same obligations as regards their participation in a possible deposit insurance mechanism.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
publicly or privately) and provision of services related to such issues; (xii) Money broking; (xiii) Asset management such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services; (xiv) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments; (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; (xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
A. Hospital services (CPC 9311*) with respect to the privately funded health care organizations/services only	(1) Unbound. (2) None, except the following:  - compensation of costs of medical services qualifying for the package provided under the system of State guarantees of free health care for citizens of the Russian Federation <sup>22</sup> .	(1) Unbound. (2) None, except the following:  - compensation of costs of medical services qualifying for the package provided under the system of State guarantees of free health care for citizens of the Russian Federation <sup>23</sup> .	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotels and Restaurants (including catering) (CPC 641, CPC 642, CPC 643)	(1, 2) None.	(1, 2) None.	
B. Tour operators and tour agencies services (CPC 7471) C. Tourist guide services (CPC 7472)	(1, 2) None.	(1, 2) None.	
<b>10. RECREATIONAL, CULTURAL, AND SPORTING SERVICES</b>			
A. Entertainment services (CPC 96191-96195)  Other entertainment services n.e.c. (other than audio-visual services) only with respect to cinema theatre operation services (CPC 96199*).	(1, 2) None.	(1, 2) None.	
B. News agency services (CPC 962)	(1, 2) None.	(1, 2) None.	

<sup>22</sup> The system of state guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets at all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

<sup>23</sup> The system of state guarantees of free health care for citizens of the Russian Federation establishes compensation of medical services from budgets at all levels (federal, subjects of the Russian Federation, local self-government) and through mandatory medical insurance.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>			<p>The following services are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions at trade ports:</p> <ul style="list-style-type: none"> <li>- Pilotage (for the Russian flagged vessels the use of pilotage services may be optional);</li> <li>- Ice-breaking services;</li> <li>- Towing and tug assistance;</li> <li>- Provisioning, fuelling and watering;</li> <li>- Garbage collecting and ballast waste disposal;</li> <li>- Port Captain's services;</li> <li>- Navigation aids (lighthouse, aids to navigation, radar vessel traffic services, other electronic aids and systems to enhance safety of navigation, etc.);</li> <li>- Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</li> <li>- Emergency repair facilities;</li> <li>- Anchorage, berth and berthing services.</li> </ul>

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
- <b>International Transport</b> (CPC 7211, CPC 7212), less cabotage transport <sup>24</sup>	<p>(1) (a) <u>Liner Shipping</u>:</p> <p>None, except the following:</p> <ul style="list-style-type: none"> <li>- the priority right to take part in the conduct of the Production Sharing Agreement<sup>25</sup> as carriers belongs to the juridical persons of the Russian Federation.</li> </ul> <p>(b) <u>Bulk, tramp, and other international shipping including passenger transportation</u>:</p> <p>None, except for the following:</p> <ul style="list-style-type: none"> <li>- the priority right to take part in the conduct of the Production Sharing Agreement as carriers belongs to the juridical persons of the Russian Federation.</li> </ul> <p>(2) None, except for the following:</p> <ul style="list-style-type: none"> <li>- the priority right to take part in the conduct of the Production Sharing Agreement as carriers belongs to the juridical persons</li> </ul>	<p>(1) (a) None, except as indicated in the column "Limitations on market access".</p> <p>(b) None, except as indicated in the column "Limitations on market access".</p> <p>(2) None, except as indicated in the column "Limitations on market access".</p>	

<sup>24</sup> Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant legislation of the Russian Federation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between the ports located in the Russian Federation and transportation of passengers and goods between a port located in the Russian Federation and installations or structures situated on the continental shelf of the Russian Federation as well as transportation of passengers and goods within the territorial waters of the Russian Federation.

<sup>25</sup> Production sharing agreements for the exploration, development and production of mineral raw materials.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access of the Russian Federation.	Limitations on National Treatment	Additional commitments
<b>Maritime auxiliary services</b>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
Cargo-handling services <sup>26</sup>			
Storage and warehousing services (CPS 742*);	(1) Unbound <sup>28</sup> . (2) None.	(1) Unbound <sup>29</sup> . (2) None.	
Container station and depot services <sup>27</sup>			
Customs Brokers' Services <sup>30</sup>	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
Freight Forwarding Services <sup>31</sup>	(1, 2) None.	(1, 2) None.	
Maritime Agency Services <sup>32</sup>			

<sup>26</sup> "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo; and
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

<sup>27</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

<sup>28</sup> A commitment on this mode of supply is not feasible.

<sup>29</sup> A commitment on this mode of supply is not feasible.

<sup>30</sup> "Customs brokers' services" means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this services is the main activity of the service provider or a usual complement of its main activity.

<sup>31</sup> "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

<sup>32</sup> "Maritime agency services" means activities consisting in fulfilling as agent on behalf of his own name or the name of ship-owner legal or other actions on the instructions and for account of ship-owner within a given seaport or a given area, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and
- acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>B. Internal Waterways Transport</b> (f) "Other supporting services for internal waterway transport" (CPC 7459)	(1, 2) None.	(1, 2) None.	



Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>C. Air Transport Services</b> (d) Maintenance and repair of aircraft (part of CPC 8868**) only to the extent of maintenance and repair activities when undertaken on an aircraft or a part thereof, while it is withdrawn from transport services. Does not include line maintenance or other repair or maintenance activities undertaken by an air carrier (including its agents or contractors) on aircraft it owns, leases, or operates.	(1, 2) None.	(1, 2) None.	
Selling and marketing of air transport services <sup>33</sup> ; Computer reservation systems	(1, 2) None.	(1, 2) None.	

<sup>33</sup> "Selling and marketing of air transport services" mean the sell by the air transport carrier its own tickets and market of its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>F. Road Transport Services</b>			
(a) Passengers transportation (CPC 7121*, CPC 7122*)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(b) Freight transportation (CPC 7123*) <sup>34</sup>			
(d) Maintenance and repair of road transport equipment (CPC 6112, CPC 8867)	(1, 2) None.	(1, 2) None.	
(e) Supporting services for road transport services - in respect of bus terminals only, (CPC 7441*) - and other supporting services for road transport services (CPC 7449)	(1, 2) None.	(1, 2) None.	
<b>H. Services Auxiliary to all Modes of Transport*</b> (excluding respective auxiliary services for space transport and pipeline transport).	(1) Unbound <sup>35</sup> (2) None, except the following:  - unbound with respect to cargo- handling services for air transport and rail transport.	(1) Unbound <sup>36</sup> (2) None, except the following:  - unbound with respect to cargo- handling services for air transport and rail transport.	
(a) Cargo-handling services (CPC 741*), except cargo-handling services for maritime that are committed in the Section 11.A.			

<sup>34</sup> Including, *inter alia*, transportation of individual items, but without prejudice to commitments on the sector "Courier services".

<sup>35</sup> A commitment on this mode of supply is not feasible.

<sup>36</sup> A commitment on this mode of supply is not feasible.

Modes of supply: (1) Cross-border supply (2) Consumption abroad

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(b) Storage and warehouses services (CPC 742*), except storage and warehouses services for maritime that are committed in the Section 11.A.	(1) Unbound <sup>37</sup> (2) None, except the following:  - unbound with respect to storage and warehouses services for rail transport.	(1) Unbound <sup>38</sup> (2) None, except the following:  - unbound with respect to storage and warehouses services for rail transport.	
(c) Freight transport agency services (CPC 748*), except freight transport agency services for maritime that are committed in the Section 11.A.	(1) Unbound. (2) None.	(1) Unbound. (2) None.	
(d) Other supporting and auxiliary transport services with respect to freight brokerage services, transportation document preparation services, freight inspection and weighing services (CPC 7490*).	(1) Unbound. (2) None.	(1) Unbound. (2) None.	

<sup>37</sup> A commitment on this mode of supply is not feasible.

<sup>38</sup> A commitment on this mode of supply is not feasible.

**ANNEX 3**  
**TO PROTOCOL No. 1**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM**  
**AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT**  
**BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,**  
**AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,**  
**OF THE OTHER PART**

**LIST OF RESERVATIONS OF THE RUSSIAN FEDERATION**  
**UNDER SECTION III (ESTABLISHMENT, COMMERCIAL PRESENCE AND**  
**ACTIVITIES) OF CHAPTER 8 (TRADE IN SERVICES, INVESTMENT AND**  
**MOVEMENT OF NATURAL PERSONS) OF THE AGREEMENT**

1. The Russian Federation undertakes the commitment not to maintain or introduce limitations inconsistent with Article 8.21 (National Treatment), Article 8.23 (Market Access), Article 8.24 (Performance Requirements) and Article 8.25 (Senior Management and Board of Directors) of Section III (Establishment, Commercial Presence and Activities) of Chapter 8 (Trade in Services, Investment and Movement of Natural Persons) of the Agreement apart from the reservations stipulated in this List of Reservations.

