

**PROTOCOL TO FURTHER UPGRADE THE  
FREE TRADE AGREEMENT BETWEEN  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC  
OF CHINA AND THE GOVERNMENT OF THE  
REPUBLIC OF SINGAPORE**

# PROTOCOL TO FURTHER UPGRADE THE FREE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

The Government of the People's Republic of China and the Government of the Republic of Singapore (the "Parties"),

**REAFFIRMING** the Joint Announcement between the People's Republic of China and the Republic of Singapore on the establishment of an All-Round High-Quality Future-Oriented Partnership on 1 April 2023;

**RECALLING** the *Free Trade Agreement between the Government of the People's Republic of China and the Government of the Republic of Singapore*, done at Beijing on 23 October 2008 as amended by the *Protocol to Amend the Free Trade Agreement between the Government of the People's Republic of China and the Government of the Republic of Singapore* ("2011 Protocol") done at Singapore on 27 July 2011 and the *Protocol to Upgrade the Free Trade Agreement Between the Government of the People's Republic of China and the Government of the Republic of Singapore* ("2018 Protocol") done at Singapore on 12 November 2018 (hereinafter referred to as the "China-Singapore FTA" or the "Agreement");

**AFFIRMING** the key role of the Agreement in promoting bilateral economic and trade relations, and improving the well-being of local enterprises and people;

**RECALLING** that Article 111 of the Agreement provides for the FTA Joint Committee established by the Parties to, *inter alia*, review the Agreement, consider further concessions, and consider any amendments to the Agreement and its modifications;

**RECALLING** that Article 22 (Work Programme for Subsequent Negotiations on Investment) of Chapter 10 (Investment) of the Agreement provides for the Parties to conduct subsequent negotiations on investment, addressing investment liberalisation based on a negative listing approach covering all kinds of investment including the supply of services through commercial presence;

**NOTING** that Article 114 of the Agreement provides that the Agreement may be amended by agreement in writing by the Parties;

**DESIRING** to further liberalise bilateral trade and investment through a negative list approach, pursue new areas of cooperation such as digital economy and unlock new growth opportunities geared to the future development, with a view to broadening and deepening the “High-Quality” and “Future-Oriented” cooperation between the Parties;

**REAFFIRMING** their commitment to uphold the rules-based multilateral trading system as embodied in the World Trade Organization, and ensure the stable and smooth operation of global supply chains, so as to meet global challenges and make economic globalisation more open, inclusive, balanced and beneficial to all;

**SEEKING** to incorporate into the China-Singapore FTA, through this instrument, the agreements reached between the Parties relating to the expansion or amendment of the Agreement,

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1**

### **Amendment of Chapter 2 (General Definitions) of the Agreement**

Chapter 2 (General Definitions) of the Agreement shall be amended to add the following new definition at paragraph 1(a)*bis* of Article 3 (General Definitions):

“(a)*bis* **2023 Protocol** means the *Protocol to Further Upgrade the Free Trade Agreement between the Government of the People’s Republic of China and the Government of the Republic of Singapore.*”

## **SECTION A: CROSS-BORDER TRADE IN SERVICES**

### **ARTICLE 2**

#### **Amendment of Chapter 8 (Trade in Services) of the Agreement**

Chapter 8 (Trade in Services) of the Agreement shall be replaced by a new Chapter 8 (Cross-Border Trade in Services), as set out in **Appendix 1** to this Protocol.

## **SECTION B: INVESTMENT**

### **ARTICLE 3**

#### **Amendment of Article 2 (Relation to Other Chapters) of Chapter 10 (Investment) of the Agreement**

Article 2 (Relation to Other Chapters) of Chapter 10 (Investment) of the Agreement shall be replaced by a new Article 2 (Relation to Other Chapters), as follows:

#### **“Article 2**

#### **Relation to Other Chapters**

In the event of any inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter shall prevail to the extent of the inconsistency.”

### **ARTICLE 4**

#### **Amendment of Article 3 (National Treatment) of Chapter 10 (Investment) of the Agreement**

Article 3 (National Treatment) of Chapter 10 (Investment) of the Agreement shall be replaced by a new Article 3 (National Treatment), as follows:

**“Article 3**  
**National Treatment<sup>3</sup>**

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

2. Each Party shall accord to covered investments treatment no less favourable than that it accords, in like circumstances, to investments in its territory of its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

<sup>3</sup> For greater certainty, whether treatment is accorded in “like circumstances” under Article 3 (National Treatment) or Article 4 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between investors or investments on the basis of legitimate public welfare objectives.”

**ARTICLE 5**  
**Amendment of Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) of the Agreement**

Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment) of the Agreement shall be replaced by a new Article 4 (Most-Favoured-Nation Treatment), as follows:

**“Article 4**  
**Most-Favoured-Nation Treatment<sup>4</sup>**

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments in its territory.

2. Each Party shall accord to covered investments treatment no less favourable than that it accords, in like circumstances, to investments in its territory of investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

3. For greater certainty, the treatment referred to in this Article does not encompass dispute resolution mechanisms or procedures, such as those included in Section B (Investor-State Dispute Settlement), that are provided for in international investment or trade agreements.

<sup>4</sup> For the purposes of this Article, the term “non-Party” shall not include the following WTO Members within the meaning of the WTO Agreement: (1) Hong Kong, China; (2) Macao, China; and (3) Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei).”

## **ARTICLE 6**

### **Amendment of Article 6 (Non-Conforming Measures) of Chapter 10 (Investment) of the Agreement**

Article 6 (Non-Conforming Measures) of Chapter 10 (Investment) of the Agreement shall be replaced with a new Article 6 (Prohibition of Performance Requirements), a new Article *6bis* (Senior Management and Boards of Directors), and a new Article *6ter* (Reservations and Non-Conforming Measures), as follows:

#### **“Article 6**

#### **Prohibition of Performance Requirements**

1. Neither Party shall, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment of an investor of the other Party in its territory, impose or enforce any requirement, or enforce any commitment or undertaking:<sup>*6bis*</sup>

- (a) to export a given level or percentage of goods or services;
- (b) to achieve a given level or percentage of domestic content;
- (c) to purchase, use, or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;
- (d) to relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with investments of that investor;
- (e) to restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales to the volume or value of its exports or foreign exchange earnings;
- (f) to transfer a particular technology, a production process, or other proprietary knowledge to a person in its territory;
- (g) to supply exclusively from the territory of the Party the goods that such investment produces or the services that such investment supplies to a specific regional market or to the world market; or
- (h) to adopt a given rate or amount of royalty under a licence contract or a given duration of the term of a licence contract, in regard to any licence contract in existence at the time the requirement is imposed or enforced, or any commitment or undertaking is enforced, or any future licence contract freely entered into between the investor and a person in its territory, provided that the requirement is imposed or the commitment or undertaking is enforced in a manner that constitutes direct interference with that licence contract by an exercise of non-

judicial governmental authority of a Party.<sup>6ter</sup> For greater certainty, this sub-paragraph does not apply when the licence contract is concluded between the investor and a Party.

2. Neither Party shall condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment in its territory of an investor of the other Party on compliance with any of the following requirements:

- (a) to achieve a given level or percentage of domestic content;
- (b) to purchase, use, or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;
- (c) to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment; or
- (d) to restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales to the volume or value of its exports or foreign exchange earnings.

3. (a) For greater certainty, nothing in paragraph 1 shall be construed to prevent a Party from, in connection with the establishment, acquisition, expansion, management, conduct, operation or sale or other disposition of an investment of an investor of the other Party in its territory, imposing or enforcing a requirement or enforcing a commitment or undertaking to employ or train workers in its territory, provided that such employment or training does not require the transfer of a particular technology, production process, or other proprietary knowledge to a person in its territory.

- (b) Nothing in paragraph 2 shall be construed to prevent a Party from conditioning the receipt or continued receipt of an advantage, in connection with an investment in its territory of an investor of the other Party, on compliance with a requirement to locate production, supply a service, train or employ workers, construct or expand particular facilities, or carry out research and development, in its territory.
  
- (c) Paragraphs 1(f) and 1(h) shall not apply:
  - (i) if a Party authorises use of an intellectual property right in accordance with Article 31 or Article 31*bis* of the *Agreement on Trade-Related Aspects of Intellectual Property Rights* in Annex 1C to the WTO Agreement (hereinafter referred to as the “TRIPS Agreement”),<sup>6quater</sup> or to measures requiring the disclosure of proprietary information that fall within the scope of, and are consistent with, Article 39 of the TRIPS Agreement; or
  
  - (ii) if the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal, or competition authority to remedy a practice determined after judicial or administrative process to be anti-competitive under the Party’s competition laws and regulations.<sup>6quinquies</sup>
  
- (d) Paragraph 1(h) shall not apply if the requirement is imposed or the commitment or undertaking is enforced by a tribunal or competent authority as equitable remuneration under the Party’s copyright laws and regulations.
  
- (e) Paragraphs 1(a) to 1(c), 2(a), and 2(b) shall not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programs.

- (f) Paragraphs 2(a) and 2(b) shall not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.
- (g) Paragraph 1(h) shall not be construed to prevent a Party from adopting or maintaining measures to protect legitimate public welfare objectives, provided that such measures are not applied in an arbitrary or unjustifiable manner, or in a manner that constitutes a disguised restriction on international trade or investment.

4. For greater certainty, paragraphs 1 and 2 shall not apply to any commitment or undertaking, or requirement other than those set out in those paragraphs.

5. This Article does not preclude enforcement of any commitment, undertaking, or requirement between private parties, where a Party did not impose or require the commitment, undertaking, or requirement.

<sup>6bis</sup> For greater certainty, a condition for the receipt or continued receipt of an advantage referred to in paragraph 2 does not constitute a “requirement” or a “commitment or undertaking” for the purposes of paragraph 1.

<sup>6ter</sup> For the purposes of sub-paragraph (h), a “licence contract” means any contract concerning the licensing of technology, a production process, or other proprietary knowledge.

<sup>6quater</sup> This includes any amendment to the TRIPS Agreement implementing paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/MIN(01)/DEC/2) adopted at Doha on 14 November 2001.

<sup>6quinquies</sup> The Parties note that a patent does not necessarily confer market power.

## **Article 6bis**

### **Senior Management and Board of Directors**

1. Neither Party shall require that an enterprise of that Party that is a covered investment appoint to a senior management position a natural person of any particular nationality.

2. A Party may require that a majority of the board of directors, or any committee thereof, of an enterprise of that Party that is a covered investment, be of a particular nationality, or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.

### **Article 6ter**

#### **Reservations and Non-Conforming Measures**

1. Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 6 (Prohibition of Performance Requirements) and 6bis (Senior Management and Board of Directors) shall not apply to:

- (a) any existing non-conforming measure that is maintained by a Party at:
  - (i) the central level of government, as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures);
  - (ii) a regional level of government,<sup>6sexies</sup> as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures); or
  - (iii) a local level of government;
- (b) the continuation or prompt renewal of any non-conforming measure referred to in sub-paragraph (a); and
- (c) an amendment to any non-conforming measure referred to in sub-paragraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed

immediately before the amendment, with Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 6 (Prohibition of Performance Requirements) and 6*bis* (Senior Management and Board of Directors).

2. Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 6 (Prohibition of Performance Requirements) and 6*bis* (Senior Management and Board of Directors) shall not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors, or activities, as set out in List II of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures).

3. Neither Party shall, under any measure adopted after the date of entry into force of the 2023 Protocol and covered by List II of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures), require an investor of the other Party, by reason of its nationality, to sell or otherwise dispose of an investment that exists at the time the measure becomes effective, unless otherwise specified in the initial approval by the relevant authorities.

4. Articles 3 (National Treatment) and 4 (Most-Favoured-Nation Treatment) shall not apply to any measure that falls within Article 5 of the TRIPS Agreement and any measure that is covered by an exception to, or derogation from, the obligations imposed by Articles 3 or 4 of the TRIPS Agreement.

5. Articles 3 (National Treatment), 4 (Most-Favoured-Nation Treatment), 6 (Prohibition of Performance Requirements) and 6*bis* (Senior Management and Board of Directors) do not apply to government procurement.

6. The Parties will endeavour to progressively remove the non-conforming measures.

<sup>6sexies</sup> The Parties understand that for China, the regional level of government means the provincial level of government.”

**ARTICLE 7**  
**Amendment of Article 21 (Facilitation of Investment) of Chapter**  
**10 (Investment) of the Agreement**

Article 21 (Facilitation of Investment) of Chapter 10 (Investment) of the Agreement shall be replaced by a new Article 21 (Facilitation of Investment), as follows:

**“Article 21**  
**Facilitation of Investment**

1. Subject to their laws and regulations, the Parties shall cooperate to facilitate investment between the Parties through, amongst others:
  - (a) creating the necessary environment for all forms of investment;
  - (b) simplifying procedures for investment applications and approvals;
  - (c) promoting business matching events;
  - (d) promoting dissemination of investment information, including investment laws, regulations, policies and procedures; and
  - (e) establishing or maintaining either contact points, one-stop investment centres or similar mechanisms in the respective host Parties to provide assistance and advisory services to the business sectors including facilitation of operating licences and permits.

2. Subject to its laws and regulations, a Party's activities under Paragraph 1(e) may include, to the extent possible, assisting investors of the other Party and covered investments to amicably resolve complaints or grievances with government bodies which have arisen during their investment activities by, among other things:

- (a) receiving and, where appropriate, considering referring or giving due consideration to complaints raised by investors of the other Party relating to government activities impacting their covered investments; and
- (b) providing assistance, to the extent possible, in resolving difficulties experienced by the investors of the other Party in relation to their covered investments.

3. Nothing in this Article shall be subject to, or otherwise affect, any dispute resolution proceedings under this Chapter.”

## **ARTICLE 8**

### **Deletion of Article 22 (Work Programme for Subsequent Negotiations on Investment) of Chapter 10 (Investment) of the Agreement**

Article 22 (Work Programme for Subsequent Negotiations on Investment) of Chapter 10 (Investment) of the Agreement shall be deleted.

## **ARTICLE 9**

### **Amendment of Article 24 (Scope) of Chapter 10 (Investment) of the Agreement**

Article 24 (Scope) of Chapter 10 (Investment) of the Agreement shall be replaced by a new Article 24 (Scope), as follows:

## **“Article 24**

### **Scope**

1. This Section shall apply to disputes between a Party and an investor of the other Party concerning an alleged breach of an obligation of the former under Article 3 (National Treatment), Article 4 (Most-Favoured-Nation Treatment), Article 5 (Minimum Standard of Treatment), Article 7 (Expropriation and Compensation), Article 8 (Compensation for Losses), and Article 9 (Transfers), which causes loss or damage to the investor or its investment with respect to the management, conduct, operation or sale or other disposition of such investment.

2. This Section shall not apply to any dispute concerning any measure adopted or maintained or any treatment accorded to investors or investments by a Party in respect of tobacco or tobacco-related products<sup>14</sup>.

<sup>14</sup> For the purpose of this Chapter, “tobacco or tobacco-related products” means products under Harmonised System Chapter 24 (Tobacco and Manufactured Tobacco Substitutes) and tobacco-related products falling outside Harmonised System Chapter 24 (Tobacco and Manufactured Tobacco Substitutes) of the *Harmonized Commodity Description and Coding System* of the World Customs Organization.”

## **ARTICLE 10**

### **Amendment of Section C (Definitions) of Chapter 10 (Investment) of the Agreement**

The definition of “existing” at Section C (Definitions) of Chapter 10 (Investment) of the Agreement shall be replaced by a new definition of and “existing”, as follows:

**“existing”** means in effect on the date of entry into force of the 2023 Protocol.”

## **SECTION C: TELECOMMUNICATIONS SERVICES**

### **ARTICLE 11**

#### **Additional Chapter 18 (Telecommunications Services)**

The Agreement shall be amended by inserting a new Chapter 18 (Telecommunications Services), as set out in Appendix 2 to this Protocol, after Chapter 17 (Environment and Trade) of the Agreement.

## **SECTION D: STRENGTHEN COOPERATION IN DIGITAL ECONOMY**

### **ARTICLE 12**

#### **Cooperation on Digital Economy**

1. The Parties recognise the importance of the digital economy in promoting inclusive and sustainable growth, and acknowledge that the Parties share extensive common interests in digital economy cooperation in relevant international, regional and bilateral fora, such as the World Trade Organization, Asia-Pacific Economic Cooperation, Regional Comprehensive Economic Partnership and the China-Singapore FTA. The Parties shall build on existing areas of cooperation and deepen collaboration in the digital economy, including in new and emerging areas.

2. The Parties acknowledge that pragmatic cooperation in the digital economy under existing bilateral arrangements and regional and local economic cooperation frameworks greatly benefits both sides. The Parties recognise that the closer cooperation between both sides can further contribute to economic and social development. The Parties shall encourage exchanges and dialogue and endeavour to undertake further cooperation in areas of the digital economy, including but not limited to, electronic payment, digital identity, data, single window and smart city.

## **SECTION E: AMENDMENTS TO OTHER PROVISIONS OF THE AGREEMENT**

### **ARTICLE 13**

#### **Amendment of Annex 5 (Schedules of Specific Commitments on Services) to the Agreement**

The Agreement shall be amended by replacing Annex 5 (Schedules of Specific Commitments on Services) of the Agreement with a new Annex 5 (Schedules of Reservations and Non-Conforming Measures) as set out in Appendix 3 to this Protocol.

### **ARTICLE 14**

#### **Amendments to Chapter 9 (Movement of Natural Persons)**

1. Paragraph (a)(ii)(B) of Article 77 (Definitions) of the Agreement shall be replaced with the following:

“(B) a duly authorised representative of an investor of a Party (including an enterprise of a Party that is making or has made an investment in the territory of the other Party),”

2. Paragraph (b)(ii) of Article 77 (Definitions) of the Agreement shall be replaced with the following:

“(ii) is employed by a company, partnership or firm of the Party, which is not established in the territory of the other Party where the service is to be provided;”

3. Paragraph (f) of Article 77 (Definitions) of the Agreement shall be replaced with the following:

“(f) **intra-corporate transferee** means an executive, a manager, or a specialist as defined respectively in paragraphs (c), (g) and (h), who is an employee of a service supplier or investor of a Party established in the territory of the other Party;”

4. Paragraph (i) of Article 77 (Definitions) of the Agreement shall be

replaced with the following:

“(i) **temporary entry** means entry by a business visitor, an intra-corporate transferee, or a contractual service supplier, as the case may be, without the intent to establish permanent residence and for the purpose of engaging in activities which are clearly related to their respective business purposes. Additionally, in the case of a business visitor, the salaries of and any related payments to such a visitor should be paid entirely by the service supplier or enterprise which employs that visitor in the visitor’s home country.”

