

BRUNEI DARUSSALAM
Schedule of Specific Commitments

BRUNEI DARUSSALAM – SCHEDULE OF SPECIFIC COMMITMENTS
For the 1st Package of Commitments under ASEAN – India Agreement on Trade in Services

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence (4) Only in for the categories of persons set out below: Intra-corporate transferees Definition: An executive, manager or a specialist: (a) who is an employee of a firm that provides services within Brunei Darussalam through a branch, subsidiary or affiliate established in Brunei Darussalam and (b) who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year immediately preceding the date of their application for	(3) Unbound except with respect to existing commercial presence: half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei Darussalam. All companies incorporated outside Brunei Darussalam which establish or have established a place of business in Brunei Darussalam must have one or more locally resident agents to accept service of process and any service of process or any notices required to be served on the company.	

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	admission. Managers: Definition: Natural persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include firstline supervisors, unless the employees supervised are professionals, nor does it include employees who primarily form tasks necessary for the provision of the service. Executives: Definition: Natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or		

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	services of the organisation Specialists Definition: Natural persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques or management. (Specialists may include but not limited to, members of licensed professions). In the case of architects the licensed practising architects should have recognised academic and professional qualifications and registered as "qualified person" with the Ministry of Development. Qualified persons or licensed architects are registered if they have been one year residence in Brunei and practising with a local licensed architect. Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed 5 years.		

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II. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
b) Auditing services (CPC 862)	(1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(1) In order to apply to be an authorised auditor, a person must have as minimum qualifications: A. For accounts kept in English 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in language other than English: (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. In order to practice as an authorised auditor, he must have at least 5 years auditing experiences	

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	(2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	(2) In order to apply to be an authorised auditor, a person must have as minimum qualifications. A. For accounts kept in English: 1. Associate membership of one of the following bodies: (a) The institute of Chartered Accountants (of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland). (b) The Association of Certified Accountants. (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in languages other than English: (a) Associate membership of one of the bodies set out in A(a) above; and (b) Evidence of competency in the language concerned. - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.	

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	(3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names. - Maximum number of partners in an audit firm is twenty. - A partnership may consist of only individuals, local companies and/or branches of foreign companies. - Principal or only place of residence within Brunei Darussalam. (4) As indicated in the horizontal section	(3) Must prove commitment to recruit and develop more local human resources. (4) As indicated in the horizontal section	
(d) Architectural Services (CPC 8671)	(1) None, except that plans should be submitted through licensed practising architects and a registered partnership in Brunei Darussalam. (2) None (3) Foreign equity participation shall not exceed 40%. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
B. Computer and Related Services a) Consultancy services related to the installation of computer hardware b) Software implementation c) Data processing services d) Database services (CPC 841, 842, 843, 844, 845 + 849)	(1) None (2) None (3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam. (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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E. Rental/Leasing Services without Operators	(1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.	(1) None	
b) Rental/leasing services relating to aircraft without operators (CPC 83104)	(2) None	(2) None	
	(3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; And Permanent address in Brunei Darussalam is required with respect to (a).	(3) Unbound	
	(4) As indicated in the horizontal section and subject to local availability test and designation of specified number of Brunei Darussalam trainees and in order to practise a licensed profession in Brunei Darussalam the following conditions must be met: (a) residency and (b) registration.	(4) As indicated in the horizontal section and subject to local availability test and designation of specified number of Brunei Darussalam trainees and in order to practise a licensed profession in Brunei Darussalam the following conditions must be met: (a) residency and (b) registration.	

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2. COMMUNICATION SERVICES			
C. Telecommunication Services			
1. Local service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Local public switched voice telephone services are provided exclusively by JTB which is a government department. (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section (4) As indicated in the horizontal section	See annex The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.
2. International service (a) Public switched voice telephone services	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. International public switched voice telephone services are exclusively provided by JTB (government department) and DSTCom (private company). (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section. (4) As indicated in the horizontal section	The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.

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3. Mobile services (a) Public cellular mobile telephone service	(1) Subject to commercial arrangements with licensed operator(s). (2) Unbound (3) Subject to licence by the appropriate regulatory authority and Brunei Darussalam Companies' Act. Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence. (4) As indicated in the horizontal section	Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.
(c) Circuit-switched data transmission services (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	

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Telex Services (CPC 7523**) Telegraph Services (CPC 7522**)	(1) Unbound (2) Unbound (3) Subject to license by the appropriate regulatory authority and Brunei Darussalam's Companies Act. These services are being provided exclusively by JTB which is a government department (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None except as indicated in the horizontal section (4) As indicated in the horizontal section	The period of exclusivity for these services will be extended for up to 10 years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period
(f) Facsimile services (CPC 7521** + CPC 7529**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	
(h) Electronic mail (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	

