

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

BRUNEI DARUSSALAM'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

BRUNEI DARUSSALAM – 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
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	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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II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
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	

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		<p>B. For accounts kept in language other than English:</p> <p>(a) Associate membership of one of the bodies set out in A(a) above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>- In order to practice as an authorised auditor, he must have at least 5 years auditing experiences.</p>	

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

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	<p>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.</p> <ul style="list-style-type: none"> - Maximum number of partners in an audit firms 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. 	<p>(b) Evidence of competency in the language concerned.</p> <ul style="list-style-type: none"> - In order to practice as an authorised auditor, he must have at least 5 years auditing experiences. <p>3) Must prove commitment to recruit and develop more local human resources.</p>	
(d) Architectural Services (CPC 8671)	<p>1) None, except that plans should be submitted through licensed practising architects and a registered partnership in Brunei Darussalam.</p> <p>2) None</p> <p>3) Foreign equity participation shall not exceed 40%.</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

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(h) Medical and dental services (9312)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Computer and Related Services</u> (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.	1) None 2) None 3) None	

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<p>E. <u>Rental/Leasing Services without Operators</u></p> <p>b) Rental/leasing services relating to aircraft without operators (CPC 83104)</p>	<p>1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity.</p> <p>2) None</p> <p>3) Unbound except:</p> <p style="padding-left: 20px;">(a) Only through a representative office; or</p> <p style="padding-left: 20px;">(b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; And</p> <p style="padding-left: 20px;">(c) Permanent address in Brunei Darussalam is Required with respect to (a).</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

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2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u>			
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.	1) Unbound 2) Unbound 3) None except 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.

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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).	1) Unbound 2) Unbound 3) None except 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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<p>3. Mobile services</p> <p>(a) Public cellular mobile telephone service</p>	<p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>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.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None except as indicated in the horizontal section</p>	<p>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.</p>
<p>(c) Circuit-switched data transmission services (CPC 7523**)</p>	<p>1) None except service provider must use Public Telecom Network under Government National Telecom Authority Control</p> <p>2) None</p> <p>3) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

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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	1) Unbound 2) Unbound 3) None except 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	1) None 2) None 3) Unbound	

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(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	1) None 2) None 3) Unbound	
(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	1) None 2) None 3) Unbound	
(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	1) None 2) None 3) Unbound	

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(I) 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	1) None 2) None 3) Unbound	
3. CONSTRUCTION SERVICES Construction and related Engineering services a. General Construction Work for Buildings (CPC 512) 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) These services are excluding those related to mining	1) Unbound* 2) None 3) i) Foreign equity participation shall not exceed 50%. ii) Foreign nationals should not comprise more than half of the total number of employees of the company.	1) Unbound* 2) None 3) Unbound, except as indicated in the horizontal section	

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7. FINANCIAL SERVICES			
A. <u>All insurance and insurance-related services</u>			
(a) Direct insurance (life) including annuity, disability income, accident and health insurance services. (CPC 8121)	1) Unbound 2) None 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.	1) Unbound 2) None 3) None	
(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 2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei. 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam.	1) None 2) None 3) None	

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(c) Reinsurance and retrocession (life and non-life) (CPC 81299*)	1) Unbound 2) Unbound 3) Unbound	1) None 2) None 3) None	
(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.	1) Unbound 2) None 3) Unbound	
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	1) None 2) None 3) None	

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B. Banking and Other Financial Services (I) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (8131)	1) Unbound 2) Unbound 3) Ministry of Finance approval is required.	1) Unbound 2) Unbound 3) Ministry of Finance approval is required.	
9) TOURISM a) Tourism Accommodation Facilities i) Budget Hotel ii) Resort Hotel/Chalets (CPC 64110)	1) Unbound* 2) None 3) Foreign investors must enter into joint-ventures in which aggregate local equity constitutes no less than 30% of the total.	1) None 2) None 3) Unbound	

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11. TRANSPORT SERVICES			
<u>A. Maritime Transport Services</u>			
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	1) None 2) None 3) Unbound	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%	1) None 2) None 3) Unbound	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. <u>Air Transport Services</u>			
(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).	1) None 2) None 3) Unbound	