2. Nothing in this List of reservations affects rights and obligations of the Russian Federation in Annex 4 (Schedule of Specific Commitments of the Russian Federation under the Section IV (Movement of Natural Persons) in respect of entry, stay and movement of natural persons.

1.  
**Sector:** Professional services  
**Sub-sector:** Legal services  
**Obligations Concerned:** National Treatment  
Senior Management and Board of Directors  
**Source of Measure:** Law No.4462-1 of February 11, 1993 "Fundamental Legislation of the Russian Federation on Notaries"  
**Description:** Only citizens of the Russian Federation may work as notaries, junior notaries and assistant notaries.  
  
A notary chamber, notary office may be established only in the relevant subject of the Russian Federation by notaries – citizens of the Russian Federation.
  
2.  
**Sector:** Professional services  
**Sub-sector:** Legal services  
**Obligations Concerned:** National Treatment  
Senior Management and Board of Directors  
**Source of Measure:** Civil Code of the Russian Federation  
**Description:** Only a citizen of the Russian Federation may be registered as a patent attorney.

3.

<b>Sector:</b>	Financial services
<b>Sub-sector:</b>	Insurance services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 4015-1 of November 27, 1992 "On the Organization of Insurance Business in the Russian Federation"
<b>Description:</b>	<p>Insurance companies that are subsidiaries of foreign investors (principal organizations) or in which foreign participation in the charter capital exceeds 49%, cannot provide life insurance, health insurance and insurance of property of citizens paid for by funds allocated for these purposes from the relevant budget to federal executive bodies (policy holders), insurance related to the procurement of goods, works and services for State and municipal needs, as well as insurance of property interests of State organizations and municipal organizations in the Russian Federation.</p> <p>Insurance companies that are subsidiaries of foreign investors (principal organizations) or in which foreign participation in the charter capital exceeds 51%, also cannot provide insurance of property interests related to survival of citizens to a certain age or term or occurrence of other events in the life of citizens, as well as to their death, and mandatory insurance of civil liability of vehicle owners in the Russian Federation.</p> <p>An insurance company that is a subsidiary of a foreign investor (principal organization) or in which foreign participation in the charter capital exceeds 49%, has the right to conduct insurance business in the Russian Federation if the foreign investor (principal organization) has been an insurance company operating in accordance with the legislation of the respective State for no less than 5 years.</p> <p>The legislation of the Russian Federation limits the ratio (quota) of total foreign participation in the total charter capital of insurance companies at 50%. Information about the ratio (quota) of foreign participation in insurance companies, the introduction or termination of limitations on foreign investment provided for in subparagraphs five and seven of this paragraph shall be published in the manner prescribed by the legislation of the Russian Federation.</p> <p>If the ratio (quota) of total foreign participation in the total charter capital of insurance companies exceeds 50%, the</p>

supervisory authority stops issuing licenses to conduct insurance business to insurance companies that are subsidiaries of foreign investors (principal organizations) or in which foreign participation in the charter capital exceeds 49%.

An insurance company shall be required to obtain prior authorization from the supervisory authority to increase the size of its charter capital at the expense of foreign investors and (or) their subsidiaries, to alienate their shares (stakes in charter capital) in favor of foreign investors (including for purchase by foreign investors), and Russian shareholders (participants) shall be required to obtain prior authorization from the supervisory authority to alienate their shares (stakes in charter capital) of the insurance company in favor of foreign investors and (or) their subsidiaries.

If the ratio (quota) of total foreign participation in the total charter capital of insurance companies is exceeded, the supervisory authority refuses prior authorization to insurance companies that are subsidiaries of foreign investors (principal organizations) or in which foreign participation in the charter capital exceeds 49% or that become such as a result of said transactions.

Foreign investors shall pay for their shares (stakes in charter capital) in insurance companies exclusively in monetary form in the currency of the Russian Federation. Notwithstanding the provisions of this paragraph, insurance companies having obtained their licenses to conduct insurance business prior to Russia's accession to the WTO shall continue to operate in accordance with the terms on which the license was issued.

4.

<b>Sector:</b>	Financial services
<b>Sub-sector:</b>	Insurance services
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Board of Directors
<b>Source of Measure:</b>	Federal Law No. 4015-1 of November 27, 1992 "On the Organization of Insurance Business in the Russian Federation"
<b>Description:</b>	Only citizens of the Russian Federation may be insurance agents, insurance brokers (this limitation does not apply to insurance agents-natural persons that are not registered as individual entrepreneurs).

5.	
<b>Sector:</b>	Financial services
<b>Sub-sector:</b>	Banking services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"
<b>Description</b>	<p>Foreign capital participation in the bank system of the Russian Federation is limited to 50%.</p> <p>For the purposes of control over the quota of foreign participation in the bank system of the Russian Federation prior authorization from the Central Bank shall be required:</p> <ul style="list-style-type: none"> <li>- to register credit organizations with foreign participation and to issue banking licenses for them;</li> <li>- to increase the charter capital of a credit organization licensed for bank activities with non-resident (non-residents)funds;</li> <li>- to alienate shares (interest) of a credit organization licensed for banking activities in favor of non-residents.</li> </ul>
6.	
<b>Sector:</b>	Financial services
<b>Sub-sector:</b>	Banking services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	<p>Federal Law No. 395-1 of December 2, 1990 "On Banks and Banking Activities"</p> <p>Federal Law No. 39-FZ of April 22, 1996 "On Securities Market"</p> <p>Federal Law No. 4015-1 of November 27, 1992 "On Organization of Insurance Activities in the Russian Federation"</p> <p>Federal Law No. 7-FZ of February 7, 2011 "On Clearing and Clearing Activities"</p> <p>Federal Law No. 325-FZ of November 21, 2011 "On Organized Trading"</p> <p>Federal Law No. 75-FZ of May 7, 1998 "On Non-State Pension Funds"</p> <p>Federal Law No. 156-FZ of November 29, 2001 "On Investment Funds"</p>



Federal Law No. 29-FZ of March 14, 2013 "On Amending Certain Legislative Acts of the Russian Federation"

Order of the Bank of Russia No. 02-195 of April 23, 1997 "On Enactment of the Regulation on Peculiarities of Registration of Credit Organizations with Foreign Participation and on Procedures for Prior Authorization from the Bank of Russia to Increase the Charter Capital of a Registered Credit Organization with Non-Resident (Non-Residents) Funds".

**Description**

A license to operate in the financial services sector in the Russian Federation shall be issued to juridical persons of the Russian Federation, established in the legal form stipulated by the legislation of the Russian Federation.

7.

**Sector:**

Financial services

**Sub-sector:**

Banking services

**Obligations Concerned:**

National Treatment  
Market Access  
Senior Management and Board of Directors

**Source of Measure:**

Order of the Bank of Russia No. 02-195 of April 23, 1997 "On Enactment of Regulation on Peculiarities of the Registration of Credit Organizations with Foreign Participation and on Procedures for prior authorization from the Bank of Russia to Increase the Charter Capital of a Registered Credit Organization with Non-Resident (Non-Residents) Funds"

**Description**

In respect of credit institutions with foreign participation there shall be limitations: if the person performing the functions of the individual executive body of the Russian credit organization is a foreign national or a Stateless person, citizens of the Russian Federation shall constitute no less than 50% of the collegiate executive body of such a credit organization.

Citizens of the Russian Federation shall constitute no less than 75% of the total number of workers of the Russian credit organization with foreign participation.

- 8.
- Sector:** Financial services
- Sub-sector:** Banking services
- Obligations Concerned:** National Treatment  
Market Access  
Senior Management and Board of Directors
- Source of Measure:** Order of the Bank of Russia No. 02-437 of October 7, 1997 "On Procedure of Opening and Operating of Representative Offices of Foreign Credit Organizations in the Russian Federation"
- Description** The number of foreign personnel in a representative office of a foreign credit organization, as a rule, should not exceed 2 persons. If the representative office requires more accredited staff, the necessity should be justified in a written statement addressed to the Governor of the Bank of Russia, on the basis of which a decision shall be made.
- 9.
- Sector:** Financial services
- Sub-sector:** Insurance services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Law of the Russian Federation No. 4015-1 of November 27, 1992 "On Organization of Insurance Business in the Russian Federation"
- Description** Executives (including an individual executive body) and the chief accountant of the subject of the Russian insurance business (juridical person) shall be required to be permanent residents of the Russian Federation.
- 10.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal law No. 99-FZ of May 4, 2011 "On Licensing of Specific Types of Activity"
- Description** A license to operate in the financial services sector in the Russian Federation shall be issued to juridical persons of

the Russian Federation established in the legal form stipulated by the legislation of the Russian Federation.