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(j) On-line information and database retrieval (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	
(k) Electronic data interchange (EDI) (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	
(l) Enhanced/value-added facsimile services, including store and forward and retrieve (CPC 7523**)	(1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control (2) None (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	

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EDUCATIONAL SERVICES			
Adult education (CPC 924)	(1) None	(1) None	
Courses with the maximum duration of 3 months (Private education)	(2) None	(2) None	
	(3) (i.) through joint venture, with foreign equity participation which shall not exceed 49%; (ii.) foreign employees not exceeding 10% of workforce	(3) Unbound	
	(4) Unbound	(4) Unbound	
FINANCIAL SERVICES			
A. All insurance and insurance-related services	(1) Unbound	(1) Unbound	
(a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	(2) None	(2) None	
	(3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
(b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance body or similar contracts of guarantee. (CPC 8129)	(1) Unbound	(1) None	
	(2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei.	(2) None	

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	(3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam. (4) As indicated in the horizontal section	(3) None (4) As indicated in the horizontal section	
(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	(1) Unbound (2) Unbound (3) Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
(d) Insurance and intermediation comprising broking and agency services (CPC 8140)	(1) Unbound (2) Insurance intermediation is not allowed to act for unregistered insurers (3) (i) Broking for direct insurance of Bruneian risks requires approval from MOF. (ii) Broker, underwriting and insurance managers require approval. (4) As indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) As indicated in the horizontal section	

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Services auxiliary to insurance, as follows: (a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management (d) Maritime loss adjusting	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
B. Banking and Other Financial Services (l) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (CPC 8131)	(1) Unbound (2) Unbound (3) Ministry of Finance approval is required. (4) Unbound	(1) Unbound (2) Unbound (3) Ministry of Finance approval is required. (4) Unbound	
HEALTH RELATED AND SOCIAL SERVICES			
Hospital Services (CPC 9311/ 93110)	(1) Unbound due to lack of technical feasibility (2) None (3) It must be in the form of a joint-venture with a local company, subject to specific requirements and domestic regulations of the Country (4) Unbound except as indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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TOURISM SERVICES			
a) Tourism Accommodation Facilities i) Budget Hotel ii) Resort Hotel/Chalets (CPC 64110)	(1) Unbound due to lack of technical feasibility (2) None (3) Foreign investors must enter into joint-ventures in which aggregate local equity constitutes no less than 30% of the total. (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	
Hotel Lodging Services (CPC 64110) But excluding Budget Hotel and Resort Hotel/Chalets	(1) None (2) None (3) It must be a joint venture with a local company and subject to domestic regulations (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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Tourism Accommodation Facilities (CPC 64110) (i) Budget Hotel (ii) Resort Hotel/Chalets	(1) Unbound due to lack of technical feasibility (2) None (3) Foreign investors must enter into joint-ventures in which aggregate local equity constitutes no less than 30% of the total (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound except as indicated in the horizontal section	
Restaurants (CPC 642, CPC 643)	(1) None* (* - no alcoholic drinks and beverages are allowed) (2) None (3) It must be a joint-venture with a local company and subject to domestic regulations (4) Unbound	(1) None* (2) None (3) Unbound (4) Unbound	
Other Tourism Services: Youth Hostel (CPC 64194)	(1) None (2) None (3) It must be a joint venture project with a local company, and subject to domestic regulations (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	

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TRANSPORT SERVICES			
A. Maritime Transport Services a) Freight Transportation (CPC 7212)	(1) None (2) None (3) a) The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods, foreign equity participation shall not exceed 30%. b) The supply of international maritime transport of energy goods: Unbound (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions. 1. Pilotage 2. Towing and the tug assistance 3. Provisions and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical suppliers 7. Emergency repair facilities 8. Anchorage, berth and berthing services

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b) Passenger Transportation (CPC 7211)	(1) None (2) None (3) Foreign equity participation shall not exceed 30% (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions. 1. Pilotage 2. Towing and the tug assistance 3. Provisions and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical suppliers 7. Emergency repair facilities 8. Anchorage, berth and berthing services

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C. Air Transport Services (c) Rental of aircraft with crew (CPC 734)	(1) None except: Aircraft must be certified Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity. (2) None (3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent; who is a Bruneian Controlled Company; and (c) Permanent address in Brunei Darussalam with respect to (a). (4) As indicated in the horizontal section	(1) None (2) None (3) Unbound (4) As indicated in the horizontal section	
Computer Reservation System Services Selling and Marketing of Air Transport Services	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	