5. Paragraphs 2 and 3 of Article 79 (Scope) of the Agreement shall be replaced with the following:

“2. Nothing in this Chapter, Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment) shall apply to measures pertaining to citizenship, nationality, residence or employment on a permanent basis.

3. Nothing contained in this Chapter, Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment) shall prevent a Party from applying measures to regulate the entry or temporary stay of natural persons of the other Party in its territory, including measures necessary to protect the integrity of its territory and to ensure the orderly movement of natural persons across its borders, provided such measures are not applied in a manner so as to nullify or impair the benefits accruing to the other Party under this Agreement.<sup>15</sup>

<sup>15</sup> The sole fact of requiring a visa for natural persons of a Party and not for those of non-Parties shall not be regarded as nullifying or impairing trade in goods or services or conduct of investment activities under this Agreement.”

## **ARTICLE 15**

### **Amendments to Chapter 13 (Exceptions)**

1. The chapeau of paragraph 2 of Article 105 (General Exceptions) of the Agreement shall be replaced with the following:

“2. For the purposes of Chapter 8 (Cross-Border Trade in Services), subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination against the other Party, or a disguised restriction on cross-border trade in services, nothing in this Agreement shall be construed to prevent the adoption or enforcement by either Party of measures.”

2. Paragraph 2(d) of Article 105 (General Exceptions) of the Agreement shall be replaced with the following:

“(d) inconsistent with Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services), provided that the difference in treatment is aimed at ensuring the equitable or effective<sup>17</sup> imposition or collection of direct taxes in respect of services or service suppliers of the other Party.”

3. A new paragraph 2(e) of Article 105 (General Exceptions) of the Agreement shall be inserted:

“(e) inconsistent with Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services), provided that the difference in treatment is the result of any tax convention.”

4. Paragraph 1(b) of Article 107 (Restrictions to Safeguard the Balance-of-Payments) of the Agreement shall be replaced with the following:

“(b) in the case of trade in services, adopt or maintain restrictions on which it has undertaken commitments, including on payments or transfers for transactions related to such commitments. It is recognised that particular pressures on the balance-of-payments of a Party in the process of economic development or economic transition may necessitate the use of restrictions to ensure, *inter alia*, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development or economic transition.”

<sup>17</sup> Measures that are aimed at ensuring the equitable or effective imposition or collection of

direct taxes include measures taken by a Party under its taxation system which:

- (i) apply to non-resident service suppliers in recognition of the fact that the tax obligation of non-residents is determined with respect to taxable items sourced or located in the Party's territory; or
- (ii) apply to non-residents in order to ensure the imposition or collection of taxes in the Party's territory; or
- (iii) apply to non-residents or residents in order to prevent the avoidance or evasion of taxes, including compliance measures; or
- (iv) apply to consumers of services supplied in or from the territory of the other Party in order to ensure the imposition or collection of taxes on such consumers derived from sources in the Party's territory; or
- (v) distinguish service suppliers subject to tax on worldwide taxable items from other service suppliers, in recognition of the difference in the nature of the tax base between them; or
- (vi) determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the Party's tax base.

Tax terms or concepts in sub-paragraph (d) and in this footnote are determined according to tax definitions and concepts, or equivalent or similar definitions and concepts, under the domestic law of the Party taking the measure.”

## **SECTION F: GENERAL PROVISIONS**

### **ARTICLE 16 General Provisions**

1. This Protocol shall enter into force on the first day of the month after the Parties have exchanged through diplomatic channels written notifications confirming the completion of their respective domestic procedures for the entry into force of this Protocol, or on such other date as the Parties may agree in writing.
2. This Protocol and its Appendices shall form an integral part of the China-Singapore FTA.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

Done at Beijing, China, this 4<sup>th</sup> day of December 2023, in duplicate in both the English and Chinese languages, all texts being equally authentic.

**FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA      FOR THE GOVERNMENT OF THE  
REPUBLIC OF SINGAPORE**

WANG WENTAO

GAN KIMYONG

## APPENDIX 1

### NEW CHAPTER 8 CROSS-BORDER TRADE IN SERVICES

#### Article 1 Definitions

For the purposes of this Chapter:

- (a) **cross-border trade in services or cross-border supply of services** is defined as the supply of a service:
  - (i) from the territory of a Party into the territory of the other Party;
  - (ii) in the territory of a Party by a person of that Party to a service consumer of the other Party; or
  - (iii) by a service supplier of a Party, through presence of natural persons of a Party in the territory of the other Party,

but does not include the supply of a service in the territory of a Party by a covered investment as defined in Section C (Definitions) of Chapter 10 (Investment);

- (b) **enterprise** means an entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organisation; and a branch of an enterprise;
- (c) **enterprise of a Party** means an enterprise organised or constituted under the laws of a Party, or a branch located in the territory of a Party and carrying out business activities there;

- (d) **existing** means in effect on the date of entry into force of 2023 Protocol;
- (e) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (f) **measures by Parties** means measures taken by:
  - (i) central, regional or local governments and authorities; and
  - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
- (g) **monopoly supplier of a service** means any person, public or private, which in the relevant market of the territory of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;
- (h) **natural person of a Party** means a national or a permanent resident of a Party under its laws. Until such time as China enacts its law on treatment of permanent residents of foreign countries, the obligations of each Party with respect to the permanent residents of the other Party shall be limited to the extent of its obligations under the GATS;
- (i) **person** means either a natural person or an enterprise;
- (j) **qualification procedures** means administrative procedures relating to the administration of qualification requirements;
- (k) **qualification requirements** means substantive requirements which a service supplier is required to fulfil in order to obtain certification or a licence;
- (l) **services** includes any service in any sector except services supplied in the exercise of governmental authority;

- (m) **service consumer** means any person that receives or uses a service;
  
- (n) **service of the other Party** means a service which is supplied:
  - (i) from or in the territory of the other Party, or in the case of maritime transport, by a vessel registered under the laws of the other Party, or by a person of the other Party which supplies the service through the operation of a vessel or its use in whole or in part; or
  
  - (ii) in the case of the supply of a service through the presence of natural persons, by a service supplier of the other Party;
  
- (o) **service supplied in the exercise of governmental authority** means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;
  
- (p) **service supplier** means any person that seeks to supply or supplies a service; and
  
- (q) **supply of a service** includes the production, distribution, marketing, sale and delivery of a service.

## **Article 2**

### **Scope and Coverage**

1. This Chapter applies to measures by a Party affecting cross-border trade in services by service suppliers of the other Party. Such measures include measures affecting:

- (a) the purchase, payment or use of a service;
- (b) the access to and use of, in connection with the supply of a service, services which are required by the Parties to be offered to the public generally;
- (c) the presence in its territory of a service supplier of the other Party;
- (d) the provision of a bond or other form of financial security as a condition for the supply of a service.

2. Notwithstanding paragraph 1,<sup>1</sup> Articles 3 (Market Access) and 8 (Domestic Regulation) shall also apply to measures adopted or maintained by a Party affecting the supply of a service in its territory by a covered investment as defined in Section C (Definitions) of Chapter 10 (Investment).

3. This Agreement shall not apply to:

- (a) services supplied in the exercise of governmental authority within the territory of each Party; and
- (b) regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale.

4. This Chapter shall not apply to subsidies or grants provided by a Party, or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services,

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<sup>1</sup> For greater certainty, nothing in this Chapter is subject to investor-state dispute settlement under Section B (Investor-State Dispute Settlement) of Chapter 10 (Investment).

service consumers or service suppliers except:

- (a) as otherwise specified in this Agreement; or
- (b) disciplines that may be developed under Article XV of the GATS as may be reviewed with a view to their incorporation into this Agreement.

5. This Chapter shall not apply to air services, including domestic and international air transportation services, whether scheduled or non-scheduled, and related services in support of air services; other than measures affecting:

- (a) aircraft repair and maintenance services;
- (b) the selling and marketing of air transport services; and
- (c) computer reservation system ("CRS") services.

### **Article 3 Market Access**

A Party shall not maintain or adopt, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

- (a) impose limitations on:
  - (i) the number of service suppliers, whether in the form of numerical quotas, monopolies, exclusive service suppliers, or the requirement of an economic needs test;
  - (ii) the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
  - (iii) the total number of service operations or the total quantity of services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;<sup>2</sup>
  - (iv) the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and

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<sup>2</sup> Paragraph (a)(iii) does not cover measures by a Party which limit inputs for the supply of services.

who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test; and

- (b) restrict or require specific types of legal entities or joint ventures through which a service supplier may supply a service.

#### **Article 4 National Treatment<sup>3</sup>**

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances,<sup>4</sup> to its own service suppliers.
2. For greater certainty, the treatment to be accorded by a Party under paragraph 1 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to service suppliers of the Party of which it forms a part.

#### **Article 5 Most-Favoured-Nation Treatment**

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to service suppliers of a non-Party.
2. The provisions of this Chapter shall not be construed as to prevent a Party from conferring or according advantages to adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed.

#### **Article 6 Local Presence**

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<sup>3</sup> Nothing in this Article shall be construed to require any Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

<sup>4</sup> For greater certainty, whether treatment is accorded in “like circumstances” under Article 4 (National Treatment) or Article 5 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between services and service suppliers on the basis of legitimate public welfare objectives.

A Party shall not require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

## **Article 7 Reservations and Non-Conforming Measures**

1. Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence) shall not apply to:

- (a) any existing non-conforming measure that is maintained by a Party at:
  - (i) the central level of government, as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures);
  - (ii) a regional level of government, as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures); or
  - (iii) a local level of government;
- (b) the continuation or prompt renewal of any non-conforming measure referred to in sub-paragraph (a); or
- (c) an amendment to any non-conforming measure referred to in sub-paragraph (a), to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence).

2. Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence) shall not apply to any measure that a Party adopts or maintains with respect to sectors, sub-sectors, or activities as set out by that Party in List II of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures).

## **Article 8 Domestic Regulation**

1. Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2.
  - (a) Each Party shall maintain or institute as soon as practicable, judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.
  - (b) The provisions of sub-paragraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.
3. Where a Party requires authorisation for the supply of a service, it shall ensure that its competent authorities:
  - (a) in the case of an incomplete application and at the request of the applicant, identify all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;
  - (b) at the request of the applicant, provide, without undue delay, information concerning the status of the application; and
  - (c) if an application is terminated or denied, to the maximum extent possible, inform the applicant in writing and without delay the reasons for such action. The applicant will have the possibility of resubmitting, at its discretion, a new application.
4. With the objective of ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Parties shall jointly review the results of the negotiations on disciplines on these measures, pursuant to paragraph 4 of Article VI of the GATS, with a view to their incorporation into this Agreement. The Parties note that such disciplines aim to ensure that such requirements are, *inter alia*:
  - (a) based on objective and transparent criteria, such as competence and the ability to supply the service;
  - (b) not more burdensome than necessary to ensure the quality of the service; and
  - (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

5. (a) Pending the incorporation of the disciplines referred to in paragraph 4, a Party shall not apply licensing and qualification requirements and technical standards that nullify or impair its obligations under this Agreement in a manner which:
- (i) does not comply with the criteria outlined in paragraphs 4(a), (b) or (c); and
  - (ii) could not reasonably have been expected of that Party at the time the obligations were undertaken.
- (b) In determining whether a Party is in conformity with the obligation under paragraph 5(a), account shall be taken of international standards of relevant international organisations<sup>5</sup> applied by that Party.
6. In sectors where obligations regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of the other Party.
7. Paragraphs 1 to 6 shall not apply to a sector or measure to the extent that such sector or measure is not subject to Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) or Article 6 (Local Presence) by reason of a Party's commitments made in accordance with Article 7 (Reservations and Non-Conforming Measures).

## **Article 9**

### **Recognition**

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of paragraph 4, a Party may recognise, or encourage its relevant competent bodies to recognise, the education or experience obtained, requirements met or licences or certifications granted in the other Party. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an

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<sup>5</sup> Relevant international organisations refers to international bodies whose membership is open to the relevant bodies of both Parties to this Agreement.

agreement or arrangement between the Parties or their relevant competent bodies, or may be accorded autonomously.

2. Nothing in Article 5 (Most-Favoured-Nation Treatment) shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met or licences or certifications granted in the territory of the other Party.

3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for the other Party to negotiate its accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education, experience, licences or certifications obtained or requirements met in that other Party's territory should be recognised.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorisation, licensing or certification of service suppliers, or a disguised restriction on trade in services.

## **Article 10**

### **Recognition Cooperation**

1. The Parties shall ensure that their relevant competent authorities commence negotiations on areas for mutual recognition of the equivalence of each Party's:

- (a) accounting work experience and qualifications;
- (b) auditing work experience and qualifications; and
- (c) accounting and auditing standards,

as soon as possible.

2. The Parties shall commence negotiations on a Mutual Recognition Arrangement ("MRA") for qualifications or experience obtained, requirements met, or licenses or certifications for architects following the entry into force of this Agreement, with a view to reaching such an MRA as soon as possible, and exploring the possibilities for expanding the MRA to other architectural and engineering areas.

## **Article 11**

### **Joint Committee on Recognition Cooperation**

1. For the purposes of effective implementation of Article 10 (Recognition Cooperation), a Joint Committee on Recognition Co-operation (the "Committee"), including a working group on accounting and auditing, shall be established. The functions of the Committee shall be:

- (a) reviewing and discussing the issues concerning the effective implementation of Article 10 (Recognition Cooperation);
- (b) identifying and recommending areas for and ways of furthering cooperation between the Parties; and
- (c) discussing other issues relating to the implementation of Article 10 (Recognition Cooperation).

2. The Committee, including the working group on accounting and auditing, shall meet on the request of either Party or the FTA Joint Committee established under Article 111 (Implementation and Review) at a mutually acceptable time and venue.

## **Article 12**

### **Monopolies and Exclusive Service Suppliers**

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 3 (Market Access) and Article 4 (National Treatment).

2. Where a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's obligations, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such obligations.

3. If a Party has reason to believe that a monopoly supplier of a service of the other Party is acting in a manner inconsistent with paragraphs 1 or 2, it may request the

other Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:

- (a) authorises or establishes a small number of service suppliers; and
- (b) substantially prevents competition among those suppliers in its territory.

### **Article 13**

#### **Business Practices**

1. The Parties recognise that certain business practices of service suppliers, other than those falling under Article 12 (Monopolies and Exclusive Service Suppliers), may restrain competition and thereby restrict trade in services.

2. A Party shall, at the request of the other Party, enter into consultations with a view to eliminating practices referred to in paragraph 1. The requested Party shall accord full and sympathetic consideration to such a request and shall cooperate through the supply of publicly available non-confidential information of relevance to the matter in question. The requested Party shall also provide other information available to the requesting Party, subject to its domestic laws and to the conclusion of a satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Party.

### **Article 14**

#### **Safeguard Measures**

The Parties note the multilateral negotiations pursuant to Article X of the GATS on the question of emergency safeguard measures based on the principle of non-discrimination. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of such multilateral negotiations.

### **Article 15**

#### **Payments and Transfers**

1. Except under the circumstances envisaged in Article 107 (Restrictions to Safeguard the Balance-of-Payments), a Party shall not apply restrictions on international transfers and payments for current transactions relating to its commitments.

2. Nothing in this Agreement shall affect the rights and obligations of the Parties as members of the International Monetary Fund under the *Articles of Agreement of the International Monetary Fund* (the “Articles of Agreement”), including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations regarding such transactions, except under Article 107 (Restrictions to Safeguard the Balance-of-Payments) or at the request of the International Monetary Fund.

## **Article 16**

### **Transparency**

Article III of the GATS is incorporated, *mutatis mutandis*, into and shall form an integral part of this Agreement.

## **Article 17**

### **Disclosure of Confidential Information**

Nothing in this Chapter shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

## **Article 18**

### **Denial of Benefits**

1. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party, and the denying Party adopts or maintains measures with respect to the non-Party or a person of the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise.

2. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party or by persons of the denying Party that has no substantial business activities in the territory of the other Party.