11.

**Sector:**

Financial services

**Sub-sector:**

Securities

**Obligations Concerned:**

National Treatment  
Market Access

**Source of Measure:**

Federal Law No. 395-1 of December 2, 1990 "On Banks and Banking Activities"  
Federal Law No. 39-FZ of April 22, 1996 "On Securities Market"  
Federal Law No. 4015-1 of November 27, 1992 "On Organization of Insurance Activities in the Russian Federation"  
Federal Law No. 7-FZ of February 7, 2011 "On Clearing and Clearing Activities"  
Federal Law No. 325-FZ of November 21, 2011 "On Organized Trading"  
Federal Law No. 75-FZ of May 7, 1998 "On Non-State Pension Funds"  
Federal Law No. 156-FZ of November 29, 2001 "On Investment Funds"  
Federal Law No. 29-FZ of March 14, 2013 "On Amending Certain Legislative Acts of the Russian Federation"  
Order of the Bank of Russia No. 02-195 of April 23, 1997 "On Enactment of the Regulation on Peculiarities of Registration of Credit Organizations with Foreign Participation and on Procedures for Prior Authorization from the Bank of Russia to Increase the Charter Capital of a Registered Credit Organization with Non-Resident (Non-Residents) Funds".

**Description**

The stake of each shareholder (related group of persons) in the charter capital of a professional participant in the securities market shall not exceed 10%, except in cases where the shareholder (related group of persons) is the competent authority or financial market infrastructure organizations of the Russian Federation that belong to the same holding group.

12.	
<b>Sector:</b>	Financial services
<b>Sub-sector:</b>	Securities
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 395-1 of December 2, 1990 "On Banks and Banking Activities" Federal Law No. 39-FZ of April 22, 1996 "On Securities Market" Federal Law No. 4015-1 of November 27, 1992 "On Organization of Insurance Activities in the Russian Federation" Federal Law No. 7-FZ of February 7, 2011 "On Clearing and Clearing Activities" Federal Law No. 325-FZ of November 21, 2011 "On Organized Trading" Federal Law No. 75-FZ of May 7, 1998 "On Non-State Pension Funds" Federal Law No. 156-FZ of November 29, 2001 "On Investment Funds" Federal Law No. 29-FZ of March 14, 2013 "On Amending Certain Legislative Acts of the Russian Federation" Order of the Bank of Russia No. 02-195 of April 23, 1997 "On Enactment of the Regulation on Peculiarities of Registration of Credit Organizations with Foreign Participation and on Procedures for prior Authorization from the Bank of Russia to increase the charter capital of a registered Credit Organization with non-Resident (Non-Residents) Funds".
<b>Description</b>	Keeping of insurance records in the Russian Federation shall be carried out by only one organization established and operating in accordance with the legislation of the Russian Federation.

- 13.
- Sector:** Financial services
- Sub-sector:** Securities
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 414-FZ of December 7, 2011 "On the Central Depository"
- Description** An organization that has obtained the status of a central depository shall be the only organization in the Russian Federation functioning as a central depository. The Central Depository shall be established in the form of a joint stock company.
- 14.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 57-FZ of April 29, 2008 "On Foreign Investments in Business Entities Having Strategic Importance for National Defense and State Security"
- Description:** A transaction completed by any other Party's person and bringing about institution of control over any Russian juridical person engaged in at least one activity having strategic importance for national defense and State security shall require authorization from the competent authority of the Russian Federation in the manner specified in legal acts of the Russian Federation. Foreign States, international organizations and persons under their control, including those established in the Russian Federation, cannot make any transactions resulting in institution of control over any Russian legal entities engaged in at least one activity having strategic importance for national defense and State security. Foreign investors or a group of persons shall inform the competent authority if they acquire five or more percent of shares (stakes) that constitute the charter capital of legal entities engaged in at least one activity having strategic importance for national defense and State Security.

- 15.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 3297-1 of July 14, 1992 "On Restricted Administrative and Territorial Entity"
- Description:** The establishment of legal entities, opening of branches and representative offices or registration as an individual entrepreneur by a person of a foreign State in restricted administrative and territorial entities of the Russian Federation, the acquisition of a stake in the charter capital of legal entities registered in restricted administrative and territorial entities of the Russian Federation by any other Party's person, as well as the activities of legal entities (including those with foreign participation) registered in restricted administrative and territorial entities of the Russian Federation, of branches and representative offices may be limited or prohibited in accordance with legal acts of the Russian Federation.
- 16.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Land Code of the Russian Federation No. 136-FZ of October 25, 2001,  
Federal legislation concerning the National Border of the Russian Federation (in particular, Federal Law No. 4730-1 of April 1, 1993 "On the National Border of the Russian Federation")
- Description:** Transactions with land of traditional residence and economic activity of indigenous small peoples and exiguous ethnic communities, as well as with the border territories and other specifically determined territories of the Russian Federation may be restricted or prohibited in accordance with regulatory legal acts of the Russian Federation.

- 17.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Land Code of the Russian Federation No. 136-FZ of October 25, 2001  
Federal Law No. 101-FZ of July 24, 2002 "On Commercial Transactions of Agricultural Land"
- Description:** Russian juridical persons in which foreign participation in the charter (joint-stock) capital exceeds 50% may hold agricultural land plots only on a leasehold basis. The term of such a lease shall not exceed 49 years.
- 18.
- Sector:** Business services
- Sub-sector:** Services incidental to agriculture
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"
- Description:** In respect of services incidental to agriculture establishment is allowed only in the form of a juridical person of the Russian Federation.
- 19.
- Sector:** Business services
- Sub-sector:** Services incidental to fishing
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"
- Description:** In respect of services incidental to fishing establishment is allowed only in the form of a juridical person of the Russian Federation.

20.	
<b>Sector:</b>	Construction services
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Board of Directors
<b>Source of Measure:</b>	Land Code of the Russian Federation No. 136-FZ of October 25, 2001
<b>Description:</b>	<p>Land plots for construction are provided to foreign citizens, Stateless persons and foreign legal entities according to procedure stipulated in the legislation of the Russian Federation, in particular: foreign citizens, Stateless persons and foreign legal entities may acquire land plots only for a fee determined by the legislation of the Russian Federation.</p> <p>The legislation of the Russian Federation may establish a list of types of buildings, constructions and installations for which the preferential right of purchase or lease of a plot of land for owners of buildings, constructions, installations located on somebody else's land plot is not extended to foreign citizens, Stateless persons and foreign legal entities.</p>
21.	
<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 69-FZ of March 31, 1999 "On Gas Supply in the Russian Federation"
<b>Description:</b>	<p>Limitations are applied to person of a foreign State acquiring over 20% of the total number of common shares of Russian regional gas supply and gas distribution system owners.</p> <p>The aggregate percentage of common shares owned by the Russian Federation of the organization that owns the Unified Gas Supply System shall not be less than 50% plus one share. The subsoil sites of federal significance, as defined by the Government of the Russian Federation, may be provided for use without any bidding or auctions for exploration and production of gas or for exploration, surveying and production of gas under a combined</p>



license, to the organization that owns the Unified Gas Supply System or to an organization that owns a regional gas supply system.

22.

**Sector:**

All sectors

**Sub-sector:**

**Obligations Concerned:**

National Treatment  
Market Access

**Source of Measure:**

Federal Law No.41-FZ of March 26, 1998 "On Precious Metals and Precious Stones"

**Description:**

The Russian Federation, subjects of the Russian Federation and organizations established without participation (direct or indirect) of foreign persons shall own the majority of votes taken into account in determining the decisions of control bodies of organizations for mining diamonds in the Russian Federation.

23.

**Sector:**

All sectors

**Sub-sector:**

**Obligations Concerned:**

National Treatment

**Source of Measure:**

Resolution of the Government of the Russian Federation No. 972 of August 17, 1998 "On Approval of the Operating Procedure of Organizations Refining Precious Metals and the List of Organizations Authorized to Refine Precious Metals"

**Description:**

The list of organizations authorized to refine precious metals and their operating procedure is determined by regulatory legal acts of the Russian Federation.

