

Agreement Establishing the ASEAN–Australia–New Zealand Free Trade Area

CAMBODIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

CAMBODIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE			
Subsidies		(3), Unbound for subsidies, including for research and development.	
Tax measures		(1), (2), (3) None with respect to taxes	
Land		(3) Non-Cambodian natural and juridical persons may lease but not own land.	
Acquired rights	The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than those in existence as of the date of Cambodia's accession to the WTO.		
Investment incentives	(3) Investors, seeking incentives under the provisions of the Law on Investment, shall have the obligation to provide adequate and consistent training to Cambodian staff, including for promotion to senior positions.	(3) None	

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B. SECTOR-SPECIFIC COMMITMENTS			
I. BUSINESS SERVICES			
1. Professional Services			
(a) Legal services (CPC 861):	(1) None (2) None (3) In commercial association with Cambodian law firms ¹ , and may not directly represent clients in courts.	(1) None (2) None (3) None	
Foreign legal consultancy on law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)	(1) None (2) None (3) None	(1) None (2) None (3) None	

¹ If legal services provided in foreign law (including home country and third country law) and international law, the commercial association with Cambodian law firms is not required. Commercial association is understood to include any commercial arrangement and does not imply a specific juridical form.

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(b) Accounting, auditing, bookkeeping (CPC 86211, 86212, 86220)	(1) None, except must have commercial presence in Cambodia for auditing services. (2) None (3) None	(1) None (2) None (3) None	
(c) Taxation services (CPC 8630)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(d) Architectural services (consulting, planning or design services) (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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(h) Specialized medical services (CPC 93122) Dental services (CPC 93123**) These services are limited only to orthodontic services, oral surgery, and other specialized dental services	(1) Unbound (2) None (3) Provision of services is permitted through a joint venture with Cambodian juridical persons	(1) Unbound (2) None (3) None	
2. Computer and Related Services			
(a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Other (CPC 845+849)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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5. Rental/Leasing Services without Operators			
(d) Renting and leasing of studio recording equipment (CPC 83109**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
6. Other Business Services			
(a) Advertising services (CPC 871)	(1), (2), (3) None	(1), (2), (3) None	
(b) Market research services (CPC 86401)	(1) None (2) None	(1) None (2) None	
(c) Management consulting services (CPC 865)	(3) None	(3) None	
(d) Services related to man. Consulting (CPC 866)			
(e) Technical testing and analysis services (CPC 8676)			

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(h) Services incidental to mining (CPC 883**) (j) Services incidental to energy distribution (887**) Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users	(1) None (2) None (3) None	(1) None (2) None (3) None	
(k) Placement and supply services of Personnel (CPC 872) (m) Engineering related scientific and technical consulting services (CPC 8675) (q) Packaging services (CPC 876)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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II. COMMUNICATION SERVICES			
2. Courier Services			
Courier services (CPC 7512)	(1) None (2) None (3) None	(1) None (2) None (3) None	
3. Telecommunication Services			
Commitments are taken consistent 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).			
(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 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services (CPC 7522**+7523**)	(1) None (2) None (3) None, except subject to requirement for local share holding of up to 49%.	(1) None (2) None (3) None	

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(h) E-mail (CPC 7523**) (i) Voice-mail (CPC 7523**) (j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic Data Interchange (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(o) Other services: - Mobile services	(1) None (2) None (3) None	(1) None (2) None (3) None	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.

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III. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
1. General Construction Work for Buildings (CPC 512) 2. General Construction Work for Civil Engineering (CPC 513) 3. Installation and Assembly Work (CPC 514; CPC 516) 4. Building Completion and Finishing Work (CPC 517) 5. Other (CPC 511, 515, 518)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
IV. DISTRIBUTION SERVICES			
1. Commission agents' services (CPC 621)	(1), (2), (3) None	(1) None (2) None (3) None	

* Unbound due to lack of technical feasibility.

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2. Wholesale trade services Wholesale trade services of motor vehicles (CPC61111) Sales of parts of motor vehicles (CPC6113) Sales of motorcycles and related parts (CPC6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC62244)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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<p>3. Retailing services</p> <ul style="list-style-type: none"> - Retail sales of motor vehicles (CPC 61112); - Sales of parts of motor vehicles (CPC 6113); - Sales of motorcycles and related parts (CPC 6121). <p>For supermarkets and large department stores only²:</p> <ul style="list-style-type: none"> - Food and non-food retailing services (CPC631+632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC63211). - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records and tapes (CPC 63234) 	<p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p>	

² Large supermarkets and department stores are those of floor space no less than 2,000 m².