## **Article 19**

### **Miscellaneous Provisions**

The following GATS Annexes shall be incorporated, *mutatis mutandis*, into and form an integral part of this Agreement:

- (a) *Annex on Movement of Natural Persons Supplying Services;*
- (b) *Annex on Air Transport Services;* and
- (c) *Annex on Financial Services.*

## APPENDIX 2

### NEW CHAPTER 18 TELECOMMUNICATIONS SERVICES

#### Article 1

#### Definitions

For the purposes of this Chapter:

- (a) **cost-oriented** means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;
- (b) **end user** means a subscriber to or a final consumer of public telecommunications networks or services, including a service supplier other than a supplier of public telecommunications networks or services;
- (c) **essential facilities** means facilities of a public telecommunications network or service that:
  - (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
  - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
- (d) **interconnection** means linking with suppliers providing public telecommunications networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier;
- (e) **international mobile roaming service** means a commercial mobile service provided pursuant to a commercial agreement between suppliers of public telecommunications networks or services that enables end users to use their home mobile handset or other device for voice, data, or

messaging services while outside the territory in which the end user's home public telecommunications network is located;

- (f) **leased circuits** means telecommunications facilities between two or more designated points that are set aside for the dedicated use of, or availability to, particular users, regardless of the technology used to establish the said telecommunications facilities;
- (g) **licence** means any authorisation that a Party may require of a person, in accordance with its laws and regulations, in order for such a person to offer a telecommunications network or service, including concessions, permits, or registrations;
- (h) **major supplier** means a supplier of public telecommunications networks or services that has the ability to materially affect the terms of participation, having regard to price and supply, in the relevant market for public telecommunications networks or services as a result of:
  - (i) control over essential facilities; or
  - (ii) use of its position in the market;
- (i) **non-discriminatory** means treatment no less favourable than that accorded to any other user of like public telecommunications networks or services in like circumstances;
- (j) **number portability** means the ability of an end user of public telecommunications services to retain the same telephone numbers when switching between the same category of suppliers of public telecommunications services;
- (k) **physical co-location** means access to space in order to install, maintain, or repair equipment at premises owned or controlled and used by a major supplier to supply public telecommunications services;
- (l) **public telecommunications network** means public telecommunications infrastructure used to provide public telecommunications services between and among defined network termination points;
- (m) **public telecommunications service** means any telecommunications service required, explicitly or in effect, by a Party to be offered to the public generally. Such services may include telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-

supplied information between two or more defined points without any end-to-end change in the form or content of the customer's information;

- (n) **reference interconnection offer** means an interconnection offer extended by a major supplier and filed with, approved by or determined by a telecommunications regulatory body that sufficiently details the terms, rates and conditions for interconnection so that a supplier of public telecommunications services that is willing to accept it may obtain interconnection with the major supplier on that basis, without having to engage in negotiations with the major supplier concerned;
- (o) **telecommunications** means the transmission and reception of signals by any electromagnetic means;
- (p) **telecommunications regulatory body** means any body or bodies responsible under the laws and regulations of a Party for the regulation of telecommunications;
- (q) **user** means an end user or a supplier of public telecommunications networks or services; and
- (r) **virtual co-location** means an arrangement whereby a requesting supplier that seeks co-location may specify equipment to be used in the premises of a major supplier but does not obtain physical access to those premises and allows the major supplier to install, maintain and repair that equipment.

## **Article 2**

### **Scope**

1. This Chapter shall apply to measures by a Party affecting trade in public telecommunications services, including:

- (a) measures relating to access to and use of public telecommunications networks or services; and
- (b) measures relating to obligations regarding suppliers of public telecommunications networks or services.

2. This Chapter shall not apply to any measure affecting broadcast or cable distribution of radio or television programming, except that paragraph 1 of Article 4 (Access and Use) shall apply with respect to a cable or broadcast service supplier's access to and use of public telecommunications services.

3. Nothing in this Chapter shall be construed to:

- (a) require a Party to authorise a service supplier of another Party to establish, construct, acquire, lease, operate, or supply telecommunications networks or services, other than the former Party's commitments under Chapter 8 (Cross-Border Trade in Services); or
- (b) require a Party, or require a Party to oblige a service supplier under its jurisdiction, to establish, construct, acquire, lease, operate, or supply telecommunications networks or services not offered to the public generally.

### **Article 3**

#### **Approaches to Regulation**

1. The Parties recognise the value of competitive markets to deliver a wide choice in the supply of telecommunications services and to enhance consumer welfare, and that regulation may not be needed if there is effective competition or if a service is new to a market. Accordingly, the Parties recognise that regulatory needs and approaches differ market by market, and that each Party may determine how to implement its obligations under this Chapter.

2. In this respect, the Parties recognise that a Party may:

- (a) engage in direct regulation either in anticipation of an issue that the Party expects may arise or to resolve an issue that has already arisen in the market; or
- (b) rely on the role of market forces, particularly with respect to market segments that are, or are likely to be, competitive or that have low barriers to entry, such as services provided by suppliers of telecommunications services that do not own network facilities.

3. For greater certainty, a Party that refrains from engaging in regulation in accordance with this Article remains subject to the obligations under this Chapter.

**Article 4**  
**Access and Use<sup>1</sup>**

1. Each Party shall ensure that any service supplier of the other Party has access to and use of any public telecommunications networks and services, including leased circuits, offered in its territory or across its borders on a timely basis, and on terms and conditions that are reasonable, non-discriminatory and transparent, *inter alia*, through paragraphs 2 through 6.

2. Subject to paragraphs 5 and 6, each Party shall ensure that service suppliers of the other Party are permitted to:

- (a) purchase or lease and attach terminal or other equipment which interfaces with a public telecommunications network and which is necessary to supply their services;
- (b) connect leased or owned circuits with public telecommunications networks and services or with circuits leased or owned by another service supplier; and
- (c) use operating protocols of their choice.

3. Each Party shall ensure that service suppliers of the other Party may use public telecommunications networks and services for the movement of information in its territory or across its borders, including for intra-corporate communications of such service suppliers, and for access to information contained in data bases or otherwise stored in machine-readable form in the territory of any Party.

4. Notwithstanding paragraph 3, a Party may take measures that are necessary to ensure the security and confidentiality of messages and to protect the personal information of end users of public telecommunications networks or services, provided that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

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<sup>1</sup> For greater certainty, this Article does not prohibit any Party from requiring a service supplier to obtain a licence to supply a public telecommunications network or service in its territory.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications networks and services, other than as necessary to:

- (a) safeguard the public service responsibilities of suppliers of public telecommunications networks and services, in particular their ability to make their networks or services available to the public generally; or
- (b) protect the technical integrity of public telecommunications networks or services.

6. Provided that they satisfy the criteria set out in paragraph 5, conditions for access to and use of public telecommunications networks and services may include:

- (a) a requirement to use specified technical interfaces, including interface protocols, for connection with public telecommunications networks and services;
- (b) a requirement, where necessary, for the inter-operability of public telecommunications networks and services and to encourage the achievement of the goals set out in Article 17 (Relation to International Organisations);
- (c) type approval of terminal or other equipment which interfaces with public telecommunications networks and technical requirements relating to the attachment of such equipment to public telecommunications networks;
- (d) a restriction on connection of leased or owned circuits with public telecommunications networks or services or with circuits leased or owned by other service suppliers; or
- (e) a requirement for notification and licensing.

## **Article 5**

### **Number Portability**

Each Party shall ensure that a supplier of public telecommunications services in its territory provides number portability for mobile services, to the extent technically and economically feasible, on a timely basis, and on terms and conditions that are reasonable and non-discriminatory.



## **Article 6**

### **Competitive Safeguards**

1. Each Party shall adopt or maintain appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier, from engaging in or continuing anti-competitive practices.

2. The anti-competitive practices referred to in paragraph 1 shall include, in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other suppliers of public telecommunications networks or services, on a timely basis, technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## **Article 7**

### **Treatment by Major Suppliers**

Each Party shall ensure that a major supplier in its territory accords to suppliers of public telecommunications networks or services of the other Party treatment no less favourable than that such major supplier accords in like circumstances to its subsidiaries and affiliates, or non-affiliated service suppliers, regarding:

- (a) the availability, provisioning, rates or quality of like public telecommunications services; and
- (b) the availability of technical interfaces necessary for interconnection.

## **Article 8**

### **Resale**

1. Neither Party shall prohibit the resale of public telecommunications services.
2. Each Party shall ensure that a major supplier in its territory:
  - (a) offers for resale, at reasonable rates,<sup>2</sup> to suppliers of public telecommunications services of another Party, public telecommunications services that the major supplier provides at retail to end users; and
  - (b) does not impose unreasonable or discriminatory conditions or limitations on the resale of those services.<sup>3</sup>
3. Each Party may determine, in accordance with its laws and regulations, which public telecommunications services must be offered for resale by a major supplier pursuant to paragraph 2, based on the need to promote competition or to benefit the long-term interests of end users.
4. If a Party does not require that a major supplier offer a specific public telecommunications service for resale, it nonetheless shall allow service suppliers to request that the service be offered for resale consistent with paragraph 2, without prejudice to the Party's decision on the request.

## **Article 9**

### **Interconnection<sup>4</sup>**

#### **Obligations relating to suppliers of public telecommunications networks or**

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<sup>2</sup> For the purposes of this Article, each Party may determine reasonable rates through any methodology it considers appropriate.

<sup>3</sup> Where provided in its laws or regulations, a Party may prohibit a reseller that obtains, at wholesale rates, a public telecommunications service available at retail to only a limited category of subscribers from offering the service to a different category of subscribers.

<sup>4</sup> For greater certainty, the term "interconnection", as used in this Chapter, does not include access to unbundled network elements.

## **services**

1. Each Party shall ensure that a supplier of public telecommunications networks or services in its territory provides interconnection with the suppliers of public telecommunications networks or services of the other Party.

2. Each Party shall ensure that a supplier of public telecommunications networks or services in its territory take reasonable steps to protect the confidentiality of commercially sensitive or confidential information of, or relating to, users acquired as a result of interconnection arrangements and that those suppliers only use that information for the purpose of providing these services.

## **Obligations relating to major suppliers**

3. Each Party shall ensure that a major supplier in its territory provides interconnection for the facilities and equipment of suppliers of public telecommunications networks and services of the other Party at any technically feasible point in the major supplier's network. Such interconnection shall be provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates;<sup>5</sup>
- (b) of a quality no less favourable than that provided by the major supplier for its own like services, for like services of non-affiliated service suppliers, or for its subsidiaries or other affiliates;
- (c) on a timely basis, and on terms and conditions (including technical standards and specifications) and at cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier of public telecommunications networks or services of the other Party need not pay for network components or facilities that it does not require for the services to be provided; and

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<sup>5</sup> For greater certainty, interconnection rates may be commercially negotiated between suppliers of public telecommunications networks or services.

- (d) upon request, at points in addition to the network termination points offered to the majority of suppliers of public telecommunications networks and services, subject to charges that reflect the cost of construction of necessary additional facilities.

4. Each Party shall ensure that a major supplier in its territory provides suppliers of public telecommunications services of the other Party with the opportunity to interconnect their facilities and equipment with those of the major supplier through at least one of the following options:

- (a) a reference interconnection offer or any other interconnection offer containing the rates, terms and conditions that the major supplier offers generally to suppliers of public telecommunications services;
- (b) the terms and conditions of an interconnection agreement that is in effect;  
or
- (c) a new interconnection agreement through commercial negotiation.

5. Each Party shall ensure that the procedures applicable for interconnection to a major supplier are made publicly available.

6. Each Party shall ensure that a major supplier in its territory makes publicly available either its interconnection agreements or reference interconnection offer or any interconnection offer.

## **Article 10**

### **Provisioning and Pricing of Leased Circuit Services**

Each Party shall ensure that a major supplier in its territory provides suppliers of public telecommunications networks or services of the other Party with leased circuit services that are public telecommunications services, on a timely basis, and on terms and conditions and at rates that are reasonable, non-discriminatory and transparent.

## **Article 11**

### **Co-location**

1. Each Party shall ensure that a major supplier which has control over essential facilities in its territory provides suppliers of public telecommunications networks or services of the other Party physical co-location of their equipment necessary for interconnection on a timely basis, and on terms and conditions (including technical feasibility and space availability where applicable) and at rates that are reasonable, non-discriminatory and transparent.
2. Where physical co-location is not practical for technical reasons or because of space limitations, each Party shall endeavour to ensure that a major supplier in its territory provides an alternative solution such as facilitating virtual co-location, based on a generally available offer, on a timely basis, and on terms and conditions and at rates that are reasonable, non-discriminatory and transparent.
3. A Party may determine, in accordance with its laws and regulations, which premises owned or controlled by major suppliers in its territory are subject to paragraphs 1 and 2, having regard to factors such as the state of competition in the market where co-location is required, and whether such premises can feasibly be economically or technically substituted in order to provide a competing service.
4. If a Party does not require that a major supplier offer co-location at certain premises, it nonetheless shall allow service suppliers to request that those premises be offered for co-location consistent with paragraph 1, without prejudice to the Party's decision on such a request.

## **Article 12**

### **Independent Telecommunications Regulatory Body**

1. Each Party shall ensure that its telecommunications regulatory body is separate from, and not accountable to, any supplier of public telecommunications services.
2. Each Party shall ensure that the regulatory decisions of, and the procedures used by, its telecommunications regulatory body are impartial with respect to all market participants.

3. No Party shall accord more favourable treatment to a supplier of telecommunications services in its territory than that accorded to a like service supplier of the other Party on the basis that the supplier receiving more favourable treatment is owned by the national government of the Party.

### **Article 13**

#### **Universal Service**

Each Party has the right to define the kind of universal service obligations it wishes to maintain. Such obligations shall not be regarded as anti-competitive *per se*, provided that they are administered in a transparent, non-discriminatory, and competitively neutral manner, and are not more burdensome than necessary for the kind of universal service defined by the Party.

### **Article 14**

#### **Licensing**

1. Where a licence is required for the supply of public telecommunications networks or services, the Party shall ensure the public availability of:

- (a) all the licensing criteria and procedures that it applies;<sup>6</sup>
- (b) the period of time normally required to reach a decision concerning an application for a licence; and
- (c) the general terms and conditions of a licence.

2. The Party shall notify an applicant of the outcome of its application without undue delay after a decision has been taken.

3. The Party shall ensure that, upon request, an applicant or a licensee is provided with the reasons for the:

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<sup>6</sup> For greater certainty, this sub-paragraph includes any fee for applying for or obtaining a licence.

- (a) denial of a licence;
- (b) imposition of supplier-specific conditions on a licence;
- (c) refusal to renew a licence; or
- (d) revocation of a licence.

## **Article 15**

### **Allocation and Use of Scarce Resources**

1. Each Party shall administer its procedures for the allocation and use of scarce resources related to telecommunications, including frequencies and numbers, in an objective, timely, transparent and non-discriminatory manner.

#### **Spectrum**

2. Each Party shall make publicly available the current state of allocated frequency bands, but shall not be required to provide detailed identification of frequencies allocated for specific government uses.

3. For greater certainty, a Party's measures allocating and assigning spectrum and managing frequency are not measures that are *per se* inconsistent with Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services). Accordingly, each Party retains the right to establish and apply spectrum and frequency management policies that may have the effect of limiting the number of suppliers of public telecommunications networks or services, provided that the Party does so in a manner consistent with other provisions of this Agreement. Such right includes the ability to allocate frequency bands, taking into account current and future needs and spectrum availability.

4. When making a spectrum allocation for commercial telecommunications services, each Party shall endeavour to rely on an open and transparent process that considers the public interest, including the promotion of competition. Each Party shall endeavour to rely generally on market-based approaches in assigning spectrum for terrestrial commercial telecommunications services, if appropriate. In this regard, each Party

may use mechanisms such as auctions, administrative incentive pricing, or unlicensed use, if appropriate, to assign spectrum for commercial use.

## **Numbers**

5. Each Party shall ensure that a supplier of public telecommunications networks or services of the other Party established in the territory of the former Party is afforded access to telephone numbers in a non-discriminatory manner.

## **Article 16**

### **Transparency**

1. Each Party shall endeavour to ensure that when its telecommunications regulatory body seeks input<sup>7</sup> on a proposal for a law or regulation, that body will:

- (a) make the proposal public or otherwise available to any interested persons;
- (b) include an explanation of the purpose of and reasons for the proposal;
- (c) provide interested persons with adequate public notice of the ability to comment and reasonable opportunity for such comment; and
- (d) to the extent practicable, make publicly available all relevant comments filed with it.

2. Each Party shall ensure that its measures relating to public telecommunications services are made publicly available, including:

- (a) tariffs and other terms and conditions of service;
- (b) specifications of technical interfaces with such networks and services;
- (c) information on bodies responsible for the preparation, amendment, and adoption of standards affecting such access and use;

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<sup>7</sup> For greater certainty, seeking input does not include internal governmental deliberations.

- (d) conditions for attaching terminal or other equipment to the public telecommunications network;
- (e) requirements for notification or licensing if any; and
- (f) general procedures relating to resolution of telecommunications disputes provided for in Article 24 (Resolution of Telecommunications Disputes).

## **Article 17**

### **Relation to International Organisations**

The Parties recognise the importance of international standards for global compatibility and inter-operability of telecommunications networks and services and undertake to promote such standards through the work of relevant international bodies, including the International Telecommunication Union and the International Organization for Standardization.

## **Article 18**

### **International Submarine Cable Systems**

Where a Party has authorised a supplier of public telecommunications networks or services in its territory to operate an international submarine cable system as a public telecommunications network or service, that Party shall ensure that such supplier accords the suppliers of public telecommunications networks or services of the other Party reasonable and non-discriminatory treatment for access to the international submarine cable system.<sup>8, 9</sup>

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<sup>8</sup> For greater certainty, a Party may determine the point at which access to the international submarine cable system is to be provided.

<sup>9</sup> For greater certainty, this Article does not prohibit a Party from requiring a supplier of public telecommunications networks or services to comply with relevant measures including licensing

## **Article 19**

### **Unbundling of Network Elements**

Each Party shall endeavour to ensure that a major supplier in its territory offers access to network elements on an unbundled basis on terms and conditions that are reasonable, non-discriminatory and transparent for the supply of public telecommunications services. Each Party may determine the network elements required to be made available in its territory, and the suppliers that may obtain those elements, in accordance with its laws and regulations.<sup>10</sup>

## **Article 20**

### **Access to Poles, Ducts, and Conduits**

1. Each Party shall endeavour to ensure that a major supplier in its territory provides access to poles, ducts, conduits, or any other structures as determined by the Party, owned or controlled by the major supplier, to suppliers of public telecommunications services of the other Party in the Party's territory, on a timely basis, and on terms and conditions and at rates that are reasonable, non-discriminatory and transparent, subject to technical feasibility.

2. A Party may determine, in accordance with its laws and regulations, the poles, ducts, conduits, or any other structures to which it requires major suppliers in its territory to provide access in accordance with paragraph 1. When the Party makes this determination, it shall take into account factors such as the competitive effect of lack of such access, whether such structures can be substituted in an economically or technically feasible manner in order to provide a competitive service, or other specified public interest factors.

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requirements, provided that such measures are not used as a means of avoiding the Party's obligations under this Article.

<sup>10</sup> For greater certainty, consistent with Article 3 (Approaches to Regulation), a Party may determine the manner in which it implements its obligations under this Article.