- 24.
- Sector:** Business services
- Sub-sector:** Legal services
- Obligations Concerned:** National Treatment
- Source of Measure:** Federal Law No. 63-FZ of May 31, 2002 "On Advocates' Activity and advocateship in the Russian Federation"
- Description:** Advocates may provide services only through Advocates' cabinet, Advocates' bureau, Advocates' collegiums or a legal advice office. Foreign advocates cannot provide legal assistance in the Russian Federation on matters connected with State secrets of the Russian Federation. Foreign citizens may acquire advocate status in the Russian Federation if they are not advocates of other States.  
Legal services may be provided only in relation to questions of law of the State, in whose jurisdiction of the legal service supplier is qualified, subject to registration of such lawyers of foreign States in a special register.
- 25.
- Sector:** Business services
- Sub-sector:** Security services
- Obligations Concerned:** National Treatment
- Source of Measure:** Law of the Russian federation No. 2487-1 of March 11, 1992 "On Private Detective and Security Activities in the Russian Federation"
- Description:** Foreign citizens and citizens of the Russian Federation possessing citizenship of another foreign State, foreign legal entities, as well as organizations, which have among their founding members (participants) the above mentioned citizens and persons, have the right to provide private investigation and security services and (or) participate in the operation in any form, including management of a private security organization, only on the grounds and within the scope of international agreements of the Russian Federation.  
Foreign citizens and citizens of the Russian Federation possessing citizenship of another foreign State, Stateless persons, foreign legal entities, and organizations, which have among their founding members (participants) the above mentioned citizens and persons, are not allowed to

invest in the charter capital of a private security organization.

Alienation of shares (stocks) by a founder (participant) of a private security organization resulting in foreign participation in the charter capital is not allowed, unless stipulated otherwise under international agreements of the Russian Federation.

26.

**Sector:** Other Business Services

**Sub-sector:** Investigation and security

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No.126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"

**Description:** In respect of investigation and security services establishment is allowed only in the form of a juridical person of the Russian Federation.

27.

**Sector:** Professional services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 13-FZ of February 5, 2007 "On Specifics of Management and Disposal of Property and Shares of Organizations Operating in the Sphere of Nuclear Energy Use and on the Introduction of Amendments to Certain Legal Acts of the Russian Federation"  
Federal Law No. 170-FZ of November 21, 1995 "On Nuclear Energy Use", Federal Law No. 187-FZ of November 30, 1995 "On the Continental Shelf of the Russian Federation"

**Description:** Limitations are applied in respect of establishment by any foreign person of a juridical person in the Russian Federation for the purposes of activity and operation in the sphere of nuclear energy and radioactive waste handling.

- 28.
- Sector:** Business services
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 147-FZ of 17 August 1995 “On Natural Monopolies”
- Description:** In respect of services incidental to energy distribution establishment is allowed only in the form of a juridical person of the Russian Federation.
- 29.
- Sector:** Professional services
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No.221-FZ of July 24, 2007 “On State Cadastre of Real Estate”
- Description:** Only the persons of the Russian Federation may engage in cadastral activity in the Russian Federation.
- 30.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No.117-FZ of July 18, 2006 "On Gas Export"
- Description:** The exclusive right to gas export is granted to the organization that owns the Unified Gas Supply System or to its subsidiary, in which the stake of the Unified Gas Supply System in the charter capital is one hundred percent.

31.	
<b>Sector:</b>	Transport services
<b>Sub-sector:</b>	Maritime transport services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Code of Commercial Navigation of the Russian Federation No. 81-FZ of April 30 1999, Code of Inland Water Transport of the Russian Federation No. 24-FZ of March 7, 2001 (as amended on 3 February 2014).
<b>Description:</b>	<p>Transportation and towing between sea ports of the Russian Federation (cabotage) shall be carried out by ships flying the State Flag of the Russian Federation except for ships registered in the Russian international register of ships and owned by juridical persons of the Russian Federation, in which foreign participation does not exceed 49%.</p> <p>Foreign persons cannot take the position of the captain, the first officer, the chief engineer and the radio officer of a ship flying the State Flag of the Russian Federation. Only citizens of the Russian Federation may take the position of a sea pilot.</p> <p>Ice-routing services and ice-routing services with sea pilot in the water area of the Arctic Sea shall be conducted by ships flying the State Flag of the Russian Federation.</p> <p>Navigation of ships through inland water course is allowed on the basis of international agreements of the Russian Federation and on the basis of decisions of the Government of the Russian Federation.</p> <p>Navigation of sport sailing ships and leisure boats flying foreign State flags through inland water course shall be performed in accordance with rules established by the Government of the Russian Federation.</p> <p>The list of ports open for ships flying foreign State flags and of inland watercourses where navigation of such ships is allowed is determined by the Government of the Russian Federation.</p> <p>Shipping documents of ships flying foreign State flags and visiting maritime ports of the Russian Federation are recognized on the basis of international agreements of the Russian Federation.</p>

- 32.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment
- Source of Measure:** Federal Law No. 187-FZ of November 30, 1995 “On Continental Shelf of the Russian Federation”
- Description:** Limitations may be introduced in respect of activities within the continental shelf of the Russian Federation.
- 33.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 52-FZ of April 24, 1995 “On the Animal World”
- Description:** Priority in provision of the animal world for use in a specific territory or water area shall be given to citizens of the Russian Federation.
- 34.
- Sector:** All sectors
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 2124-1 of December 27, 1991 “On Mass Media”
- Description:** Unless stipulated otherwise in an international agreement of the Russian Federation, a foreign State, an international organization, as well as an organization under their control, a foreign juridical person, a Russian juridical person with foreign participation, a foreign citizen, a Stateless person, a citizen of the Russian Federation possessing citizenship of another State, collectively or individually, may not act as founder (participant) of the

mass media, may not be editor of the mass media, broadcasting organization (juridical person).

Unless stipulated otherwise in an international agreement of the Russian Federation, a foreign State, an international organization, as well as an organization under their control, a foreign juridical person, a Russian juridical person with foreign participation in its charter capital exceeding 20 % , a foreign citizen, a Stateless person, a citizen of the Russian Federation possessing citizenship of another State, collectively or individually, are not entitled to the possession, management or control, directly or indirectly (including through controlled entities, or through ownership in the aggregate of more than 20 % of shares (stocks) of any person), in respect of more than 20 % of shares (shares) in the charter capital of the entity that is a party (member, shareholder) to the founder of the mass media, the editorial board of the mass media, the broadcasting organization (juridical person).

35.

**Sector:** Telecommunication services

**Sub-sector:** Audiovisual services

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"

**Description:** Unbound, except as provided for in the Schedule of Specific Commitments of the Russian Federation attached to the Protocol of Accession of the Russian Federation to the WTO.

36.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment

**Source of Measure:** Federal Law No. 225-FZ of December 30, 1995 "On Production Sharing Agreements"

**Description:** In respect of conclusion of production sharing agreements that entered into before the effective date of the Agreement:

conditions of the tender for conclusion of a production sharing agreement shall provide for participation of Russian legal entities in implementation of the agreements with percentages determined by the Government of the Russian Federation.

The agreement shall include the following investor's obligations:

- to grant to Russian legal entities a priority right to participate in contractual work as contractors, suppliers, carriers or otherwise based on agreements (contracts) with investors;

- to engage employees that are citizens of the Russian Federation whose number shall constitute at least 80% of the total staff, foreign workers and professionals may be engaged only in the initial stages of contractual work or in the absence of workers and professionals with relevant qualifications among citizens of the Russian Federation;

- to acquire Russian process equipment, appliances and materials required for exploration, production, transportation and processing of mineral resources whose cost shall constitute at least 70% of the total value of the process equipment, appliances and materials acquired (including under rental or leasing agreements and on other grounds) in each calendar year for the performance of contractual work, to acquire process equipment, appliances and materials with acquisition and usage expenditures compensated to the investor with products. Equipment, appliances and materials are deemed of Russian origin if they are produced by Russian legal entities and/or citizens of the Russian Federation in the Russian Federation from assemblies, details, units and components 50% (in terms of value) of which are produced by Russian legal entities and/or citizens of the Russian Federation in the Russian Federation.

The Parties shall add to the agreement the provision that at least 70 % (in terms of value) of process equipment for production of mineral resources, their transportation and processing (if provided for by the agreement) acquired and/or used by any investor for contractual work shall be of Russian origin. This provision shall not apply to the use of major pipeline transport facilities when the construction and acquisition of such are not implied by the agreement.



- 37.
- Sector:** Business services
- Sub-sector:** Auditing services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 307-FZ of December 30, 2008 "On Auditing"
- Description:** In respect of auditing services a commercial organization may be established in any form of juridical person of the Russian Federation, except in the form of open joint stock company, State or municipal unitary enterprise.
- 38.
- Sector:** Transport services
- Sub-sector:** Air transport services
- Obligations Concerned:** National Treatment  
Market Access  
Senior Management and Board of Directors
- Source of Measure:** The Air Code of the Russian Federation No.60-FZ No.10-FZ of March 19, 1997  
Federal Law of January 8, 1998 "On State Control of Air Transport Development"  
Regulations of the Government of the Russian federation No. 346 of May 27, 2002 "On Approval of Licensing Provisions Regarding Aviation Equipment"
- Description:** Participation of foreign capital in an air entity engaged in development, production, testing, repair and/or disposal of aviation equipment is allowed to the extent that the participatory share of foreign capital is less than 25% of the charter capital of such an air entity, or if determined by the President of the Russian Federation. The head and the members of the control bodies of such an organization may only be citizens of the Russian Federation, unless otherwise determined by the President of the Russian Federation.  
An aviation company with foreign participation may be established in the Russian Federation only to the extent that the participatory share of foreign capital does not exceed 49% of the charter capital of such an aviation company, its head is a citizen of Russian Federation and the number

of foreign citizens in the control body of such a company does not exceed one third of the control body headcount. Foreign aviation companies may open their representative offices in the Russian Federation in accordance with the laws of the Russian Federation and/or international treaties of the Russian Federation. Establishment is allowed only in the form of a juridical person of the Russian Federation for rent/ leasing services in respect to aircraft.