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5. Franchising services (CPC 8929)	(1), (2), (3) None	(1) None (2) None (3) None	
6. Other - Retail sales of motor fuel (CPC 613)	(1) None (2) None (3) None	(1) None (2) None (3) None	
V. EDUCATIONAL SERVICES			
3. Higher education services (CPC 923)	(1) None (2) None	(1) None (2) None	Cambodia will seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
4. Adult education (CPC 924)	(3) None	(3) None	
5. Other education services (CPC 929)			

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VI. ENVIRONMENTAL SERVICES			
1. Sewage services (CPC 9401) 2. Refuse disposal services (CPC 9402) 3. Sanitation and similar services (CPC 9403) 4. Other services - Cleaning of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental services not included elsewhere (CPC 9409)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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VII. FINANCIAL SERVICES			
1. All insurance and insurance-related services			
(a) Life insurance services (CPC 81211)	(1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia (2) None (3) None	(1) None (2) None (3) None	

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(b) Non-life insurance services (CPC 8129)	<p>(1) None for marine, aviation, and transport insurance.</p> <p>Marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>(2) None (3) None</p>	<p>(1) None</p> <p>(2) None (3) None</p>	

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(c) Reinsurance and retrocession (CPC 81299)	(1) None (2) None (3) None, except companies must reinsure 20% of their risk in Cambodia Re until 1 January 2008. Thereafter, None.	(1) None (2) None (3) None	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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2. Banking and other financial services			
<p>The commitments for subsectors (a), (b) and (d) refer to commercial banking only.</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115 – 81119)</p> <p>(b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113);</p> <p>(d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339³)</p>	<p>(1) None, except deposits from the public must be reinvested in Cambodia</p> <p>(2) None</p> <p>(3) None, except only permitted through authorized financial institutions as banks</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

³ According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

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<p>The commitments for subsectors (c) and (e) refer to commercial banking only.</p> <p>(c) Financial leasing (e) Guarantees and commitments</p>	<p>(1) Unbound (2) None (3) Unbound until related laws and regulations are established</p>	<p>(1) None (2) None (3) None</p>	

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<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> <p>(A) money market instruments (including cheques, bills, certificates of deposits);</p> <p>(B) foreign exchange</p> <p>(C) derivative products including, 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>(g) Participation in issues of all kinds of securities, including underwriting and</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound for subsectors (f) – (I), until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

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<p>placement as agency (whether publicly or privately) and provision of services related to such issues;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision of financial information, and financial data processing and related</p>			

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software by suppliers of other financial services (l) 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.			
VIII. HEALTH RELATED AND SOCIAL SERVICES			
1. Hospital services Ownership and management of private hospitals and clinics only	(1) None (2) None (3) None, except at least one director for technical matters must be Cambodian	(1) None (2) None (3) None	

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IX. TOURISM AND TRAVEL RELATED SERVICES			
1. Hotels (CPC 64110)	(1) None (2) None (3) None for hotel 3 stars or higher ⁴ .	(1) None (2) None (3) None	
Restaurants (CPC 642, 643)	(1) Unbound* (2) None (3) Permit is granted taking into account characteristics of the area ⁵	(1) Unbound* (2) None (3) Unbound	
2. Travel agencies and tour operators services (CPC7471)	(1) None (2) None (3) None, except foreign equity participation limited to 51% for travel agencies	(1) None (2) None (3) None	
3. Tourist guides services (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	

⁴ 3 stars hotel is defined as in the Fifth Draft Hotel Rating Classification of March 2003 which will be implemented in December 2003.

⁵ The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

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X. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
- Other entertainment services n.e.c. (CPC 96199): -- Cinema theatre services, including cinema projection services	(1) None (2) None (3) None	(1) None (2) None (3) None	

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XI. TRANSPORT SERVICES			
1. Maritime Services			
International transport (Freight and passengers) (CPC7211 and 7212), excluding cabotage	(1) Unbound (2) Unbound (3) Unbound	(1) Unbound (2) Unbound (3) Unbound	Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services: 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; services.

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			6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification
3. Air Transport Services			
<ul style="list-style-type: none"> - Aircraft repair and maintenance services (CPC 8868) - Selling and marketing of air transport services - Computer Reservation System Services (CRS) 	<ul style="list-style-type: none"> (1) None (2) None (3) None 	<ul style="list-style-type: none"> (1) None (2) None (3) None 	
6. Road Transport Services			
<ul style="list-style-type: none"> (a) Passenger transportation (CPC 7121 + 7122) (b) Freight transportation (CPC 7123) (c) Rental of commercial vehicles with operator (CPC 7124) 	<ul style="list-style-type: none"> (1) None (2) None (3) None 	<ul style="list-style-type: none"> (1) None (2) None (3) None 	

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(d) Maintenance and repair of road transport equipment (CPC 6112+8867) (e) Supporting services for road transport services (CPC 744)	(1) None (2) None (3) None	(1) None (2) None (3) None	
7. Pipeline Transport Services			
(a) Transport of fuels (CPC 7131) (b) Transport of other goods (CPC 7139)	(1) Services must be provided through a contract of concession granted by the State on case-by-cases basis. (2) None (3) Services must be provided through a contract of concession granted by the State on case-by-cases basis.	(1) None (2) None (3) None	