## **Article 21**

### **Flexibility in the Choice of Technology**

1. A Party shall not prevent suppliers of public telecommunications networks or services from having the flexibility to choose the technologies that they use to supply their services.
2. Notwithstanding paragraph 1, a Party may apply a measure that limits the technologies that a supplier of public telecommunications networks or services may use to supply its services, provided that the measure is designed to achieve a legitimate public policy objective and is not prepared, adopted, or applied in a manner that creates unnecessary obstacles to trade.

## **Article 22**

### **International Mobile Roaming**

1. The Parties shall endeavour to cooperate on promoting transparent and reasonable rates for international mobile roaming services that can help promote the growth of trade among the Parties and enhance consumer welfare.
2. A Party may take steps to enhance transparency and competition with respect to international mobile roaming services, such as:
  - (a) ensuring that information regarding retail rates is easily accessible to consumers; and
  - (b) minimising impediments to roaming, whereby consumers when visiting the territory of a Party from the territory of the other Party can access telecommunications services using the device of their choice.
3. The Parties recognise that a Party, where it has the authority to do so, may choose to promote competition with respect to international mobile roaming rates including through commercial arrangements, or to adopt or maintain measures affecting rates for wholesale or retail international roaming services with a view to ensuring that the rates are reasonable. If a Party considers it appropriate, it may cooperate on and implement mechanisms with other Parties to facilitate the implementation of those measures, including by entering into arrangements with those Parties.

4. If a Party (hereinafter referred to as “the first Party” in this paragraph) chooses to regulate rates or conditions for wholesale or retail international mobile roaming services, it shall ensure that a supplier of public telecommunications services of the other Party (hereinafter referred to as “the second Party” in this paragraph) has access to the regulated rates or conditions for wholesale or retail international mobile roaming services for its customers roaming in the territory of the first Party if the second Party has entered into an arrangement with the first Party to reciprocally regulate rates or conditions for wholesale or retail international mobile roaming services for suppliers of the two Parties.<sup>11</sup> The first Party may require suppliers of the second Party to fully utilise commercial negotiations to reach agreement on the terms for accessing such rates or conditions.

5. A Party that ensures access to regulated rates or conditions for wholesale or retail international mobile roaming services in accordance with paragraph 4, shall be deemed to be in compliance with Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services), Article 4 (Access and Use), and Article 7 (Treatment by Major Suppliers), with respect to international mobile roaming services.

6. Nothing in this Article shall require a Party to regulate rates or conditions for international mobile roaming services.

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<sup>11</sup> For greater certainty:

(a) no Party shall, solely on the basis of any obligations owed to it by the first Party under a most-favoured-nation provision, or under a telecommunications-specific non-discrimination provision, in any international trade agreement, seek or obtain for its suppliers the access to regulated rates or conditions for wholesale or retail international mobile roaming services that is provided under this Article.

(b) access to the rates or conditions regulated by the first Party shall be available to a supplier of the second Party only if the regulated rates or conditions are reasonably comparable to those reciprocally regulated under the arrangement. The telecommunications regulatory body of the first Party shall, in the case of a disagreement, determine whether the rates or conditions are reasonably comparable. For the purposes of this footnote, “rates or conditions that are reasonably comparable” means rates or conditions agreed to be such by the relevant suppliers or, in the case of a disagreement, determined to be such by the telecommunications regulatory body of the first Party.

**Article 23**  
**Cooperation**

1. The Parties may agree to cooperate by:
  - (a) sharing information, experiences, and best practices on addressing challenges relating to the development of the telecommunications industry, taking into account, among other things, key advancements in emerging technologies and industry trends; and
  - (b) promoting collaboration between a Party and companies and businesses of the other Party, including their small and medium enterprises, as well as among the Parties' respective companies and businesses, including their small and medium enterprises, to support innovation and the development of their respective telecommunications industries.
  
2. The Parties will endeavour to cooperate in ways that build on, but do not duplicate, existing cooperation initiatives already being pursued by the Parties bilaterally or in international fora. Such cooperation may include, in particular, measures to facilitate industry participation by enterprises of one Party in pilot projects initiated by the other Party, with the objective of driving digital transformation and innovation in the telecommunications sector.

**Article 24**  
**Resolution of Telecommunications Disputes**

1. Each Party shall ensure that a supplier of public telecommunications networks or services of the other Party may have timely recourse to its telecommunications regulatory body or dispute resolution body to resolve disputes arising under this Chapter in accordance with its laws and regulations.
  
2. Each Party shall ensure that any supplier of public telecommunications networks or services aggrieved by a final determination or decision of its relevant telecommunications regulatory body may obtain a review of such determination or decision in accordance with its laws and regulations.

3. No Party shall permit the making of an application for review to constitute grounds for non-compliance with the determination or decision of its telecommunications regulatory body, unless its relevant body determines otherwise.

## APPENDIX 1

### NEW CHAPTER 8 CROSS-BORDER TRADE IN SERVICES

#### Article 1 Definitions

For the purposes of this Chapter:

- (a) **cross-border trade in services or cross-border supply of services** is defined as the supply of a service:
- (i) from the territory of a Party into the territory of the other Party;
  - (ii) in the territory of a Party by a person of that Party to a service consumer of the other Party; or
  - (iii) by a service supplier of a Party, through presence of natural persons of a Party in the territory of the other Party,

but does not include the supply of a service in the territory of a Party by a covered investment as defined in Section C (Definitions) of Chapter 10 (Investment);

- (b) **enterprise** means an entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organisation; and a branch of an enterprise;
- (c) **enterprise of a Party** means an enterprise organised or constituted under the laws of a Party, or a branch located in the territory of a Party and carrying out business activities there;
- (d) **existing** means in effect on the date of entry into force of 2023 Protocol;

- (e) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (f) **measures by Parties** means measures taken by:
  - (i) central, regional or local governments and authorities; and
  - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
- (g) **monopoly supplier of a service** means any person, public or private, which in the relevant market of the territory of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;
- (h) **natural person of a Party** means a national or a permanent resident of a Party under its laws. Until such time as China enacts its law on treatment of permanent residents of foreign countries, the obligations of each Party with respect to the permanent residents of the other Party shall be limited to the extent of its obligations under the GATS;
- (i) **person** means either a natural person or an enterprise;
- (j) **qualification procedures** means administrative procedures relating to the administration of qualification requirements;
- (k) **qualification requirements** means substantive requirements which a service supplier is required to fulfil in order to obtain certification or a licence;
- (l) **services** includes any service in any sector except services supplied in the exercise of governmental authority;

- (m) **service consumer** means any person that receives or uses a service;
  
- (n) **service of the other Party** means a service which is supplied:
  - (i) from or in the territory of the other Party, or in the case of maritime transport, by a vessel registered under the laws of the other Party, or by a person of the other Party which supplies the service through the operation of a vessel or its use in whole or in part; or
  
  - (ii) in the case of the supply of a service through the presence of natural persons, by a service supplier of the other Party;
  
- (o) **service supplied in the exercise of governmental authority** means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;
  
- (p) **service supplier** means any person that seeks to supply or supplies a service; and
  
- (q) **supply of a service** includes the production, distribution, marketing, sale and delivery of a service.

## **Article 2**

### **Scope and Coverage**

1. This Chapter applies to measures by a Party affecting cross-border trade in services by service suppliers of the other Party. Such measures include measures affecting:

- (a) the purchase, payment or use of a service;
- (b) the access to and use of, in connection with the supply of a service, services which are required by the Parties to be offered to the public generally;
- (c) the presence in its territory of a service supplier of the other Party;
- (d) the provision of a bond or other form of financial security as a condition for the supply of a service.

2. Notwithstanding paragraph 1,<sup>1</sup> Articles 3 (Market Access) and 8 (Domestic Regulation) shall also apply to measures adopted or maintained by a Party affecting the supply of a service in its territory by a covered investment as defined in Section C (Definitions) of Chapter 10 (Investment).

3. This Agreement shall not apply to:

- (a) services supplied in the exercise of governmental authority within the territory of each Party; and
- (b) regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale.

4. This Chapter shall not apply to subsidies or grants provided by a Party, or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services,

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<sup>1</sup> For greater certainty, nothing in this Chapter is subject to investor-state dispute settlement under Section B (Investor-State Dispute Settlement) of Chapter 10 (Investment).

service consumers or service suppliers except:

- (a) as otherwise specified in this Agreement; or
- (b) disciplines that may be developed under Article XV of the GATS as may be reviewed with a view to their incorporation into this Agreement.

5. This Chapter shall not apply to air services, including domestic and international air transportation services, whether scheduled or non-scheduled, and related services in support of air services; other than measures affecting:

- (a) aircraft repair and maintenance services;
- (b) the selling and marketing of air transport services; and
- (c) computer reservation system ("CRS") services.

### **Article 3 Market Access**

A Party shall not maintain or adopt, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

- (a) impose limitations on:
  - (i) the number of service suppliers, whether in the form of numerical quotas, monopolies, exclusive service suppliers, or the requirement of an economic needs test;
  - (ii) the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
  - (iii) the total number of service operations or the total quantity of services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;<sup>2</sup>
  - (iv) the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific

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<sup>2</sup> Paragraph (a)(iii) does not cover measures by a Party which limit inputs for the supply of services.

service in the form of numerical quotas or the requirement of an economic needs test; and

- (b) restrict or require specific types of legal entities or joint ventures through which a service supplier may supply a service.

#### **Article 4 National Treatment<sup>3</sup>**

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances,<sup>4</sup> to its own service suppliers.
2. For greater certainty, the treatment to be accorded by a Party under paragraph 1 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to service suppliers of the Party of which it forms a part.

#### **Article 5 Most-Favoured-Nation Treatment**

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to service suppliers of a non-Party.
2. The provisions of this Chapter shall not be construed as to prevent a Party from conferring or according advantages to adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed.

#### **Article 6 Local Presence**

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<sup>3</sup> Nothing in this Article shall be construed to require any Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

<sup>4</sup> For greater certainty, whether treatment is accorded in “like circumstances” under Article 4 (National Treatment) or Article 5 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between services and service suppliers on the basis of legitimate public welfare objectives.

A Party shall not require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

## **Article 7**

### **Reservations and Non-Conforming Measures**

1. Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence) shall not apply to:

- (a) any existing non-conforming measure that is maintained by a Party at:
  - (i) the central level of government, as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures);
  - (ii) a regional level of government, as set out by that Party in List I of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures); or
  - (iii) a local level of government;
- (b) the continuation or prompt renewal of any non-conforming measure referred to in sub-paragraph (a); or
- (c) an amendment to any non-conforming measure referred to in sub-paragraph (a), to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence).

2. Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) and Article 6 (Local Presence) shall not apply to any measure that a Party adopts or maintains with respect to sectors, sub-sectors, or activities as set out by that Party in List II of its Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures).

## **Article 8**

### **Domestic Regulation**

1. Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2. (a) Each Party shall maintain or institute as soon as practicable, judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in

services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

- (b) The provisions of sub-paragraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

3. Where a Party requires authorisation for the supply of a service, it shall ensure that its competent authorities:

- (a) in the case of an incomplete application and at the request of the applicant, identify all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;
- (b) at the request of the applicant, provide, without undue delay, information concerning the status of the application; and
- (c) if an application is terminated or denied, to the maximum extent possible, inform the applicant in writing and without delay the reasons for such action. The applicant will have the possibility of resubmitting, at its discretion, a new application.

4. With the objective of ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Parties shall jointly review the results of the negotiations on disciplines on these measures, pursuant to paragraph 4 of Article VI of the GATS, with a view to their incorporation into this Agreement. The Parties note that such disciplines aim to ensure that such requirements are, *inter alia*:

- (a) based on objective and transparent criteria, such as competence and the ability to supply the service;
- (b) not more burdensome than necessary to ensure the quality of the service; and
- (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

5. (a) Pending the incorporation of the disciplines referred to in paragraph 4, a Party shall not apply licensing and qualification requirements and technical standards that nullify or impair its obligations under this Agreement in a

manner which:

- (i) does not comply with the criteria outlined in paragraphs 4(a), (b) or (c); and
  - (ii) could not reasonably have been expected of that Party at the time the obligations were undertaken.
- (b) In determining whether a Party is in conformity with the obligation under paragraph 5(a), account shall be taken of international standards of relevant international organisations<sup>5</sup> applied by that Party.

6. In sectors where obligations regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of the other Party.

7. Paragraphs 1 to 6 shall not apply to a sector or measure to the extent that such sector or measure is not subject to Article 3 (Market Access), Article 4 (National Treatment), Article 5 (Most-Favoured-Nation Treatment) or Article 6 (Local Presence) by reason of a Party's commitments made in accordance with Article 7 (Reservations and Non-Conforming Measures).

## **Article 9**

### **Recognition**

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of paragraph 4, a Party may recognise, or encourage its relevant competent bodies to recognise, the education or experience obtained, requirements met or licences or certifications granted in the other Party. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement between the Parties or their relevant competent bodies, or may be accorded autonomously.

2. Nothing in Article 5 (Most-Favoured-Nation Treatment) shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met or licences or certifications granted in the territory of the other Party.

3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for the other Party to negotiate its accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords

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<sup>5</sup> Relevant international organisations refers to international bodies whose membership is open to the relevant bodies of both Parties to this Agreement.

recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education, experience, licences or certifications obtained or requirements met in that other Party's territory should be recognised.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorisation, licensing or certification of service suppliers, or a disguised restriction on trade in services.

## **Article 10**

### **Recognition Cooperation**

1. The Parties shall ensure that their relevant competent authorities commence negotiations on areas for mutual recognition of the equivalence of each Party's:

- (a) accounting work experience and qualifications;
- (b) auditing work experience and qualifications; and
- (c) accounting and auditing standards,

as soon as possible.

2. The Parties shall commence negotiations on a Mutual Recognition Arrangement ("MRA") for qualifications or experience obtained, requirements met, or licenses or certifications for architects following the entry into force of this Agreement, with a view to reaching such an MRA as soon as possible, and exploring the possibilities for expanding the MRA to other architectural and engineering areas.

## **Article 11**

### **Joint Committee on Recognition Cooperation**

1. For the purposes of effective implementation of Article 10 (Recognition Cooperation), a Joint Committee on Recognition Co-operation (the "Committee"), including a working group on accounting and auditing, shall be established. The functions of the Committee shall be:

- (a) reviewing and discussing the issues concerning the effective implementation of Article 10 (Recognition Cooperation);

- (b) identifying and recommending areas for and ways of furthering cooperation between the Parties; and
- (c) discussing other issues relating to the implementation of Article 10 (Recognition Cooperation).

2. The Committee, including the working group on accounting and auditing, shall meet on the request of either Party or the FTA Joint Committee established under Article 111 (Implementation and Review) at a mutually acceptable time and venue.

## **Article 12**

### **Monopolies and Exclusive Service Suppliers**

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 3 (Market Access) and Article 4 (National Treatment).

2. Where a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that Party's obligations, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such obligations.

3. If a Party has reason to believe that a monopoly supplier of a service of the other Party is acting in a manner inconsistent with paragraphs 1 or 2, it may request the other Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:

- (a) authorises or establishes a small number of service suppliers; and
- (b) substantially prevents competition among those suppliers in its territory.

## **Article 13**

### **Business Practices**

1. The Parties recognise that certain business practices of service suppliers, other than those falling under Article 12 (Monopolies and Exclusive Service Suppliers), may restrain competition and thereby restrict trade in services.

2. A Party shall, at the request of the other Party, enter into consultations with a view to eliminating practices referred to in paragraph 1. The requested Party shall accord full and sympathetic consideration to such a request and shall cooperate through the supply of publicly available non-confidential information of

relevance to the matter in question. The requested Party shall also provide other information available to the requesting Party, subject to its domestic laws and to the conclusion of a satisfactory agreement concerning the safeguarding of its confidentiality by the requesting Party.

## **Article 14**

### **Safeguard Measures**

The Parties note the multilateral negotiations pursuant to Article X of the GATS on the question of emergency safeguard measures based on the principle of non-discrimination. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of such multilateral negotiations.

## **Article 15**

### **Payments and Transfers**

1. Except under the circumstances envisaged in Article 107 (Restrictions to Safeguard the Balance-of-Payments), a Party shall not apply restrictions on international transfers and payments for current transactions relating to its commitments.

2. Nothing in this Agreement shall affect the rights and obligations of the Parties as members of the International Monetary Fund under the *Articles of Agreement of the International Monetary Fund* (the "Articles of Agreement"), including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations regarding such transactions, except under Article 107 (Restrictions to Safeguard the Balance-of-Payments) or at the request of the International Monetary Fund.

**Article 16**  
**Transparency**

Article III of the GATS is incorporated, *mutatis mutandis*, into and shall form an integral part of this Agreement.

**Article 17**  
**Disclosure of Confidential Information**

Nothing in this Chapter shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

**Article 18**  
**Denial of Benefits**

1. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party, and the denying Party adopts or maintains measures with respect to the non-Party or a person of the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise.
  
2. A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-Party or by persons of the denying Party that has no substantial business activities in the territory of the other Party.

**Article 19**

## Miscellaneous Provisions

The following GATS Annexes shall be incorporated, *mutatis mutandis*, into and form an integral part of this Agreement:

- (a) *Annex on Movement of Natural Persons Supplying Services;*
- (b) *Annex on Air Transport Services;* and
- (c) *Annex on Financial Services.*

**APPENDIX 3**

**NEW ANNEX 5 (SCHEDULES OF RESERVATIONS AND NON-CONFORMING  
MEASURES)**

**PART A – CHINA’S SCHEDULE OF RESERVATIONS AND NON-CONFORMING  
MEASURES FOR SERVICES AND INVESTMENT**

## LIST I

### EXPLANATORY NOTES

1. List I of the Schedule of China in this Annex sets out, pursuant to Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), China's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment);
- (d) Article 6 (Local Presence) of Chapter 8 (Cross-Border Trade in Services);
- (e) Article 6 (Prohibition of Performance Requirements) of Chapter 10 (Investment); or
- (f) Article 6*bis* (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. Each entry in List I sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 that, pursuant to paragraph 1(a) of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment) and paragraph 1(a) of

Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services), do not apply to the non-conforming aspects of the **Measures** or the **Description**, as set out in paragraph 3;

- (c) **Level of Government** indicates the level of government maintaining the scheduled measure(s);
- (d) **Measures**<sup>1</sup> identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:
  - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (e) **Description** sets out the non-conforming aspects of the measure for which the entry is made.