39.	
<b>Sector:</b>	Transport services
<b>Sub-sector:</b>	Air transport services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Air Code of the Russian Federation No. 60-FZ of March 19, 1997 Federal Law of 17 August 1995 "On Natural Monopolies" Resolution of the Government of the Russian Federation No. 239 of 7 March 1995 "On Measures to Streamline the State Regulation of Prices (Tariffs)"
<b>Description:</b>	Services in transport terminals, ports, airports that are provided by subjects of natural monopolies included in the list of natural monopolies in transport terminal, port, airport services are to be regulated in accordance with the legislation of the Russian Federation.
40.	
<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Water Code of the Russian Federation No. 74-FZ of July 3, 2006 Federal Law No. 416-FZ of 7 December 2011 "On Water Supply and Water Drainage" Resolution of the Government of the Russian Federation No. 307 of May 23, 2006 "On Supply of Communal Services to the Population" Housing Code of the Russian Federation

Resolution of the Government of the Russian Federation No. 354 of 6 May 2011.

**Description:** Agreements relating to activities in the sphere of housing and utilities, water management and water supply shall be concluded with a juridical person of the Russian Federation. The number of such agreements may be limited according to local needs.

41.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law 115-FZ of July 21, 2005 No. "On Concession Agreements"

**Description:** The right to assign an exclusive concessionaire is retained. Individual rights and obligations of the concessor may be exercised by an authorized concessionaire.

42.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Decision of the Government of the Russian Federation No. 249 of April 7, 2008 "On Endorsing the Regulations on Licensing Activities Connected with Trafficking Narcotics and Psychotropic Substances Included in List I in Compliance with the Federal Law "On Narcotics and Psychotropic Substances".

**Description:** Any activity associated with the circulation of narcotic drugs and psychotropic substances in part of plant cultivation used for the production of narcotic drugs and psychotropic substances, processing, production, distribution and extermination of the narcotic drugs and psychotropic substances may be carried out only by State unitary enterprises of the Russian Federation.

- 43.
- Sector:** Distribution services
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal law No. 171-FZ of 22 November 1995 “On State Regulation of Production and Turnover of Ethanol, Alcohol and Alcohol-Containing Products and on the Limitation of Consumption (Drinking) of Alcoholic Production”
- Description:** A non-discriminatory State monopoly on the production and (or) turnover of ethanol, alcohol and alcohol-containing production in the territory of the Russian Federation can be established by Federal law.
- 44.
- Sector:** Space activity
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Resolution of the Government of the Russian Federation No.403 of 30 June 2006 "On Approval of the Regulations on Licensing Space Activities"
- Description:** Space activities may be carried out only by juridical persons of the Russian Federation.
- 45.
- Sector:** Educational services
- Sub-sector:**
- Obligations Concerned:** Market Access
- Source of Measure:** Law of the Russian Federation No. 3266-Iof 10 July, 1992 "On Education"
- Description:** Educational activities shall be carried out by juridical persons of the Russian Federation that are nonprofit organization.

- 46.
- Sector:** Business services
- Sub-sector:** Taxation services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 307-FZ of 30 December 2008 "On Auditing"
- Description:** In respect of taxation services establishment is allowed only in the form of a juridical person of the Russian Federation.
- 47.
- Sector:** Transport services
- Sub-sector:** Auxiliary transport services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Code of Commercial Navigation of the Russian Federation No. 81-FZ of 30 April 1999  
Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"
- Description:** Auxiliary maritime services provided in maritime areas under the sovereignty of the Russian Federation and cabotage can be carried out by ships, flying a foreign State flag in cases and in accordance with procedures determined by the Government of the Russian Federation. In respect of the auxiliary services to all transport types the possibility to introduce and maintain any measures is retained.
- 48.
- Sector:** Transport services
- Sub-sector:** Auxiliary transport services
- Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of storage and warehouse services as well as container stations and depot services establishment is allowed only in the form of a juridical person of the Russian Federation.

49.

**Sector:** Transport services

**Sub-sector:** All types of auxiliary services

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of auxiliary services for all means of transport establishment is allowed only in the form of a juridical person of the Russian Federation.

50.

**Sector:** Transport services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Customs Code of the Customs Union, Customs Code of the Russian Federation  
Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** The possibility to introduce and apply any measures in respect of customs broker services is reserved.

- 51.
- Sector:** Transport services
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of a measure** The Code of Commercial Navigation of the Russian Federation No. 81-FZ of April 30, 1999  
The Code of inland water transport of the Russian Federation No. 24-FZ of March, 2001  
Federal Law of 21 July 2012 No. 126-FZ “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”
- Description:** Establishment is allowed only in the form of a juridical person of the Russian Federation for rent/ leasing services in respect to ships.
- 52.
- Sector:** Transport services
- Sub-sector:**
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 127-FZ of 24 July 1998 “On State Control over International Road Transportation and on Liability for Violations of the Procedure for Performance thereof”
- Description:** In respect of passenger and freight transportation (including urban, suburban, intercity transport and taxi services), the possibility to introduce a prohibition on passenger and freight transportation by foreign transport companies between points located in the territory of the Russian Federation (cabotage transport) is retained. International road transportation to/from third countries, which are not parties to the Chapter, is carried out on the basis of special authorizations.

- 53.
- Sector:** Transport services
- Sub-sector:** Rail transport services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 17-FZ of 10 January 2003 “On Rail Transportation in the Russian Federation”
- Description:** Peculiarities, in particular limitations on operation of railroad transport on the railroad network, are regulated on the basis of international arrangements of the Russian Federation.  
In respect of railroad transport services, establishment is allowed only in the form of a juridical person of the Russian Federation and individual entrepreneur of the Russian Federation.
- 54.
- Sector:** Transport services
- Sub-sector:** Rail transport services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”
- Description:** The possibility to introduce and apply any measures in respect of repair and maintenance of railroad transport is reserved.
- 55.
- Sector:** Transport services
- Sub-sector:** Road transport services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 127-FZ of 24 July 1998 “On State Control over International Road Transportation and on Liability for Violations of the Procedures for Performance thereof”



Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of road transport services, establishment is allowed only in the form of a juridical person of the Russian Federation.

56.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 99-FZ of 4 May 2011 "On Licensing of Certain Types of Activities" and the legislation regulating activities listed in paragraph 2 of Article 1 of the above-mentioned Federal Law  
Federal law No. 315-FZ of 1 December 2007 “On Self-regulated Organizations”  
Federal law No. 412-FZ of 28 December 2013 “On Accreditation in the National Accreditation System”.

**Description:** Any activity or actions requiring authorization may be carried out only by juridical persons of the Russian Federation or individual entrepreneurs duly registered in the Russian Federation. Those types of activities that require an authorization are determined in accordance with the legislation of the Russian Federation.

57.

**Sector:** Audiovisual services

**Sub-sector:**

**Obligations Concerned:** National Treatment

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of services related to motion picture and video tape production and distribution, establishment is allowed only in the form of a juridical person of the Russian Federation.

58.	
<b>Sector:</b>	Telecommunication services
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 7 July 2003 "On Communication"
<b>Description:</b>	<p>The possibility to introduce and apply any measure in respect of radio communication services including satellite communication, except fixed satellite services provided by foreign satellite operators to any juridical person of the Russian Federation, possessing a license for telecommunication services, is retained.</p> <p>From August 22, 2015 limitations are eliminated with respect to other satellite services provided by foreign satellite operators to any juridical person of the Russian Federation possessing a license for telecommunication services.</p> <p>In respect of telecommunication services, establishment is allowed only in the form of a juridical person of the Russian Federation.</p>
59.	
<b>Sector:</b>	Communication services
<b>Sub-sector:</b>	Courier services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 7 July 2003 "On Communication" Federal Law No. 176-FZ of 17 July 1999 "On Postal Services"
<b>Description:</b>	In respect of courier services, establishment is allowed only in the form of a juridical person of the Russian Federation.