3. In accordance with paragraph 1(a) of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment) and paragraph 1(a) of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services), and subject to paragraph 1(c) of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment) and paragraph 1(c) of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the **Description** element, or the law, regulation, or other measure, as applicable, identified in the

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<sup>1</sup> For greater certainty, in the case of China, a change in the level of government at which a measure is administered or enforced does not, by itself, decrease the conformity of the measure with the obligations referred to in paragraph 1 of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment) and paragraph 1 of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services).

**Measures element** of that entry.

4. In the interpretation of a Schedule entry, all elements of the entry, as well as the articles against which the entry is made, shall be considered. Unless otherwise explicitly indicated in the entry, the **Measures** element shall prevail over all other elements, including where a difference exists between the **Description** element and the **Measures** element in the aspect of liberalisation commitments.

5. For greater certainty, where there is overlap between the contents of List I and List II, notwithstanding the obligations a Party assumes under paragraph 1 of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), paragraph 1 of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and List I, the Party remains entitled to adopt or maintain relevant measures in accordance with paragraph 2 of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), paragraph 2 of Article 7 (Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and List II.

6. For greater certainty, unless otherwise specified, “all sectors” referred to in List I shall mean all sectors including financial services.

7. For the purposes of List I of the Schedule of China in this Annex:

- (a) “**foreign investor**” means any investor of the other Party or a non-Party.
- (b) “**foreign investor may not invest**” means a foreign investor may not directly or indirectly invest, including by holding any shares, stock or other forms of rights or interest directly or indirectly, in the territory of China.
- (c) “**Chinese control**” means the circumstances where the total investment proportion held by foreign investors, whether directly and indirectly, is not greater than 49%.

8. For greater certainty, with respect to reservations concerning the supply of a

service, the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the **Description** element, or the law, regulation, or other measure, as applicable, identified in the **Measures** element of that entry, regardless of the mode(s) of service supply unless otherwise specified or described in the reservation, law, regulation or measure.

9. The Schedule of Singapore shall not be used to interpret China's commitments or obligations under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).

## Entry 1 – Seed Industry

**Sector:** Seed Industry

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021)*, Articles 1, 2 and 3.

**Description:** Investment

1. Foreign investors may not invest in the research and development, cultivation or planting of the precious and quality varieties which are rare and special in China, and the production of the relevant reproductive materials thereof (including high quality genes in the industries of crop production, livestock industry and aquaculture).

2. Chinese control is required for investments by foreign investors in the selection and breeding of new varieties of corn and seed production of corn. Chinese shareholding in the selection and breeding of new varieties of wheat and seed production of wheat shall not be less than 34%.

3. Foreign investors may not invest in the selection and breeding of transgenic varieties of crops, livestock and poultry raised for breeding purpose, seeds and sprouts of aquatic

products, and the production of their transgenic seeds (sprouts).

## Entry 2 – Fishery

<b>Sector:</b>	Fishery/Services Incidental to Fishing
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Fisheries Law of People's Republic of China (2013);</i>  <i>Law on the Exclusive Economic Zone and the Continental Shelf (1998);</i>  <i>Law on the Territorial Sea and the Contiguous Zone (1992), Article 11;</i>  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 4;</i>  <i>Interim Provisions on the Administration of Fishery Activities of Foreigners and Foreign Ships in the Territorial Sea of the People's Republic of China (2022 Amended).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Foreign investors may not invest in the fishing of aquatic products within the sea and inland waters under the jurisdiction

of China.

2. Foreigners and foreign fishing vessels must obtain approval from Chinese government before entering the territorial waters of the People's Republic of China for carrying out fishery activities. If those persons and vessels belong to countries that have signed relevant accords or agreements with China, their activities shall be conducted in accordance with those accords or agreements.

### **Entry 3 – Exploration and Exploitation of Exclusive Economic Zone and Continental Shelf**

**Sector:** Exploration and Exploitation of Exclusive Economic Zone and Continental Shelf

**Obligations Concerned:** National Treatment (Investment)

**Level of Government:** Central

**Measures:** *Law on the Exclusive Economic Zone and the Continental Shelf* (1998), Article 7.

**Description:** Investment

Any international organisation, foreign entity or individual must obtain approval from Chinese government for carrying out activities of exploring and exploiting natural resources in the exclusive economic zone of China or on the Chinese continental shelf, or drilling on the Chinese continental shelf for any purpose.

#### Entry 4 – Exploration, Exploitation and Smelting of Minerals

**Sector:** Exploration, Exploitation and Smelting of Minerals

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *The State Council Notice on Tungsten, Tin, Antimony, Ion Type Rare Earth Minerals Being Listed as Nation-wide Protective Specific Minerals for Mining (1991), Article 2;*  
*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 5.*

**Description:** Investment

Foreign investors may not invest in the exploration, exploitation or ore dressing of rare earth and tungsten.

## Entry 5 – Printing of Publications

**Sector:** Printing of Publications

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Regulations on the Administration of Printing Industry (2020 Amended)*, Article 14;

*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021)*, Article 6.

**Description:** Investment

Chinese control is required for investment (excluding those in free trade pilot zones) by foreign investors in the printing of publications.

## Entry 6 – Government-granted Monopoly

**Sector:** Government-granted Monopoly/Services related to Government-granted Monopoly

**Obligations Concerned:** National Treatment (Cross-Border Trade in Services and Investment)  
Market Access

**Level of Government:** Central

**Measures:** *Law of the People's Republic of China on Tobacco Monopoly (2015), Article 1, 2 and 3;*  
*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 9;*  
*Regulation on the Implementation of the Law of the People's Republic of China on Tobacco Monopoly (2023).*

**Description:** Cross-Border Trade in Services and Investment

Foreign investors or foreign service suppliers may not invest or engage in the production, whole sale, retail or import and export of leaf tobacco, cigarettes, re-dried leaf tobacco, cigars, cut tobacco and other tobacco products.<sup>1</sup>

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<sup>1</sup> For the purpose of this entry, “tobacco products” refer to products entirely or partly made of the leaf tobacco as raw material, which are manufactured to be used for smoking, sucking, chewing or snuffing, including electronic cigarettes and other new-type tobacco products.



## Entry 7 – Postal and Delivery Services

<b>Sector:</b>	Postal and Delivery Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Postal Law of the People's Republic of China (2015), Article 5, 14, 15, 42, 51, 52, 55, 84;</i>  <i>Measures for the Supervision and Administration of Universal Postal Services (2015), Article 21;</i>  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 13.</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Foreign investors or foreign service suppliers may not invest in postal enterprises <sup>1</sup> or operate postal services <sup>2</sup> .

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<sup>1</sup> For the purpose of this entry, “postal enterprise(s)” refer to the China Post Group and its wholly owned and/or controlled enterprises that provide postal services.

<sup>2</sup> For the purpose of this entry, “postal services” refer to postal services supplied by a postal enterprise, including mail delivery, postal remittance, stamp issuance, issuance of newspapers and magazines required by the government, post office counter services, P.O. box leasing services, and poste restante services.

2. Foreign investors or foreign service suppliers may not invest or engage in the operation of domestic express delivery service<sup>3</sup> for correspondence.<sup>4</sup>

3. Only the corporate legal person<sup>5</sup> established in China is allowed to operate delivery service within the territory of the People's Republic of China.

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<sup>3</sup> For the purpose of this entry, “domestic express delivery service” refers to express delivery service in which the entire process from the acceptance of mail to delivery occurs within the territory of China.

<sup>4</sup> For the purpose of this entry, “correspondence” refers to letters or postcards. The term “letter” refers to a sealed information carrier delivered in an envelope to a specific individual or entity according to the name and address indicated thereon, excluding books, newspapers, periodicals, etc.

<sup>5</sup> For the purpose of this entry, “corporate legal person” refers to an entity established for profit, consisting of limited liability company, joint stock company limited by shares, whole-people-owned company, company under collective ownership and commercial association.

## Entry 8 – Telecommunication Services<sup>1</sup>

<b>Sector:</b>	Telecommunication Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Telecommunication Regulation of the People's Republic of China</i> (2016), Article 10;  <i>Administrative Provisions on Foreign-Invested Telecommunications Enterprise</i> (2022 Amended);  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment</i> (2021), Article 14;  <i>Management Measures on Telecommunication Business License</i> (2017);  <i>Measures on the Administration of International Communication Accesses</i> (2002);

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS, including those under Article XVI and Article XVII and *Regional Comprehensive Economic Partnership Agreement* (RCEP), including those under Article 8.4 and Article 8.5.

*Radio Regulation of the People's Republic of China (2016);*

*Measures for the Administration of Internet Domain Names (2017);*

*Notice of the Telecommunications Administration Bureau of Ministry of Information and Industry on Further Standardizing the Market of Satellite Communication Business (2001).*

**Description:** Cross-Border Trade in Services and Investment

1. Foreign investors may not invest in the international communication facility service, satellite communication service, cluster communication service, network access facilities service, network trusteeship service, domestic communication facilities service (excluding domestic private-line circuit lease services), internet data center service, content delivery network service, internet access service and domestic internet virtual private network services.

2. For fixed communication service, cellular mobile communication service, data communication service, IP telephone service or domestic private line leasing service, the shareholding percentage of that foreign investor may not exceed 49% (the foregoing services may be provided on the basis of facilities). For online data processing and transaction processing services (E-commerce not included), code and protocol conversion services, radio paging services and information services, the shareholding percentage of that foreign investor may not exceed 50%.

3. China adopts a licensing system for telecommunications

business. Only companies established in the territory of China in accordance with the law, after obtaining a telecommunication business licence, may be engaged in telecommunications business.

4. The provision of international communications service within the territory of China shall only be conducted through international communications accesses (ICAs). The establishment of an ICA shall be applied by a wholly state-owned telecommunication business operator, who shall undertake the operation and maintenance of the ICA, and be approved by the Ministry of Industry and Information Technology.

5. Foreign investors or foreign service suppliers shall not conduct radio wave parameter testing or radio wave monitoring within the territory of China.

6. To establish a domain name root server or a domain name root server operating institution, domain name registry or domain name registrar within the territory of China, the corresponding licence issued by the telecommunications administrations shall be obtained.

7. Foreign satellite companies providing lease services for satellite transponders within the territory of China shall, in advance, complete the work of coordination with China's satellite network and so on, lease satellite transponders to domestic satellite companies qualified to operate lease services for satellite transponders in China or to user entities authorized by the Chinese government, and then domestic satellite companies sublease the satellite transponders to

domestic user entities. Domestic satellite companies are responsible for technical support, marketing, user service and user supervision. No foreign satellite companies may lease satellite transponders directly to domestic users without the approval of the Chinese government.

## Entry 9 – Legal Services<sup>1</sup>

<b>Sector:</b>	Legal Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Senior Management and Board of Directors  Market Access  Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Regulations on the Administration of Foreign Law Firms' Representative Offices in China (2001);</i>  <i>Provisions of the Ministry of Justice on the Execution of the Regulations on the Administration of Foreign Law Firms' Representative Offices in China (2004);</i>  <i>Implementation Measures for the National Uniform Legal Profession Qualification Examination (2018), Article 9;</i>  <i>Administrative Measures for the Practice of Law by Lawyers (2016);</i>

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with the market access commitments it has undertaken in the sector of Legal Services (CPC 861) as set out in Appendix B to its schedule in List II of this Agreement.

*Special Administrative Measures (Negative List) for the Access of Foreign Investment* (2021), Article 16;

*Lawyers Law of the People's Republic of China* (2017);

*Administrative Measures for the Practice by Notarization Institutions* (2006);

*Administrative Measures for the Practices of Notaries Public* (2006);

*Notary Law of the People's Republic of China* (2017);

*Decision of the Standing Committee of the National People's Congress on the Administration of Forensic Identification and Evaluation* (2015);

*Administrative Measures for the Registration of Judicial Authentication Institutions* (2005);

*Administrative Measures for the Registration of Judicial Authenticators* (2005);

*Regulations on Patent Agency* (2018);

*Administrative Measures for the Establishment of Resident Representative Offices in China by Foreign Patent Agencies* (2022), Article 14 and 16.

**Description:** Cross-Border Trade in Services and Investment

1. Foreign investors or foreign service suppliers may not invest or engage in the affairs on Chinese law.<sup>2</sup>

2. Foreign nationals may not take the National Uniform Legal Profession Qualification Examination, obtain the Chinese legal practitioner qualification, or become partners of Chinese law firms.

3. A foreign law firm may enter into China only in the form of a representative office; no foreign law firm, other foreign organization or individual may render legal services within the territory of China in other name except for in the name of its representative office in China; the establishment of representative office and dispatch of representatives by a foreign law firm are subject to the approval of the administrative department of justice of China. A representative in a representative office of foreign law firm shall reside within the territory of China for a period not less than 6 months every year.

4. Foreign lawyers are not allowed to engage in commercial arbitration, conciliation and mediation proceedings as representatives within the territory of China. Foreign lawyers

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<sup>2</sup> For the purpose of this entry, the following acts can be regarded as “affairs on Chinese law”: (1) participating in litigation activities within China as lawyers; (2) providing opinions or certifications on the specific issues governed by Chinese laws in contracts, agreements, articles of association or other written documents; (3) providing opinions and certifications on the acts or events governed by Chinese laws; (4) presenting agent's opinions on the application of Chinese laws as an agent in arbitration activities; (5) handling, on the trustor's behalf, the procedures for registration, alteration, application or putting on record, and other procedures at the government organs of China or other organizations authorized by laws and regulations with administrative authorities.

are not allowed to provide legal services on a temporary fly-in, fly-out basis.

5. Representative offices of foreign law firms may not employ lawyers licensed to practice Chinese law, and the supporting personnel employed by such representative offices may not provide legal services to any concerned party. None of representative and the supporting personnel of a representative office may provide services in relation to Chinese law as a “Chinese legal consultant”.

6. Only notarization institutions that established in the territory of China may engage in notarization<sup>3</sup> services. A control of total number shall be adopted for the establishment of notarization institutions. Only natural person with nationality of the People’s Republic of China may be a notary.

7. Only a juridical person or any other organization that established in the territory of China may apply for engaging in judicial authentication.<sup>4</sup> Only Chinese citizens may apply for engaging in judicial authentication.

8. For the purpose of this entry, no representative office or their affiliated foreign law firm may:

(a) invest in any Chinese law firm, whether directly or indirectly;

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<sup>3</sup> For the purpose of this entry, “notarization” refers to an act performed by a notarial institution, upon the application of a party concerned, such as certifying the authenticity and legality of a legal act, a document or a fact of legal significance according to the statutory procedures.

<sup>4</sup> For the purpose of this entry, “judicial authentication” refers to the activities that authenticators identify, make judgments and offer expertise on the special issues involved in litigation by using scientific technologies or special knowledge.

(b) form profit-sharing or risk-sharing commercial association with a Chinese law firm or a Chinese lawyer;

(c) establish joint office with any Chinese law firm or dispatch personnel to Chinese law firms to engage in legal services; or

(d) manage, operate control or enjoy equity interests in any Chinese law firm.

9. The establishment of a resident representative office in China by a foreign patent agency must be subject to the approval of the Patent administration department. The resident representative office in China by a foreign patent agency may not engage in or in other name engage in Chinese patent affairs. The resident representative office of a foreign patent agency in China may not employ Chinese patent agents who have been permitted practice for filing.

## Entry 10 – Market Investigation and Social Investigation

<b>Sector:</b>	Market Investigation and Social Investigation
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 17, Article 18;</i>  <i>Regulation on the Implementation of the Statistics Law of the People's Republic of China (2017);</i>  <i>Statistics Law of the People's Republic of China (2009);</i>  <i>Measures for the Administration of Foreign-related Investigation (2004).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Foreign investors may not invest in social investigation. <sup>1</sup>

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<sup>1</sup> For the purpose of this entry, “social investigation” refers to the activity, other than a market investigation, of collecting, compiling and analyzing the relevant information of the society by way of questionnaire (including paper media, magnetic media and online form), interview, observation or any other ways, which corresponds to CPC 86402 (public opinion polling service) and the content of “economic and social intelligence service not related to commodities, such as industry analysis, econometrics model, demographic analysis, etc.” as set out in CPC 86401 in the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office.

2. Foreign investors may not invest in market investigation<sup>2</sup> in the form of wholly foreign-owned enterprises.

3. Foreign service suppliers providing market or social investigation in China shall conduct it through an institution which is licensed for foreign-related investigation.<sup>3</sup>

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<sup>2</sup> For the purpose of this entry, “market investigation” refers to the investigation service designed to secure information on the prospects and performance of an organisation’s products in the market, including market analysis (of size and other characteristics of a market) and analysis of consumer attitudes and preferences, which corresponds to CPC 86401 (market investigation service) in the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, but excluding the content of “economic and social intelligence service not related to commodities, such as industry analysis, econometrics model, demographic analysis, etc.”

<sup>3</sup> For the purpose of this entry, “foreign-related investigation” refers to social and market investigation conducted under the entrustment or financial aid of any overseas organisations, individuals, or the agency in China of any overseas organisations; social and market investigation conducted in corporation with any overseas organisation, individuals, or the agency in China of any overseas organisations; market survey lawfully conducted by the agency in China of any overseas organisation; and market and social investigation of which the materials and results are to be provided to any overseas organisation, individual or the agency in China of any overseas organisation.

## Entry 11 – Professional Technical Services

<b>Sector:</b>	Professional Technical Services
<b>Obligations Concerned:</b>	National Treatment (Investment)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p><i>Surveying and Mapping Law of the People's Republic of China (2017 Amended), Article 8;</i></p> <p><i>Interim Measures for the Administration of the Surveying and Mapping Conducted by Foreign Organizations or Individuals in China (2019 Amended), Article 7;</i></p> <p><i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 21.</i></p>
<b>Description:</b>	<p><u>Investment</u></p> <p>Foreign investors may not invest in the following business: geodetic survey, hydro graphic survey, aerial photography for mapping, ground moving survey, administrative boundary survey; compilation of topographic maps, world administrative district maps, national administrative district maps, provincial and lower administrative district maps, national teaching maps, local teaching maps, true three-dimensional maps and digital navigation maps; regional geological mapping, survey of mineral geology, geophysics, geochemistry, hydrogeology,</p>

environmental geology, geological disasters or remote sensing geology, etc (a mining right holder that conducts work to the extent of its mining right shall be exempt from the special administrative measure).