- 60.
- Sector:** Communication services
- Sub-sector:** Postal services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 126-FZ of 7 July 2003 “On Communication”
- Description:** The possibility to introduce and apply any measures in respect of access (establishment) and activities of postal services in the territory of the Russian Federation is retained.
- 61.
- Sector:** Communication services
- Sub-sector:** Audiovisual services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No. 126-FZ of 22 August 1996 “On State Support of Cinematography of the Russian Federation”
- Description:** The possibility to introduce and apply any measure in respect of motion picture or video tape projection services is retained.
- 62.
- Sector:** Business services
- Sub-sector:** Publishing services
- Obligations Concerned:** National Treatment  
Market Access
- Source of Measure:** Federal Law No.2124-1 of December 27, 1991 “On Mass Media” (amended by Federal Law N 305-FZ of 14 October 2014)
- Description:** In respect of printing and publishing services establishment is allowed only in the form of a juridical person of the Russian Federation.

63.	
<b>Sector:</b>	Entertainment services
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No.138-FZ of 20 December 2003 “On Lotteries”
<b>Description:</b>	Only legal person of the Russian Federation can organize and operate lotteries.
64.	
<b>Sector:</b>	Tourism and Travel Related Services
<b>Sub-sector:</b>	Tourism services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”
<b>Description:</b>	Natural persons providing guide services must be citizens of the Russian Federation. From August 22, 2019 total foreign participation in charter capital (voting shares) of a juridical person of the Russian Federation that provides tourism operator services may exceed 49%. In respect of tourism operators and travel agencies, establishment is allowed only in the form of a juridical person of the Russian Federation.
65.	
<b>Sector:</b>	Business services
<b>Sub-sector:</b>	Dental services
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of medical and dental services establishment is allowed only in the form of a juridical person of the Russian Federation.

66.

**Sector:** Business services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal law No. 244-FZ of 29 December 2006 “On State Regulation of Organization and Operation of Gambling Activities and on Amendments to Certain Legislative Acts of the Russian Federation”

**Description:** Only juridical persons of the Russian Federation can be organizers of gambling activities when duly registered for conduct of such activities.

67.

**Sector:** Recreational services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of entertainment services establishment is allowed only in the form of a juridical person of the Russian Federation.

68.

**Sector:** Health services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** The possibility to introduce and apply any measures in respect of hospital services is retained. Establishment is allowed only in the form of a juridical person of the Russian Federation.

69.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Senior Management and Board of Directors

**Source of a measure** Federal law No. 127-FZ of October 26, 2002 “On Insolvency (Bankruptcy)”

**Description:** Only a citizen of the Russian Federation can be a trustee in bankruptcy (receiver).

70.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Senior Management and Board of Directors

**Source of Measure:** Federal law No. 412-FZ of 28 December 2013 (as amended on 23 June 2014) “On Accreditation in the National Accreditation System”

**Description:** Only juridical persons of the Russian Federation, individual entrepreneurs and citizens of the Russian Federation can be participants in the National Accreditation System.

71.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 99-FZ of May4, 2011 "On Licensing of Individual Activities" and the laws regulating activities listed in paragraph 2, Article 1 of the above Federal Law  
Federal law No. 315-FZ of December 1, 2007 "On Self-regulated Organizations  
Federal law No. 412-FZ of December 28, 2013 "On Accreditation in the National Accreditation System"

**Description:** Conditions and procedures of access, including limitations of access to carry out works and provide services in respect of evaluation (confirmation) of conformity of the products to the requirements, are determined by the legislation of the Russian Federation.

72.

**Sector:** Business services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"

**Description:** The possibility to introduce and apply any measures in respect of services related to technical testing and analysis, except for testing of core samples in relation to mining, and subject to respective authorization for removal/export of core samples is retained, establishment is allowed only in the form of a juridical person of the Russian Federation.

73.

**Sector:** Business services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 "On Ratification of the Protocol of Accession of the Russian Federation to the WTO"

**Description:** The possibility to introduce and apply any measures in respect of subsurface surveying services and surface surveying services is retained.

74.

**Sector:** Business services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of services incidental to mining establishment is allowed only in the form of a juridical person of the Russian Federation.

75.

**Sector:** Environmental services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of sewage services, refuse disposal services, sanitation and similar services, cleaning services of exhaust gases, noise abatement services, nature and landscape protection establishment is allowed only in the form of a juridical person of the Russian Federation.

76.

**Sector:** Distribution services

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access



**Source of Measure:** Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”

**Description:** In respect of distribution services, establishment is allowed only in the form of a juridical person of the Russian Federation. The possibility to introduce limitations in distribution services in respect of particular goods is retained.

77.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Senior Management and Board of Directors

**Source of Measure:** Federal Law No. 73-FZ of 25 June 2002 “On Objects of Cultural Heritage (Monuments of History and Culture) of the Nations of the Russian Federation”

**Description:** The right to conduct archeological field works is granted only to the citizens of the Russian Federation.

78.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access

**Source of Measure:** Federal Law No. 147-FZ of 17 August 1995 “On Natural Monopolies”

**Description:** The possibility to introduce and apply any measure in respect of construction services of long-distance pipelines, communication lines and electrical (power) lines, local pipelines and cables and relevant works is retained.  
The possibility to introduce and apply any measure in respect of mining and manufacturing construction and gas pipeline works, transportation of gas, oil, oil products and electricity, including pipeline transportation is retained.

79.	
<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access Senior Management and Board of Directors
<b>Source of Measure:</b>	Resolution of the Government of the Russian Federation No. 1022 of 8 October 2012 “On Adoption of the Order on Licensing of Activities Connected with Supply of Services Related to Employment of the Citizens of the Russian Federation outside the Territory of the Russian Federation”
<b>Description:</b>	Activities related to employment of the citizens of the Russian Federation outside the territory of the Russian Federation cannot be performed by an individual entrepreneur. In respect of services related to placement and supply of services for personnel establishment is allowed only in the form of a juridical person of the Russian Federation.
80.	
<b>Sector:</b>	Real Estate Services
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access
<b>Source of Measure:</b>	Federal Law No. 126-FZ of 21 July 2012 “On Ratification of the Protocol of Accession of the Russian Federation to the WTO”
<b>Description:</b>	In respect of services related to real estate establishment is allowed only in the form of a juridical person of the Russian Federation.
81.	
<b>Sector:</b>	All sectors
<b>Sub-sector:</b>	
<b>Obligations Concerned:</b>	National Treatment Market Access Performance Requirements

**Source of Measure:** Decree of the President of the Russian Federation No. 135 of 5 February 1998 “On Additional Measures to Attract Investments for Development of Domestic Car Making”  
Resolution of the Government of the Russian Federation No. 166 of 29 March 2005  
CU Commission Decision No. 130 of 27 November 2009  
Federal Law No. 16-FZ of 10 January 2006 “On Special Economic Zone in Kaliningrad

**Description:** The right to apply any measures inconsistent with this Agreement may be maintained in accordance with the abovementioned legal acts.

82.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Performance Requirements  
Senior Management and Board of Directors

**Source of Measure:**

**Description:** The Russian Federation reserves the right to adopt or maintain any measure relating to new sectors and activities, including services or activities related to existing and new products or the manner in which a product is delivered that are not currently supplied or carried out in the territory of the Russian Federation.

83.

**Sector:** All sectors

**Sub-sector:**

**Obligations Concerned:** National Treatment  
Market Access  
Performance Requirements  
Senior Management and Board of Directors

**Source of Measure:**

**Description:** Creation by the foreign persons of a branch in the territory of the Russian Federation may be limited or prohibited.



























**ANNEX 4  
TO PROTOCOL No. 1  
BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM  
AND THE RUSSIAN FEDERATION TO THE FREE TRADE AGREEMENT  
BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART,  
AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES,  
OF THE OTHER PART**

**SCHEDULE OF SPECIFIC COMMITMENTS OF THE RUSSIAN FRDERATION  
UNDER SECTION IV (MOVEMENT OF NATURAL PERSONS) OF CHAPTER 8  
(TRADE IN SERVICES, INVESTMENT AND MOVEMENT OF NATURAL  
PERSONS) OF THE AGREEMENT**

Nothing in this Schedule of Specific Commitments on Services affects rights and obligations of the Russian Federation in Annex 3 (List of reservations of the Russian Federation under Section III (Establishment, Commercial Presence and Activities) in respect of entry, stay and movement of natural persons.



Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
In the present Schedule of Specific Commitments (hereinafter "the Schedule"):			
<ul style="list-style-type: none"> <li>- Asterisk (*) designates "part of";</li> <li>- CPC numbers indicated in the brackets with regard to sectors/sub-sectors of services are references to the UN Provisional Central Product Classification of the UN (Statistical Papers Series M No. 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991). The (**) indicates that the service specified constitutes only part of the total range of activities covered by CPC concordance (as indicated in MTN.GNS/W/120);</li> <li>- "Juridical person of the Russian Federation" means a juridical person as defined in the legislation of the Russian Federation.</li> </ul>			
All sectors/sub-sectors included in this Schedule			
- Subsidies and other forms of State support		(4) Access to subsidies and other forms of State support, including access to the financial and other material resources of the State, may be granted only to citizens of the Russian Federation.	
- Land transactions		(4) Foreign ownership is prohibited for agricultural land and border territories and may be limited for other types of land. Rent of land plots is permitted for the period of 49 years (with possible prolongation).	
- Indigenous small peoples and exiguous ethnic communities		(4) Special regime of the use of land of traditional residence and economic activity of the indigenous small peoples and exiguous ethnic communities may be established.	
- Production sharing agreements for the exploration, development and production of mineral raw materials		(4) Not less than 80% of all employed personnel engaged in realization of a production sharing agreement should be citizens of the Russian Federation.	
- Presence of natural persons	(4) Unbound, except for:  A. <u>Intra-corporate transfer (ICT)</u> . In respect of intra-corporate transfer temporary entry and stay in respect	(4) Unbound, except for measures indicated in the column "Limitations on market access" and subject to the following:	

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<p>of natural persons who are not citizens of the Russian Federation seeking entry for the purpose of:</p> <p>(a) supply of service through a commercial presence in the territory of the Russian Federation, shall be for a maximum period of 3 years (which may be extended) provided that said natural persons:</p> <ul style="list-style-type: none"> <li>- are considered as key personnel;</li> <li>- are temporarily transferred into a commercial presence constituted in the territory of the Russian Federation, in the form of subsidiary, dependent company or branch of a juridical person of another Member performing such intra-corporate transfer, which are effectively engaged in the supply of respective services in the territory of the Russian Federation;</li> <li>- no less than 1 year immediately prior to the said intra-corporate transfer have been employed by a juridical person of another Member performing such intra-corporate transfer.</li> </ul>	<ul style="list-style-type: none"> <li>- only natural persons temporarily or permanently residing in the Russian Federation and possessing the Russian qualification certificate of professional accountant may hold a position as a chief accountant or an acting chief accountant<sup>1</sup>.</li> </ul>	

<sup>1</sup> Foreign natural persons entering the territory of the Russian Federation to hold a position as chief accountant can obtain the status of temporary resident in accordance with the legislation of the Russian Federation before entering the territory of the Russian Federation.

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<p>(b) representation of the interests of a juridical person of another Member performing such intra-corporate transfer, through a representative office in the territory of the Russian Federation, shall be for a maximum period of 3 years (which may be extended) provided that such natural persons:</p> <ul style="list-style-type: none"> <li>- hold the position of head of a representative office or serve as senior managers of the representative office of a juridical person of another Member performing such intra-corporate transfer;</li> <li>- are temporarily transferred into a representative office in the Russian Federation;</li> <li>- have been employed by a juridical person of another Member performing such intra-corporate transfer not less than 1 year immediately prior to the said intra-corporate transfer.</li> </ul> <p>With respect to intra-corporate transfer to a representative office the total number (including the head of the representative office) of natural persons shall not exceed 5; and with respect to banking, shall not exceed 2.</p>		

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<p>In this context the following categories of natural persons are understood as "key personnel":</p> <ul style="list-style-type: none"> <li>- persons working in senior positions within the aforementioned commercial presence (subsidiary, dependent company or branch) who primarily direct the management of such commercial presence receiving general supervision or direction principally from the board of directors or stockholders or their equivalent;</li> <li>- persons working in the aforementioned commercial presence (subsidiary, dependent company or branch) and possessing high level of qualification and/or uncommon knowledge essential for the supply of services by such commercial presence.</li> </ul> <p>Only a natural person permanently residing in the territory of the Russian Federation and possessing a Russian qualification certificate of professional accountant may hold a position of a chief accountant or an acting chief accountant.</p>		

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<p>B. <u>Business visitors (BV)</u>. A period of maximum 90 days inclusively is set up for the temporary entry and stay in the territory of the Russian Federation of natural persons who are not citizens of the Russian Federation seeking such temporary entry and stay for the purpose of:</p> <ul style="list-style-type: none"> <li>- representation of a foreign service supplier in negotiations for supply of services;</li> <li>- establishment of commercial presence (mentioned in section A of these commitments) of a service supplier of another Member.</li> </ul> <p>The aforementioned persons shall not be engaged in the direct supply of such services and shall not supply such services themselves.</p>		
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(b) Accounting, auditing and bookkeeping services (CPC 862*) with respect to auditing services (CPC 86211 and CPC 86212* except bookkeeping/accounting services <sup>2</sup> )	(4) Unbound except as indicated in Part I "Horizontal commitments", and subject to the following: <ul style="list-style-type: none"> <li>- not less than 75% of the staff of an auditing organization headed by a foreigner must be citizens of the Russian Federation;</li> </ul>	(4) Unbound except as indicated in Part I "Horizontal commitments" and subject to the following: <ul style="list-style-type: none"> <li>- at least 50% of the staff of an auditing organisation must be persons permanently residing in the Russian Federation.</li> </ul>	

<sup>2</sup> Bookkeeping and accounting services shall be understood to mean operation in the field of accountancy/bookkeeping, namely:

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	<ul style="list-style-type: none"> <li>- only those employees of a legal entity who possess auditor qualification certificates are allowed to act as auditors;</li> <li>- the access to the procedures of certification is allowed only to persons who have a work record of no less than 3 out of the last 5 years in an economic or juridical speciality;</li> <li>- persons engaged in auditing activities are not allowed to engage in any other business activity not associated with auditing.</li> </ul>		
Bookkeeping/Accounting Services <sup>3</sup>	(4) Unbound except as indicated in Part I "Horizontal commitments".	(4) Unbound except as indicated in Part I "Horizontal commitments" and the following: <ul style="list-style-type: none"> <li>- only natural persons temporarily or permanently residing in the Russian Federation may hold a position of a head of an organisation supplying bookkeeping services.<sup>4</sup></li> </ul>	

- 
- organization of bookkeeping and presentation of accounting statements to the end-user concerned (e.g. chief executives, founders, participants, owners, lenders, tax and finance authorities);
  - operation in concrete bookkeeping and accounting area/areas, such as, for example, keeping account of fixed assets, inventory holdings, production costs or sales of products (e.g. goods, works, services);
  - consulting on issues of organization and management of accounting records for fuller and more accurate reflection of the objects of accounting (e.g. assets, liabilities, capital) and their movement in the course of economic activity based on the requirements of the legislation in force regulating bookkeeping.

<sup>3</sup> Bookkeeping and accounting services shall be understood to mean operation in the field of accountancy/bookkeeping, namely:

- organization of bookkeeping and presentation of accounting statements to the end-user concerned (e.g. chief executives, founders, participants, owners, lenders, tax and finance authorities);
- operation in concrete bookkeeping and accounting area/areas, such as, for example, keeping account of fixed assets, inventory holdings, production costs or sales of products (e.g. goods, works, services);
- consulting on issues of organization and management of accounting records for fuller and more accurate reflection of the objects of accounting (e.g. assets, liabilities, capital) and their movement in the course of economic activity based on the requirements of the legislation in force regulating bookkeeping.

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
(h) Medical and dental services (CPC 93121*, 93122*, 93123*) (j) Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191*)  Except: - coercive medical treatment of people who suffer mental disorders and have committed acts endangering public safety; - treatment of drug addicts; - certain types of examinations to authorise payment of State allowances (autopsy, diagnosis of persistent or temporary disability), to establish legal liability (forensic pathology, forensic psychiatry, army medicine)	(4) Unbound except as indicated in Part I "Horizontal commitments", and subject to the following:  - acting head of the single-man executive body must be a citizen of the Russian Federation.	(4) Unbound except as indicated in the Part I "Horizontal commitments".	
<b>F. Other Business Services</b>			
(l) Investigation and security (CPC 873*), except:  - the services related to bank collection and depositing, transportation of securities, etc. (CPC 87304) - investigation services (CPC 87301) - alarm monitoring services (CPC 87303) - and other security services	(4) Unbound except as indicated in Part I "Horizontal commitments", and subject to the following:  - the head of a juridical person must be a citizen of the Russian Federation permanently residing in the territory of the Russian Federation.	(4) Unbound except as indicated in Part I "Horizontal commitments".	

<sup>4</sup> Foreign natural person entering the territory of the Russian Federation to hold a position of a head of an organisation supplying bookkeeping/accounting services can obtain the status of temporary resident in accordance with the legislation of the Russian Federation before entering the territory of the Russian Federation.