## Entry 12 – Education

**Sector:** Education

**Obligations** National Treatment (Investment)

**Concerned:** Senior Management and Board of Directors

**Level of Government:** Central

**Measures:** *Education Law of the People's Republic of China (2021 Amended)*, Article 21, Article 22, Article 23, Article 25, Article 70 and Article 85;

*Regulation of the People's Republic of China on Chinese-foreign Cooperative School Running (2019 Amended)*, Article 6, Article 7, Article 21, Article 23, Article 25, Article 35, Article 38, Article 42, Article 43, Article 44, Article 48 and Article 62;

*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021)*, Article 22 and Article 23;

*Catalogue of Encouraged Industries for Foreign Investment (2022)*, Article 502.

**Description:** Investment

1. Foreign education institutions, other organizations or individuals may establish schools or other educational institutions only in the form of Sino-foreign cooperative

educational institutions mainly targeted at Chinese citizens.

2. Sino-foreign cooperative educational institutions may not engage in compulsory education and special education services such as military, police, and political education.

3. Foreign religious organisations, foreign religious institutions, foreign religious colleges or schools, or religious teaching personnel may not engage in cooperative school running activities within the territory of China. Sino-foreign cooperative educational institutions may not provide religious education or carry out religious activities.

4. Establishing preschools, general senior high schools and higher education institutions shall be made only in the form of Sino-foreign cooperative educational institutions, which requires the Chinese party to be in the leading position (the president or the principal administrator of a Sino-foreign cooperatively-run educational institution must be a person with Chinese nationality; the board of trustees, board of directors or the joint management committee shall consist of no less than half of the members from the Chinese party).

5. Foreign investors may not invest in educational accreditation services.

## Entry 13 – Examination Services

<b>Sector:</b>	Education services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment) Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Interim Measures for the Administration of Examinations for Educational Purposes Held Jointly by Chinese and Foreign Institutions (1996), Article 2, Article 3, Article 5 and Article 11;</i> <i>Notice of the Ministry of Labor and Social Security on Strengthening the Administration of Introducing Foreign Professional Qualification Certificates (1998).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Upon approval of Chinese government, foreign institutions may engage in educational testing services for purposes other than academic credentials in the form of cooperation with Chinese institutions designated by Chinese government.  2. Foreign investors or foreign service suppliers shall cooperate with Chinese professional qualification certificate institutions, relevant industry organisations, social organisations or other corresponding institutions to carry out professional qualification examinations and certificate granting activities.

## Entry 14 – Medicine

**Sector:** Medicine

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Interim Measures for the Administration of Sino-foreign Equity Joint and Cooperative Joint Medical Institutions (2000), Article 2;*

*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 19 and Article 24.*

**Description:** Investment

1. Foreign investors may not invest in medical institutions in the form of wholly foreign-owned enterprises.
2. Foreign investors may not invest in the development and application of human stem cells, or the development and application of genetic diagnosis or treatment technology.<sup>1</sup>

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<sup>1</sup> For greater certainty, this entry does not prevent foreign-invested medical institutions from using cell products that have been approved by the medical products administration under the State Council.

## Entry 15 – Facilities of Satellite Television Broadcasting

<b>Sector:</b>	Radio and Television
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Rules for the Administration of Ground-Based Receiving Equipment for Satellite Television Broadcasts</i> (Issued in 1993, 2018 Amended), Article 3 and Article 4;  <i>Interim Measures for the Installation of Ground Receiving Facilities of Satellite Television Broadcasting</i> (Issued in 2009, 2021 Amended), Article 4 and Article 5;  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment</i> (2021), Article 27.
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  Foreign investors and foreign service suppliers may not invest or engage in the installation services for ground receiving facilities of satellite television and broadcasts; foreign investors and foreign service suppliers investing and engaging in the manufacture of ground receiving facilities for satellite television and broadcast and key components shall obtain approval in accordance with the law.



## Entry 16 – All Sectors

<b>Sector:</b>	All Sectors <sup>1</sup>
<b>Obligations Concerned:</b>	National Treatment (Investment)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Regulation for Implementing the Foreign Investment Law of the People's Republic of China (2019), Article 34;</i>  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021).</i>
<b>Description:</b>	<u>Investment</u>  The license, enterprise registration, or any other relevant matters shall not be granted if a foreign investor proposes to invest in sectors covered by the <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021)</i> but not in compliance with the requirements listed in it; nor should the project approval for an investment in fixed assets be issued.

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<sup>1</sup> For the purpose of this entry, “all sectors” referred to in this entry shall not include financial services.

## Entry 17 – All Sectors

**Sector:** All Sectors

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Regulation of the People's Republic of China on the Administration of Foreign Exchange (2008), Article 16 and Article 23;*

*Notice of the State Administration of Foreign Exchange on Reforming and Regulating Policies on the Administration over Foreign Exchange Settlement of Capital Accounts (2016);*

*Guiding Opinions on Regulating the Asset Management Business of Financial Institution (2018).*

**Description:** Investment

After completing the foreign exchange registration for foreign direct investment, foreign-invested enterprises shall, according to the nature of the transaction, open designated foreign exchange accounts under direct investment at the banks directly, including capital accounts and asset liquidation accounts. Capitals of foreign-invested enterprises and Renminbi funds gained through the settlement of foreign exchange shall not be invested directly or indirectly in

securities or wealth management products (wealth management products with risk assessment result not higher than level 2 not included), or used for issuance of loans to unrelated enterprises (except as otherwise explicitly specified in the business scope of the enterprise), or the construction or purchase of real estate that is not for self-use (real estate enterprises not included).

## Entry 18 – All Sectors

**Sector:** All Sectors

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Law of the People's Republic of China on Sole Proprietorship Enterprises* (1999), Article 47;

*Law of the People's Republic of China on Specialized Cooperatives of Farmers* (2017), Article 2, Article 3, Article 4, and Article 19;

*Regulation on Promoting Individual Industrial and Commercial Households* (2022), Article 2;

*Special Administrative Measures (Negative List) for the Access of Foreign Investment* (2021), Note 2.

**Description:** Investment

Foreign investors may not carry out business operations in China in the forms of individual business entities or individual sole proprietorship enterprises, or as members of specialized cooperatives of farmers.

## Entry 19 – Atomic Energy

**Sector:** Atomic Energy

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Regulation of the People's Republic of China on the Control over Nuclear Exports (2006 Amended), Article 2 and Article 6;*

*Special Administrative Measures (Negative List) for Market Access of Foreign Investment (2021), Article 5 and Article 8.*

**Description:** Investment

1. Chinese control is required for investment by foreign investors in construction or operation of nuclear power stations.

2. Foreign investors may not invest in the exploration, mining, beneficiation, metallurgy, purification, transformation, isotope separation of radioactive mineral resources, or invest in nuclear fuel production and processing, or engage in nuclear export businesses for materials and items listed in the *Nuclear Export Control List*.

## Entry 20 – Accounting, Auditing and Bookkeeping Services

**Sector:** Accounting, Auditing and Bookkeeping Services

**Obligations  
Concerned:** Local Presence

**Level of  
Government:** Central

**Measures:** *Accounting Law of the People's Republic of China (2017);  
Law of the People's Republic of China on Certified Public  
Accountants (2014);  
Measures for the Practice Licensing and Supervision and  
Administration of Accounting Firms (2019);  
Administrative Measures for Agency Bookkeeping (2019).*

**Description:** Cross-Border Trade in Services

1. Foreign service suppliers providing statutory auditing services shall establish commercial presence in the territory of China.
2. Foreign service suppliers providing agency bookkeeping services shall establish commercial presence in the territory of China.

**Entry 21 – Urban Planning, Architectural, Engineering and Integrated  
Engineering Services**

**Sector:** Urban planning, Architectural, Engineering and Integrated engineering Services

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:** Market Access

Local Presence

**Level of Government:** Central

**Measures:** *Urban and Rural Planning Law of the People's Republic of China (2019 Amended);*

*Administrative Provisions on the Qualifications of Project Supervising Enterprises (2018 Amended);*

*Regulation on the Management of Survey and Design of Construction Projects (2018 Amended);*

*Interim Provisions on the Administration of Foreign Enterprises Engaging in Construction Project Designing Activities within the People's Republic of China (2004).*

**Description:** Cross-Border Trade in Services

1. Foreign service suppliers shall cooperate with Chinese professional institutions to provide preliminary (fundamental) designs for construction projects, construction drawings (detailed designs) and engineering and integrated

engineering.

2. Except for the scenarios where cross-border supply are permitted (such as scheme design), foreign service suppliers shall establish commercial presence to supply prospecting, design services and supervision of construction independently.

3. Foreign service suppliers may not engage in general urban planning and shall cooperate with Chinese professional institutions to provide other urban planning services when in the form of cross-border supply. Urban design except for statutory planning and pre-planning studies for urban design are not subject to this restriction.

## Entry 22 – Customs Clearance Services

**Sector:** Professional Services

**Obligations  
Concerned:** Local Presence

**Level of  
Government:** Central

**Measures:** *Customs Law of the People's Republic of China (2021 Amended);*

*Provisions of the Customs of the People's Republic of China on the Administration of Recordation of Customs Declaration Entities (2021).*

**Description:** Cross-Border Trade in Services

Only corporate legal person<sup>1</sup> established in the territory of China may engage in customs declaration.

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<sup>1</sup> For the purpose of this entry, “corporate legal person” refers to an entity established for profit, consisting of limited liability company, joint stock company limited by shares, whole-people-owned company, company under collective ownership and commercial association.

## Entry 23 – Placement and Supply Services of Personnel

<b>Sector:</b>	Placement and Supply Services of Personnel
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services) Market Access Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Employment Promotion Law of the People's Republic of China (2015), Article 40;</i> <i>Interim Regulation on Human Resources Market (2018), Article 18;</i> <i>Administrative Provisions on Human Resources Service Agencies (2023);</i> <i>Interim Provisions on the Administration of Foreign-funded Talent Intermediaries (2019);</i> <i>Provisions on the Administration of Talents Markets (2019);</i> <i>Interim Provisions on the Administration of the Establishment of Foreign-funded Job Intermediaries (2019);</i> <i>Regulation on the Administration of Foreign Labor Cooperation (2012);</i> <i>Provisions of the People's Republic of China on the Administration of Overseas Assignment of Seamen (2023</i>

Amended);

*Opinions on Relevant Issues of Strengthening the Administration of Overseas Civil Aviation Companies Employ Chinese Civil Aviation Professional and Technical Personnel* (2004).

**Description:** Cross-Border Trade in Services

Foreign service suppliers providing human resource services (including but not limited to talent intermediary services and job intermediary services) shall obtain approval or registration in accordance with the law. Foreign service suppliers may not directly recruit contract workers from within the territory of China to work abroad.

## Entry 24 – Security Services

<b>Sector:</b>	Security Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services) Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Regulation on the Administration of Security and Guarding Services (2022 Amended);</i>  <i>Measures for the Public Security Organs to Implement the Regulation on the Administration of Security and Guarding Services (2016 Amended).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Foreign nationals may not serve as security guard to provide security and guarding services <sup>1</sup> in China; foreign service suppliers may only provide security services through commercial presence.

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<sup>1</sup> For the purpose of this entry, “security services” refer to (1) the doorman, patrol, guard, escorting, body guard, security inspection, and security technology protection, security risk assessment and other services which a security company offers to its client entities by assigning security guards; (2) the internal watchman, patrol, guard and other security protection work undertaken by those persons employed by enterprises; (3) the guard, patrol, maintenance of order and other services conducted by persons employed by realty service enterprises within the realty management area.



## Entry 25 – Exhibition Services<sup>1</sup>

<b>Sector:</b>	Exhibition Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services) Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Notice of the Ministry of Foreign Trade and Economic Cooperation on Reiterating and Defining the Regulations Concerning the Administration of Hosting Foreign Economic and Technological Exhibitions in China (2001);</i>  <i>Regulations on Broadcasting and Television (2020 Amended, 1997 Published), Article 45;</i>  <i>Provisions on Administration of Radio, Film and Television Festival Exhibition and Programme Exchange Activities (2016 Amended), Article 2, Article 4, Article 6 and Article 12.</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  1. Foreign economic and technological exhibitions held in China by foreign institutions shall be conducted jointly or entrusted to entities in the territory of China.

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS, including those under Article XVI and Article XVII.

2. Approval from administrative authority is required to hold film festivals, film exhibitions, other film exhibiting activities, and radio and television exchanges (including festival exhibition) and trade activities in China. Overseas films and radio and television programs that enter China for competition or exhibition shall be examined and approved by administrative authority.

3. To hold overseas publications exhibitions within the territory of China, foreign service suppliers shall obtain approval from the publishing administrative department under the State Council.

## Entry 26 – Asset Appraisal Services

<b>Sector:</b>	Asset Appraisal Services
<b>Obligations Concerned:</b>	National Treatment (Investment) Senior Management and Board of Directors  Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Asset Appraisal Law of the People's Republic of China</i> (2016);  <i>Measures for the Fiscal Supervision and Administration of the Asset Appraisal Industry</i> (2019).
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Only after filing a registration application with the related appraisal administrative department, an appraisal institution may engage in asset appraisal services.  2. For an asset appraisal institution, more than two thirds of its partners or shareholders shall be Chinese Public Appraisers.

## Entry 27 – Civil and Commercial Investigation Services

**Sector:** Civil and Commercial Investigation Services

**Obligations  
Concerned:** Market Access (Cross-Border Trade in Services)

**Level of  
Government:** Central

**Measures:** *Notice of the Ministry of Public Security on Prohibiting the Establishment of Non-government Institutions with "Private Detective Agency" Nature (1993).*

**Description:** Cross-Border Trade in Services

Foreign service suppliers may not engage in private detective services.

## Entry 28 – Construction and Related Engineering Services

**Sector:** Construction and Related Engineering Services

**Obligations  
Concerned:** Local Presence

**Level of  
Government:** Central

**Measures:** *Administration Provisions on Qualifications of Enterprises in Construction Industry (2018 Amended)*

**Description:** Cross-Border Trade in Services

Foreign service suppliers shall establish commercial presence to supply construction services.<sup>1</sup>

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS including those under Article XVI and Article XVII and the RCEP, including those under Article 8.4 and Article 8.5.

## Entry 29 – Distribution Services

<b>Sector:</b>	Distribution Services
<b>Obligations Concerned:</b>	Market Access Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Regulation on Veterinary Drug Administration (2020);</i> <i>Regulation on the Administration of Feeds and Feed Additives (2017);</i> <i>Regulation on Pesticide Administration (2022 Amended);</i> <i>Measures for Monopoly of Table Salt (2017);</i> <i>Interim Measures for the Administration of Port Entry Duty-free Shops (2016);</i> <i>Notice on Issuing the Supplementary Provisions to the Interim Measures for the Administration of Port Entry Duty-free Stores (2018);</i> <i>Interim Measures for the Administration of Port Exit Duty-free Shops (2019);</i> <i>Relevant Provisions on Further Strengthening the Centralized and Unified Management of the Duty-free Business (2000);</i> <i>Customs Law of the People's Republic of China (2021</i>

Amended);

*Measures of General Administration of Customs of the People's Republic of China for Supervising and Controlling Duty-Free Shops and Goods (2023 Amended).*

Description: Cross-Border Trade in Services

1. Foreign service suppliers are not permitted to sell veterinary drugs, feeds, feed additives and pesticide directly in China, and the foreign service suppliers shall form a sales organization in the territory of China or authorize a qualified Chinese agencies in order to do it.
2. Foreign service suppliers may not engage in table salt wholesale business.
3. China applies a system of special approval for duty-free shops.

## Entry 30 – Road Transport Services

<b>Sector:</b>	Road Transport Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services) Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Regulation of the People's Republic of China on Road Transport (2023 Amended);</i>  <i>Provisions for the Administration of International Road Transport (2023 Amended).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Foreign service suppliers may not engage in Chinese domestic road passenger or freight transport business where the starting points and ending points are all in the territory of China, and may not illegally undertake freight of goods or canvassing passengers inside the territory of China by themselves.

## Entry 31 – Water Transportation

<b>Sector:</b>	Water Transportation
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Maritime Law of the People's Republic of China (1992), Article 4;</i>  <i>Regulation on the Administration of Domestic Water Transport (2023 Amended);</i>  <i>Provisions on the Administration of Domestic Water Transport (2020 Amended);</i>  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 10;</i>  <i>Circular of the Ministry of Communications on Strengthening the Supervision and Inspection over the Maritime Transport Between the Ports of China Undertaken by Foreign Vessels (2001);</i>  <i>Maritime Traffic Safety Law of the People's Republic of China (2021);</i>

*Regulations of the People's Republic of China on Administration of Traffic Safety in Inland Rivers (2019);*

*Law of the People's Republic of China on Ports (2018);*

*Regulations on Management of Ship Piloting (2021 Amended);*

*Measures of the State Council for the Administration of Foreign Investors' Participation in the Salvage of Sunken Vessels and Objects in Coastal Waters of China (2020);*

*Administration of the Establishment of Ship Inspection Companies in China by Foreign Ship Inspection Institutions (2008);*

*Provision on the Administration of Port Operations (2020);*

*Regulation on the Administration of Foreign Labor Cooperation (2012);*

*Regulation of the People's Republic of China on Seamen (2023 Amended);*

*Provisions of the People's Republic of China on the Administration of Overseas Assignment of Seamen (2023 Amended);*

*Labor Contract Law of People's Republic of China (2012 Amended).*

**Description:** Cross-Border Trade in Services and Investment

1. Following conditions shall be satisfied when a foreign-invested enterprise apply for engaging in domestic water

transportation<sup>1</sup>: (1) Chinese control is required; (2) no existing water transportation operators in China can satisfy the requirements for the applied domestic water transportation; (3) the enterprise has good performance and operation records in water transportation.

2. No foreign service supplier may engage in domestic water transport business or engage in water transport business in a disguised form such as leasing a Chinese vessel or shipping space. No water transport operator may use a foreign vessel to engage in domestic water transport business. However, under the circumstance where there is no Chinese vessel that can satisfy the requirements for the applied transportation, and the berthing port or water areas for the vessel is an open port or water areas, the water transport operator may, upon the approval of the competent transport authority of the State Council and within the prescribed time limit and voyage number as prescribed by the competent transport authority of the State Council, temporarily use a foreign vessel for transport.

3. Only juridical person established in the territory of China may engage in maritime vessel crew services.

4. Only with the permission of the Chinese government, foreign vessels may engage in the towage services between the ports of China.

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<sup>1</sup> For the purpose of this entry, “domestic water transportation” refers to commercial transportation of passenger and goods whose ports of departure, port of call and ports of destination are all located in navigable waters governed by the People’s Republic of China.

5. Foreign vessels sailing in the inland river, or foreign vessels sailing, berthing and pulling in the pilotage districts designated by competent agency of transport under the State Council (except foreign vessels exempted by the competent agency of transport under the State Council upon approval by the State Council) should apply to the local pilot organizations for piloting.

6. Foreign service supplier may conclude with the Chinese party a joint salvage contract to engage in the salvage of sunken ships and sunken articles in China's coastal waters. With conditions being equal, foreign service supplier should give preference to Chinese salvage operators from whom to rent ships and equipment and hire labor services needed in the implementation of the joint salvage contract.

7. Only with establishment of ship inspection company in China, foreign ship inspection institution may dispatch or hire personnel to carry out ship inspection activities in China.

## Entry 32 – Press

<b>Sector:</b>	Press
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p><i>Regulation of the People's Republic of China on News Coverage by Resident Offices of Foreign News Agencies and Foreign Correspondents</i> (2008), Article 6;</p> <p><i>Decision of the State Council on Amending the Decision of the State Council on Establishing Administrative Licenses for the Administrative Examination and Approval Items Really Necessary to Be Retained</i> (2009), Article 3;</p> <p><i>Special Administrative Measures (Negative List) for the Access of Foreign Investment</i> (2021), Article 25;</p> <p><i>Measures for the Administration of Release of News and Information in China by Foreign News Agencies</i> (2006); <i>Provisions for the Administration of Internet News Information Services</i> (2017), Article 7.</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>1. Foreign investors or foreign service suppliers may not invest in or engage in news service, including but not limited</p>

to, news service provided through news agencies, newspapers, periodicals, radio stations and television stations, except that subject to the approval of the Chinese government:

(a) foreign news institutions may establish resident news offices in China which could only conduct news interview, and may dispatch resident journalists to China<sup>1</sup>;

(b) under the condition that the leading position of the Chinese parties is secured, Chinese and foreign news institutions may cooperate in particular businesses.

(c) foreign news agencies may provide news service that is specifically approved into the territory of China.

2. Foreign service suppliers may not engage in Internet news information service<sup>2</sup> or internet public information posting service<sup>3</sup>.

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<sup>1</sup> For greater certainty, the establishment of representative offices in China by newspapers or periodicals, which only engage in news services, is subject to this subparagraph.

<sup>2</sup> For greater certainty, "Internet news information" includes reports and commentaries on social and public affairs such as political, economic, military and foreign affairs, as well as reports and commentaries on social emergency events. "Internet news information service" includes services in respect of internet news information collection, editing, posting, reposting, and services in respect of transmission platform, which are provided to the public through internet websites, application programs, BBS, blogs, microblogs, public WeChat accounts, instant communication tools, live internet broadcast, etc.

<sup>3</sup> For greater certainty, "Internet public information posting service" refers to services that mainly provide facilities through establishing BBS, blogs, microblogs and other information exchange platforms to users for the posting of information to the general public.

### Entry 33 – Network Information Services

<b>Sector:</b>	Network Information Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
<b>Level of Government:</b>	Central
<b>Measures:</b>	<i>Administrative Measures for Internet Information Services (2011 Amended);</i>  <i>Measures for Archival Administration of non-operational Internet information Services (2005);</i>  <i>Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 17.</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. For investments by foreign investors in the internet information searching services (information searching within a single website not included), the shareholding percentage of the foreign investors shall be no more than 50%. Foreign service suppliers may not provide cross-border internet information searching services.  2. To provide profitable internet information service, foreign service suppliers shall obtain a license by relevant authority. To provide non-profitable Internet information service, foreign

service suppliers shall file a record of its service.

## Entry 34 – Professional Qualifications of Natural Person

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services)
<b>Level of Government:</b>	Central
<b>Measures:</b>	<p><i>Asset Appraisal Law of the People's Republic of China (2016);</i></p> <p><i>Interim Provisions on the Professional Qualification System of Asset Appraisers (2017);</i></p> <p><i>Regulations on the Professional Qualification System of Registered Urban and Rural Planners (2017);</i></p> <p><i>Provisions on the Professional Qualification System of Real Estate Appraisers (2021);</i></p> <p><i>Interim Provisions on the Qualification System of Auctioneer (1996);</i></p> <p><i>Provisions on the Certified Metrology Engineer System (2019);</i></p> <p><i>Implementation Measures on Certified Metrology Engineer Qualification Examination (2019);</i></p> <p><i>Regulations of the People's Republic of China on Registered Architects (2019 Amended);</i></p>

*Detailed Rules for the Implementation of the Regulation of the People's Republic of China on Registered Architects* (2008);

*Lawyers Law of the People's Republic of China* (2017);

*Administrative Measures for Practicing Lawyers* (2016);

*Implementation Measures for the National Uniform Legal Profession Qualification Examination* (2018);

*Interim Provisions on the Registered Marine Surveyor System* (2006);

*Implementation Measures on Registered Marine Surveyor Qualification Examination* (2007);

*Regulations on Management of Ship Piloting* (2021 Amended);

*Regulation of the People's Republic of China on Seamen* (2023 Amended);

*Regulations of the People's Republic of China Governing the Registration of Ships* (2014);

*Administrative Measures for Practicing Veterinarians and Village Veterinarians* (2022);

*Regulation on the Administration of Commercial Performances* (2020 Amended);

*Administrative Measures for Performance Agent* (2021);

*Interim Provisions on the Administration of Qualifications for Radio and TV Editing Journalists and Announcers* (2004);

*Administrative Measures for Press Cards (2009);*

*Interim Provisions on the Professional Qualification Examination for Publishing Professional and Technical Personnel (2001);*

*Regulations on Patent Commissioning (2018);*

*Regulations on Administration of Tour Guides (2017 Amended);*

*Interim Provisions on the Registered Surveyor System (2007);*

*Implementation Measures on Registered Surveyor Qualification Examination (2007);*

*Measures for the Qualification Assessment of Registered Surveyor (2007);*

*Provisions on the Administration of Certified Survey and Design Engineers (2016);*

*Civil Aviation Law of the People's Republic of China (2021);*

*Rules for the Administration of Licenses for Civil Aviation Intelligence Officers (2016);*

*Rules for the Administration of Licenses for Civil Aviation Air Traffic Controllers (2016).*

**Description:** Cross-Border Trade in Services

1. Foreign citizens may not apply for sitting for the examination of asset appraisal and mining rights appraisal qualification.

2. Foreign citizens may not apply for sitting for the examination of registered urban and rural planner professional qualification.

3. Foreign citizens may not apply for sitting for the professional qualification examination of registered real estate appraiser.

4. Foreign citizens may not apply for sitting for the examination of registered auctioneer qualification.

5. The application for sitting for the unified nationwide qualification examination of registered architects by foreign citizens shall be conducted by the principle of reciprocity. For registration, the country where the foreign citizen located shall have signed reciprocal registration agreement with China.

6. Foreign citizens may not apply for sitting for the National Uniform Legal Profession Qualification Examination, or obtain legal professional qualification, or apply for becoming Chinese practice lawyer or notary.

7. Foreign citizens may not apply for sitting for the examination of certified survey and design engineer <sup>1</sup> qualification.

8. Foreign citizens may not register as pilots.

9. The captain of a Chinese vessel shall be a Chinese crew

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<sup>1</sup> For greater certainty, the survey and design registration engineer includes various professional qualifications under the survey and design registration engineer in the National Vocational Qualifications Catalogue.

member. Foreign crew members working on Chinese vessels shall hold corresponding certificates issued by the relevant departments of the Chinese government and relevant identity documents issued by the governments of their respective countries.

10. Foreign citizens may not apply for sitting for the examination of practicing veterinarians qualification, and may not apply for registration or recordation.

11. Foreign citizens may not apply for sitting for the examination of performance broker qualification or obtain the certificate of performance broker qualification or engage in performance brokerage activities within the territory of the People's Republic of China.

12. Foreign citizens may not apply for sitting for the examination of registered supervisor engineer qualification.

13. Foreign citizens may not apply for sitting for the examination of broadcasting and TV editorial reporter and announcer qualification or obtain related professional certificates, may not obtain the professional qualification of journalist, and may not apply for sitting for the publishing professional qualification examination or obtain the publishing professional qualification.

14. Foreign citizens may not apply for patent agent qualification.

15. Foreign citizens may not apply for sitting for the examination of tour guide qualification and may not obtain tour guide certificate or engage in tour guide activities in China.

16. Foreign citizens may not apply for sitting for the examination of registered surveyor qualification.

17. Foreign citizens may not apply for the licenses of civil aviation telecommunication personnel and civil aviation air traffic controllers.

## Entry 35 – Chinese Traditional Medicine

**Sector:** Pharmaceutical Manufacture

**Obligations  
Concerned:** National Treatment (Investment)

**Level of  
Government:** Central

**Measures:** *Circular of the State Food and Drug Administration on the Relevant Issues concerning the Business Scope of the Foreign-funded Enterprises that Engage in the Production of Herbal Medicines for Decoction (2006);*

*Special Administrative Measures (Negative List) for the Access of Foreign Investment (2021), Article 7.*

**Description:** Investment

Foreign investors may not invest in the application of processing techniques of Chinese medicinal decocting pieces including steaming, plain stir-baking, stir-baking with adjuvant, calcining or the manufacture of confidential prescription products of Chinese patent medicine.

## LIST II

### EXPLANATORY NOTES

1. List II of the Schedule of China in this Annex sets out, pursuant to Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), the specific sectors, subsectors, or activities for which China may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment);
- (d) Article 6 (Local Presence) of Chapter 8 (Cross-Border Trade in Services);
- (e) Article 6 (Prohibition of Performance Requirements) of Chapter 10 (Investment); or
- (f) Article 6*bis* (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. Each entry in List II sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Subsector** refers to the specific sub-sector with which the entry is

concerned if mentioned.

- (c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 that, pursuant to paragraph 2 of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment) and paragraph 2 of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services), do not apply to the sectors, subsectors, or activities scheduled in the entry;
- (d) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
- (e) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors, or activities covered by the entry.

3. In accordance with paragraph 2 of Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and paragraph 2 of Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), the articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the sectors, subsectors, or activities identified in the Description element of that entry.

4. For the purposes of List II of the Schedule of China in this Annex, “**foreign investor**” means any investor of the other Party or a non-Party.

5. The Schedule of Singapore shall not be used to interpret China’s commitments or obligations under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).

## Entry 1 – Social Services

<b>Sector:</b>	Social Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence

**Description:** Cross-Border Trade in Services and Investment

China reserves the right to adopt or maintain any measure in the following areas: provision of law enforcement and correctional services, provision of social services established or maintained for public purposes, including: social security or social insurance, social welfare,<sup>1</sup> public education, public training, health and child care.<sup>2</sup>

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<sup>1</sup> For greater certainty, social welfare includes protection of interests of the group of preferential treatment, households enjoying the minimum living guarantee, aged people, the disabled and children.

<sup>2</sup> This entry does not apply to Services for the aged (part of CPC 93311 and 93323) which is listed in List II Appendix B.

## Entry 2 – Atomic Energy

**Sector:** Atomic Energy

**Obligations** National Treatment (Investment)

**Concerned:** Most-Favoured-Nation Treatment (Investment)

Prohibition of Performance Requirements

Senior Management and Board of Directors

**Description:** Investment

China reserves the right to adopt or maintain any measure with respect to the storage, transportation and reprocessing of spent fuels, decommissioning of nuclear facilities and disposal of radioactive wastes, as well as nuclear import business.

### Entry 3 – Ethnic Minorities

<b>Sector:</b>	Ethnic Minorities <sup>1</sup>
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence

**Description:** Cross-Border Trade in Services and Investment

China reserves the right to adopt or maintain any measure that grants rights or preferences to places which are ethnic minorities area <sup>2</sup> with the view to balance economic development and maintain social justice.

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<sup>1</sup> For the purpose of this entry, “ethnic minorities” refer to 55 non-Han minorities that have less population than Han nationality in 56 ethnic nationalities identified and recognised by the Chinese central government.

<sup>2</sup> For the purpose of this entry, “ethnic minority areas” refer to:

(a) autonomous regions, prefectures and counties as set forth in the Constitution Law of the People’s Republic of China and the Law on Regional Ethnic Autonomy;

(b) ethnic townships and towns inhabited by ethnic minorities according to Regulations on the Administrative Work of Ethnic Townships approved by the State Council; and

(c) the three provinces of Yunnan, Guizhou, and Qinghai.

## Entry 4 – Traditional Crafts

**Sector:** Traditional Crafts

**Obligations** National Treatment (Investment)

**Concerned:** Most-Favoured-Nation Treatment (Investment)

Prohibition of Performance Requirements

Senior Management and Boards of Directors

**Description:** Investment

China reserves the right to adopt or maintain any measure with respect to the traditional crafts<sup>1</sup> including production of rice paper and ink stick.

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<sup>1</sup> For the purpose of this entry, “traditional crafts” refers to the crafts and related products which have historical inheritance and ethnic or regional characteristics, closely related to daily life, mainly using manual labor for production. As a customized production using creative manual labor and distinctive skills based on materials, it has the characteristics that industrial production cannot replace.

## Entry 5 – Protection of Biological Resources

<b>Sector:</b>	Protection of Biological Resources <sup>1</sup>
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services)  Prohibition of Performance Requirements  Market Access  Local Presence
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure with respect to the collection, acquisition and development of biological resources <sup>2</sup> (including human, animal, plant and microbe resources) under national protection.

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<sup>1</sup> For greater certainty, this entry does not affect the commitments of China in the biological resources sector as set out in List I Entry 1 - Seed Industry of China's schedule.

<sup>2</sup> For greater certainty, biological resources includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

## Entry 6 – All Sectors

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Prohibition of Performance Requirements Senior Management and Board of Directors
<b>Existing Measures:</b>	<i>Law of the People’s Republic of China on the Administration on Activities of Overseas Non-Governmental Organisations within the Territory of China (2017 Amended);</i>  <i>Regulations on the Administration of Foundations (2004), Article 23 and 24.</i>
<b>Description:</b>	<u>Investment</u>  China reserves the right to adopt or maintain the following measures with respect to non-government organisations (including but not limited to private non-enterprise units, social groups, foundations, foreign non-government organisations and other civil social organisations and their representative institutions).

## Entry 7 – Land

<b>Sector:</b>	Land
<b>Obligations Concerned:</b>	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Prohibition of Performance Requirements Senior Management and Board of Directors
<b>Existing Measures:</b>	<i>Land Administration Law</i> (2019 Amended), Article 2, Article 4 of Chapter 1, Chapter 2, Chapter 4 and Chapter 5; <i>Forestry Law</i> (2019 Amended), Chapter 2 and Chapter 6; <i>Grassland Law</i> (2021 Amended), Article 10, Article 11 and Article 13; <i>Fisheries Law</i> (2013 Amended), Article 8; <i>Law on the Contracting of Rural Land</i> (2018 Amended).
<b>Description:</b>	<u>Investment</u> China reserves the right to adopt or maintain any measure with respect to restricting foreign investors and their investments in the use or contracted management of agricultural land. <sup>1</sup>

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<sup>1</sup> For the purpose of this entry, agricultural land refers to the land directly used for agricultural production, including arable land, forest land, grass land, land for farm and water conservancy, waters for aquaculture, etc.

## Entry 8 – All Sectors

<b>Sector:</b>	All Sectors (state-owned assets) <sup>1</sup>
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure with respect to the evaluation, transfer and disposition of state-owned assets <sup>2</sup> .

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<sup>1</sup> For greater certainty, this entry does not apply to the evaluation, transfer or disposition of assets which are no longer state-owned assets after being transacted.

<sup>2</sup> For the purpose of this entry, “state-owned assets” refer to the rights and interests by virtue of all forms of investments directly or indirectly made by the State in an enterprise.

## Entry 9 – All Sectors<sup>1</sup>

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>

1. With respect to Cross-Border Trade in Services and the establishment, acquisition, and expansion of investments:

(a) China reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of the 2023 Protocol.\*

(b) China reserves the right to adopt or maintain any measures that accords differential treatment to the parties under any future bilateral or multilateral international agreement which liberalises service in accordance with Article V of GATS or liberalises investment provided the agreement has substantial sector coverage in terms of number of sectors, and provides for the absence or elimination of substantially all

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<sup>1</sup> For greater certainty, this reservation is without prejudice to China's rights and obligations with respect to Singapore under the WTO Agreement.

discrimination in the covered sectors either at the entry into force of that agreement or on the basis of a reasonable time-frame.\*

(c) China reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of the 2023 Protocol involving:

(i) Aviation matters, including air services;

(ii) Fisheries;

(iii) Maritime and services auxiliary to maritime matters including rescue and salvage;

(iv) Telecommunication and information technology matters;

(v) Education matters;and

(vi) Electronic commerce matters.

2. With respect to the management, conduct, operation, and sale or other disposition of investments:

(a) China reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to 16 October 2019.\*

(b) China reserves the right to adopt or maintain any measure that accords differential treatment to countries

under any bilateral or multilateral international agreements involving:

(i) aviation matters;

(ii) fisheries; and

(iii) maritime and services auxiliary to maritime matters including salvage.