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors (CPC 87309)	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier services (CPC 7512*)</b>			
Only with respect to: - Handling <sup>5</sup> of addressed parcels and packages (including books, catalogues); - Handling <sup>6</sup> of addressed press products (journals, newspapers, periodicals); - Express delivery services <sup>7</sup> for addressed letters, addressed parcels and packages, and addressed press products.	(4) Unbound except as indicated in Part I "Horizontal commitments".	(4) Unbound except as indicated in Part I "Horizontal commitments".	Juridical persons of the Russian Federation, which are operators supplying services listed in the column "Sector/subsector" (including those with foreign participation), will exercise their activity under conditions (enjoy the treatment) not less favourable than the conditions (treatment) enjoyed by the national postal operator with respect to the provision of services not assigned as an exclusive right to a national postal operator (competitive type of activity).
<b>C. Telecommunications services<sup>8</sup></b> (Telecommunications <sup>9</sup> services for the purposes of this Schedule do not include the distribution <sup>10</sup> of television and/or radio programmes)			
(a) Public voice telephone services (CPC 7521): - local telephone services (CPC 75211); - long distance and international communication services (CPC 75212);	(4) Unbound except as indicated in Part I "Horizontal commitments".	(4) Unbound except as indicated in Part I "Horizontal commitments".	The Russian Federation undertakes additional commitments as contained in the Reference Paper "Additional Commitments of the Russian Federation in Basic Telecommunications Services" attached to this Schedule of Specific Commitments.

<sup>5</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>6</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>7</sup> Express delivery services, in addition to significantly greater tariffs for delivery of written correspondence (i.e. letters, post cards), as well as high speed and greater reliability of delivery, may include other value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt. Significantly greater tariffs for delivery of written correspondence are tariffs, which are more than five times higher in comparison with the basic public tariff of the national postal operator for a delivery of written correspondence in the first weight of the fastest standard category.

<sup>8</sup> Commitments on Telecommunication services are scheduled taking into account the provisions of the following documents: "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1); "Market Access Limitations on Spectrum Availability" (S/GBT/W/3).

<sup>9</sup> "Telecommunications" means the transmission and reception of signals by any electromagnetic means.

<sup>10</sup> Distribution of television and/or radio programmes is defined as the uninterrupted transmission of signals required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.



Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<ul style="list-style-type: none"> <li>- mobile telephone services (CPC 75213).</li> <li>(b) Packet switched data transmission services (CPC 7523**)</li> <li>(c) Circuit-switched data transmission services (CPC 7523**)</li> <li>(g) Private leased circuit services (CPC 7522**, 7523**)</li> <li>(h) Electronic mail (CPC 7523**)</li> <li>(i) Voice mail (CPC 7523**)</li> <li>(j) On-line information and data base retrieval (CPC 7523**)</li> <li>(k) Electronic data interchange (EDI) (CPC 7523**)</li> <li>(l) Enhanced/value-added facsimile services, incl. store and retrieve</li> <li>(m) Code and protocol conversion</li> <li>(n) On-line information and/or data processing (incl. transaction processing) (CPC843**)</li> <li>(o) Other (CPC 7529)</li> </ul>			
<b>D. Audiovisual services</b>			
(c) Sale of TV and radio programs to TV and radio stations, excluding broadcasting. For the purpose of clarity: these commitments do not cover TV and radio programs broadcasting or other similar forms of transmission to the general public	(4) Unbound.	(4) Unbound.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	(4) Unbound except as indicated in Part I "Horizontal commitments".	(4) Unbound except as indicated in Part I "Horizontal commitments".	
<b>4. DISTRIBUTION SERVICES*</b>			
Except distribution of weapons and arms systems, military ammunition and materiel, explosives, equipment and devices for explosion works and pyrotechnics, precious metals' scrap, precious metals and gems, narcotics and psychotropic substances.			
<b>7. FINANCIAL SERVICES</b>			
The foreign equity restrictions resulting from the application of the financial services sector foreign equity ratio (except for foreign equity restrictions in specialized depositories of investment funds, unit investment funds and non-State pension funds, professional participants of the securities market engaged in keeping registers, or professional participants of the securities market engaged in depository operations under transactions made through a trade arranger) shall not apply to the creation or acquisition of financial services suppliers in the Russian Federation by foreign owned Russian juridical persons.			
<b>B. Banking and other financial services</b>			
(excluding insurance), with respect to the following services only:			
(v) Acceptance of deposits and other repayable funds from the public; (vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions; (vii) Financial leasing; (viii) All payments and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; (ix) Guarantees and commitments; (x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:  (A) money market instruments (including cheques, bills, certificates of deposits); (B) foreign exchange; (C) derivative products, including	(4) Unbound except as indicated in Part I "Horizontal commitments" and subject to the following:  - the chief accountant, the head of a single-man executive body or one of the chief officers of a collegiate executive body of a credit organization being a subsidiary of a foreign bank or dependent thereon, who is not a citizen of the Russian Federation must provide a document confirming their knowledge of Russian.	(4) Unbound except as indicated in Part I "Horizontal commitments".	In order to guarantee a level-playing field, Russian authorities shall ensure that foreign banks established in Russia shall enjoy the same level of guarantee from the State for deposits as all other banks (including State-owned banks) and the same obligations as regards their participation in a possible deposit insurance mechanism.

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<p>but not limited to, futures and options;</p> <p>(D) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</p> <p>(E) transferable securities;</p> <p>(F) other negotiable instruments and financial assets, including bullion.</p> <p>(xi) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;</p> <p>(xii) Money broking;</p> <p>(xiii) Asset management such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services;</p> <p>(xiv) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments;</p> <p>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</p> <p>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
A. Hospital services (CPC 9311*) with respect to the privately funded health care organizations/services only	(4) Unbound.	(4) Unbound.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
B. Tour operators and tour agencies services (CPC 7471) C. Tourist guide services (CPC 7472)	(4) Unbound except as indicated in Part I "Horizontal commitments", and subject to the following:  - natural persons providing guide (guide-interpreter) services must be citizens of the Russian Federation.	(4) Unbound except as indicated in Part I "Horizontal commitments".	
<b>11. TRANSPORT SERVICES</b>			

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
<b>A. Maritime Transport Services</b>			<p>The following services are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions at trade ports:</p> <ul style="list-style-type: none"> <li>- Pilotage (for the Russian flagged vessels the use of pilotage services may be optional);</li> <li>- Ice-breaking services;</li> <li>- Towing and tug assistance;</li> <li>- Provisioning, fuelling and watering;</li> <li>- Garbage collecting and ballast waste disposal;</li> <li>- Port Captain's services;</li> <li>- Navigation aids (lighthouse, aids to navigation, radar vessel traffic services, other electronic aids and systems to enhance safety of navigation, etc.);</li> <li>- Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</li> <li>- Emergency repair facilities;</li> <li>- Anchorage, berth and berthing services.</li> </ul>
- <b>International Transport</b> (CPC 7211, CPC 7212), less cabotage transport <sup>11</sup>	(4) (a) Ship's crews: unbound. (b) Key personnel employed in relation to a commercial presence as defined under mode 3(b):	(4) (a) Unbound. (b) Unbound, except as indicated in Part I "Horizontal Commitments"	

<sup>11</sup> Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant legislation of the Russian Federation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between the ports located in the Russian Federation and transportation of passengers and goods between a port located in the Russian Federation and installations or structures situated on the continental shelf of the Russian Federation as well as transportation of passengers and goods within the territorial waters of the Russian Federation.

Modes of supply: (4) Presence of natural persons

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional commitments
	unbound, except as indicated in Part I "Horizontal Commitments".		
<b>E. Rail Transport Services</b> (d) Maintenance and repair of rail transport equipment (part of CPC 8868**), except maintenance of inventory fleet railway cars	(4) Unbound except as indicated in Part I "Horizontal commitments" and of the following:  - only citizens of the Russian Federation are allowed to provide maintenance and repair of rail transport.	(4) Unbound except as indicated in Part I "Horizontal commitments".	
<b>F. Road Transport Services</b> (a) Passengers transportation (CPC 7121*, CPC 7122*) (b) Freight transportation (CPC 7123*) <sup>12</sup>	(4) Unbound, except as indicated in Part I "Horizontal commitments" and subject to the following:  - drivers of vehicles engaged in transportation between the points located within the territory of the Russian Federation must be citizens of the Russian Federation.	(4) Unbound, except as indicated in Part I "Horizontal commitments".	
(c) Freight transport agency services (CPC 748*), except freight transport agency services for maritime that are committed in the Section 11.A.	(4) Unbound except as indicated in Part I "Horizontal commitments", and subject to the following:  - the employees responsible for the loading, fixing and unloading of cargoes in rail transport must be citizens of the Russian Federation only.	(4) Unbound except as indicated in Part I "Horizontal commitments."	

<sup>12</sup> Including, *inter alia*, transportation of individual items, but without prejudice to commitments on the sector "Courier services".