\* For greater certainty, the wording in these paragraphs extend to any differential treatment accorded to a country pursuant to a subsequent review or amendment of the relevant bilateral or multilateral agreement mentioned in these paragraphs.

## Entry 10 – All Sectors

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure with respect to any special arrangement or favourable treatment for any services and service suppliers of, or investors, as well as any investments thereof, from (1) Hong Kong, China; (2) Macao, China; and (3) Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei).

## Entry 11 – Lottery

<b>Sector:</b>	Lottery Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Prohibition of Performance Requirements  Senior Management and Board of Directors
<b>Existing Measures:</b>	<i>Regulations on Lottery management (2009).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure with respect to the lottery sector.

## Entry 12 – Gambling Services

**Sector:** Gambling Services

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:** Market Access

Local Presence

**Description:** Cross-Border Trade in Services

China reserves the right to adopt or maintain any measure with respect to the gambling sector.

## Entry 13 – Services related to Religion

**Sector:** Services related to religion

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:**

Market Access

Most-Favoured-Nation Treatment (Cross-Border Trade in Services)

Local Presence

**Description:** Cross-Border Trade in Services

China reserves the rights to adopt or maintain any measure with respect to services and activities related to religion.

## Entry 14 – Culture<sup>1</sup>

**Sector:** Culture

**Obligations Concerned:** National Treatment (Cross-Border Trade in Services and Investment)

Market Access

Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Local Presence

Prohibition of Performance Requirements

Senior Management and Board of Directors

**Description:** Cross-Border Trade in Services and Investment

1. China reserves the right to adopt or maintain any measure in the following areas:

(a) The editing, publication, and production of books, newspapers, periodicals, audio and video products and electronic publication;

(b) Radio and television broadcasting and transmitting services, production and operation business of radio and

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS, including those under Article XVI and Article XVII.

television programs<sup>2</sup> , video on demand services, radio and television station, television station, radio and television channel (rate), radio and television transmission coverage network;

(c) The production, distribution, cinema line and introduction of films;

(d) The protection of cultural relics and intangible cultural heritage;

(e) Literary and artistic creation and performance, grade test of social art skills;

(f) Network publication, network audio and visual and Internet culture operation;<sup>3</sup>

(g) Public culture.<sup>4</sup>

2. Chinese control is required for investments by foreign investors in investigations of television or broadcast audience ratings.

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<sup>2</sup> For greater certainty, production and operation business of radio and television programs includes production, introduction and purchase radio and television programs.

<sup>3</sup> In accordance with Administrative Provisions on Online Publishing Services, Administrative Provisions on Network Audio and Visual Program Services, Interim Administrative Provisions on Internet Culture.

<sup>4</sup> For greater certainty, public culture includes the establishment and operation of culture pavilion, library, fine art museum, culture center, museums, and foreign culture exchanges.

## Entry 15 – Research and Experimental Development Services on Social Sciences and Humanities

**Sector:** Research and experimental development services on social sciences and humanities<sup>1</sup>

**Obligations Concerned:** National Treatment (Cross-Border Trade in Services and Investment)

Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Market Access

Local Presence

Prohibition of Performance Requirements

Senior Management and Board of Directors

**Description:** Cross-Border Trade in Services and Investment

China reserves the right to adopt or maintain any measure with respect to Research and Experimental Development Services on Social Sciences and Humanities.

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<sup>1</sup> For the purpose of this entry, “research and experimental development services on social sciences and humanities” refers to the services under CPC 852 in accordance with the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, including research and experimental development services on cultural sciences, sociology and psychology (CPC 85201), research and experimental development services on economics (CPC 85202), research and experimental development services on law (CPC 85203), research and experimental development services on linguistics and languages (CPC 85204) and research and experimental development services on other social sciences and humanities (CPC 85209).



## Entry 16 – Internet Security

**Sector:** Internet Services

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:**

Market Access

Most-Favoured-Nation Treatment (Cross-Border Trade in Services)

Local Presence

**Description:** Cross-Border Trade in Services

China reserves the right to adopt or maintain any measure according to *the Cybersecurity Law of the People's Republic of China* and related laws and regulations.

## Entry 17 – All Sectors

**Sector:** All Sectors

**Obligations Concerned:** National Treatment (Cross-Border Trade in Services and Investment)

Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Prohibition of Performance Requirements

Senior Management and Board of Directors

Market Access

Local Presence

**Description:** Cross-Border Trade in Services and Investment

1. China reserves the right to adopt or maintain any measure with respect to new industries and new services.

2. China shall notify Singapore prior to adopting a measure with respect to a new industry or new service inconsistent with the above-mentioned obligations. At the request of either Party, the Parties shall enter into negotiations with regard to the liberalisation commitments for the new industry or new service.

3. For the purposes of this entry:

(a) The term “new industry” means an economic activity that at the date of entry into force of the 2023 Protocol is:

(i) not currently in existence in the territory of either

Party; and

(ii) an existing economic activity not covered or defined in the International Standard Industrial Classification of All Economic Activities (ISIC), Rev.4 (“ISIC Rev.4”).

(b) The term “new services” means a service that at the date of entry into force of the 2023 Protocol is:

(i) not currently in existence in the territory of either Party;  
and

(ii) an existing service not covered or defined in the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office.

4. For greater certainty, this entry does not apply to a service or economic activity that could be classified in the ISIC Rev.4 or the CPC, but that could not previously be supplied on a cross-border basis due to lack of technical feasibility.

## Entry 18 – Technical Consulting Services, Exploration and Exploitation of Natural Resource

**Sector:** Technical Consulting Services, Exploration and Exploitation of Natural Resource

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:** Market Access

Local Presence

**Existing Measures:** *Provisions on Administration of Foreign-related Marine Scientific Research* (1996);

*Provisions Governing the Laying of Submarine Cables and Pipelines* (1989);

*Law on Exclusive Economic Zone and the Continental Shelf* (1998);

*Mineral Resources Law* (2009 Amended), Article 3 and Article 16;

*Regulation of the People's Republic of China on the Hydrology* (2017).

**Description:** Cross-Border Trade in Services

1. China reserves the right to adopt or maintain any measure with respect to surveying and mapping, meteorology, hydrology, seismic monitoring, marine scientific research, establishment of artificial islands, installations and structures, laying of submarine cables and pipelines, etc., within China's territory, territory airspace, and waters under China's jurisdiction. China

reserves the right to adopt or maintain any measure with respect to natural resource exploration and development within waters under China's jurisdiction.

2. This reservation does not apply to obligation under Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services), Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment) in respect of a service provided by mode (1) and mode (2) in the following sectors:

(a) Related scientific technical consulting services (CPC 8675):

(i) Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751); and

(ii) Sub-surface surveying services (CPC 86752); and

(b) Onshore oil-field services.

3. For the purposes of this entry:

Mode (1) refers to the supply of a service from the territory of a Party into the territory of the other Party; and

Mode (2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.

## Entry 19 – Education<sup>1</sup>

**Sector:** Education

**Obligations** National Treatment (Cross-Border Trade in Services)

**Concerned:** Market Access

Local Presence

**Description:** Cross-Border Trade in Services

China reserves the right to adopt or maintain any measure with respect to any cross-border educational services.

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS, including those under Article XVI and Article XVII.

## Entry 20 – Tourism

<b>Sector:</b>	Tourism and Travel Related Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Market Access
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure with respect to foreign-invested enterprises' engaging in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei. <sup>1</sup>

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<sup>1</sup> Notwithstanding this entry, China shall not adopt or maintain any measure that is inconsistent with its obligation under the GATS, including those under Article XVI and Article XVII, and its modifications which are listed in the Appendix B to List II of this Agreement.

## Entry 21 – Air Transportation

<b>Sector:</b>	Transport Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Cross-Border Trade in Services) Market Access Local Presence
<b>Existing Measures:</b>	<i>Civil Aviation Law of the People's Republic of China (2021); Interim Provisions on the Licensing of the Direct Access to and Use of Foreign Computer Reservation Systems by the Sales Agents within the Chinese Territory Designated by Foreign Air Transportation Enterprises (2016); Provisions on Permission for Using Transport Airports (2022); Rules on Air Traffic Control of Civil Aviation (2022); Rules for Managing the Air Traffic Control Training in Civil Aviation (2016); Rules for the Administration of Civil Aviation Intelligence Training (2016).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  1. China reserves the right to adopt or maintain any measure affecting cross-border supply of:

- (a) aircraft repair and maintenance services (CPC 8868);
- (b) the selling and marketing of air transport services;
- (c) computer reservation system services (CRS).

2. This reservation does not apply to obligations under Article 3 (Market Access) or Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) in respect of the supply of a service:

(a) by mode (1) and mode (2) in respect of rental/leasing services relating to aircraft without operators;

(b) by mode (2) in respect of the following services:

(i) computer reservation system (CRS) services;

(ii) Aircraft repair and maintenance services (CPC 8868); or

(c) by mode (1) in respect of computer reservation system (CRS) services, based on the following limitations:

(i) Foreign Computer Reservation System, may provide services to Chinese aviation enterprises and Chinese aviation agents by connecting with Chinese Computer Reservation System;

(ii) Foreign Computer Reservation System may provide services to representative offices and sales offices established in the destination cities in China by foreign aviation enterprises which have the right to engage in business according to the bilateral aviation agreements; and

(iii) Direct access to and use of foreign Computer Reservation System by Chinese aviation

enterprises and agents of foreign aviation enterprises are subject to approval of the Civil Aviation Administration of China (CAAC).

3. For the purposes of this reservation:

Mode (1) refers to the supply of a service from the territory of a Party into the territory of the other Party;  
and

Mode (2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.

## Entry 22 – Air Transportation

<b>Sector:</b>	Transport Services
<b>Obligations Concerned:</b>	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Prohibition of Performance Requirements Senior Management and Board of Directors Market Access
<b>Existing Measures:</b>	<i>Civil Aviation Law of the People's Republic of China (2021); Interim Provisions on the Licensing of the Direct Access to and Use of Foreign Computer Reservation Systems by the Sales Agents within the Chinese Territory Designated by Foreign Air Transportation Enterprises (2016); Provisions on Permission for Using Transport Airports (2022); Rules on Air Traffic Control of Civil Aviation (2022); Rules for Managing the Air Traffic Control Training in Civil Aviation (2016); Rules for the Administration of Civil Aviation Intelligence Training (2016).</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. China reserves the right to adopt or maintain any measure affecting investments in air transport and air transport-related services.

2. This reservation does not apply to obligations under Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment) in respect of investments:

(a) in Computer Reservation System (CRS) services, based on the following limitations: foreign service suppliers are permitted to establish partly foreign-invested enterprises with Chinese Computer Reservation System in China. The Chinese side shall hold controlling shares or be in a dominant position in the partly foreign-invested enterprises. Licenses for the establishment of partly foreign-invested enterprises are subject to economic needs test;

(b) in Aircraft Repair and Maintenance services (CPC 8868), based on the following limitations:

(i) foreign service suppliers are permitted to establish partly foreign-invested aircraft repair and maintenance enterprises in China. The Chinese side shall hold controlling shares or be in a dominant position in the partly foreign-invested enterprises;

(ii) the partly foreign-invested enterprises have the obligation to undertake business in the international market.

(c) in Rental/Leasing services relating to aircraft without operators, based on the following limitations:

(i) wholly foreign-owned subsidiaries are permitted;

(ii) service suppliers shall have global assets of US\$ 5 million.

## Entry 23 – Air Transportation

<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Air Transport Services - Passengers Transportation by Air Freight Transportation by Air
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  China reserves the right to adopt or maintain any measure relating to requirements of China's bilateral and multilateral air services agreements.

## Entry 24 – Foreign Debts

**Sector:** Financial Services

**Sub-Sector:**

**Obligations  
Concerned:** National Treatment (Cross-Border Trade in Services and Investment)

Market Access

**Description:** Cross-Border Trade in Services and Investment

China reserves the right to adopt or maintain any measures with regard to the borrowing of foreign debts by domestic enterprises and individuals pursuant to the foreign debt administration regime.

## Entry 25 – Import and Export

**Sector:** Wholesale - Import and Export

**Obligations  
Concerned:** National Treatment (Investment)

**Existing  
Measures:** *Foreign Trade Law of the People's Republic of China (2022)*,  
Article 10;

*Regulation of the People's Republic of China on the  
Administration of the Import and Export of Goods (2001)*,  
Article 45.

**Description:** Investment:

The import or export of the following goods into or outside China are subject to state trading administration, and Chinese government reserves the right to determine and announce to public the list of the enterprises that may engage in the import state trading or export state trading:

(a) Goods of which the import is subject to state trading administration refer to the goods listed in Annex 2A1 to the Protocol on the Accession of the People's Republic of China (WT/L/432), excluding vegetable oil;

(b) Goods of which the export is subject to the state trading administration refer to the goods as listed in Annex 2A2 to the Protocol on the Accession of the People's Republic of China (WT/L/432) and tobacco monopoly products, excluding yarn and non-bleached yarn.

## Entry 26 – All sectors

<b>Sector:</b>	All sectors
<b>Obligations Concerned:</b>	Most-Favoured-Nation Treatment (Cross-Border Trade in Services)  National Treatment (Cross-Border Trade in Services)  Market Access
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  China reserves the right to adopt or maintain any measure with respect to the supply of service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay, subject to the provisions of Chapter 9 (Movement of Natural Persons).

## Entry 27 – Financial Services

<b>Sector:</b>	Financial Services
<b>Obligations Concerned:</b>	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors  Market Access  Local Presence
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment:</u>  1. China reserves the right to adopt or maintain any measure affecting the supply of financial services with respect to Most-Favoured-Nation Treatment, Local Presence, National Treatment, Performance Requirements and Senior Management and Boards of Directors.  2. China reserves the right to adopt or maintain any measure affecting the supply of financial services with respect to Market Access and National Treatment, except as specified in Appendix A to List II (Commitments for Financial Services-China) and subject to the limitations, conditions and qualifications specified therein.

## Entry 28 – All Sectors

**Sector:** All Sectors (not including Financial Services)

**Obligations  
Concerned:** Market Access

**Description:** Cross-Border Trade in Services

China reserves the right to adopt or maintain any measure affecting trade in services through commercial presence of a Singaporean service supplier in its territory that is not consistent with Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services), except for China's commitments under Article XVI of *General Agreement on Trade in Services* (GATS) as set out in China's Schedule of Specific Commitments under the GATS and China's modifications in Appendix B.

**APPENDIX A TO LIST II**  
**COMMITMENTS FOR FINANCIAL SERVICES**  
**CHINA**

**EXPLANATORY NOTES**

1. This Appendix shall be read together with entry 27 in List II of the China's Schedule in Annex 5 (Schedules of Reservations and Non-Conforming Measures for Services and Investment). This Appendix does not include China's commitments on the supply of a service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay.
2. The classification of sectors in this Schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the WTO Secretariat in MTN.GNS/W/120 dated 10 July 1991.

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
<b>FINANCIAL SERVICES</b>			
A. All Insurance and Insurance-Related Services <sup>1</sup> (a) Life, health and pension/annuity insurance (b) Non-life insurance (c) Reinsurance (d) Services auxiliary to insurance	(1) Unbound except for: (a) reinsurance; (b) international marine, aviation, and transport insurance; and (c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance.	(1) None	
	(2) Unbound for brokerage. Other, none.	(2) None	
	(3) A. <u>Form of establishment</u> Foreign non-life insurers are permitted to establish as a branch, or as a foreign-	(3) None, except for: - Foreign insurance institutions shall not engage in the statutory insurance business,	

<sup>1</sup> Any further authorisation provided to foreign insurers after accession under more favourable conditions than those contained in this Schedule (including the extension of grandfathered investments through branching, sub-branching or any other legal form), will be made available to other foreign service suppliers which so requested.

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>invested enterprise, with no form of establishment restrictions.</p> <p>Foreign life insurers are permitted to establish as a branch, or as a foreign-invested enterprise with no form of establishment restrictions.</p> <p>Foreign Insurance brokerage companies are permitted to establish foreign-invested companies.</p> <p>Internal branching is permitted for foreign insurance firms which have established foreign-invested insurance companies in China.</p>	<p>except that insurance institutions of a Party are permitted to undertake third party auto liability insurance.</p>	

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
	<p>Internal branching is permitted for foreign insurance brokerage companies which have established foreign-invested insurance brokerage companies in China.</p> <p>B. <u>Business Scope</u>            (See Attachment – Insurance: Definition of “Master Policy”)            Foreign non-life insurers are permitted to provide "master policy" insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national treatment, foreign insurance brokers are</p>		

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>permitted to provide "Master policy" no later than Chinese brokers, under conditions no less favourable.</p> <p>Qualified foreign investors are permitted to engage in insurance agency business and loss adjustment business in China.</p> <p>The business scope of foreign insurance brokerage company will be the same as Chinese insurance brokerage company.</p> <p>Foreign non-life insurers are permitted to provide the full range of non-life insurance services to both foreign and domestic clients.</p>		

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
	<p>Foreign insurers are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese.</p> <p>Foreign insurers are permitted to provide reinsurance services for life and non-life insurance as a branch, or as a foreign-invested enterprise, without geographic or quantitative restrictions on the number of licences issued.</p> <p>C. <u>Licences</u> Licences are issued with no economic needs test or quantitative limits on licences. Qualifications for establishing a</p>		

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>foreign insurance institution are as follows:</p> <ul style="list-style-type: none"> <li>- it shall have total assets of more than US \$5 billion at the end of the year prior to application, except for insurance brokers.</li> </ul>		

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
B. Banking and Other Financial Services (excluding insurance and securities)  Banking services as listed below:  (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;	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	(1) None	For financial leasing services, foreign financial leasing corporations are permitted to provide financial leasing service at the same time as domestic corporations.
	(2) None	(2) None	

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts (including import and export settlement); (e) Guarantees and commitments; (f) Trading for own account or for account of customers: foreign exchange.	(3) A. <u>Geographic coverage</u> For foreign currency and local currency business, there is no geographic restriction.  B. <u>Clients</u> For foreign currency business, foreign financial institutions are permitted to provide services in China without restriction as to clients. For local currency business, the relevant requirements as to clients are solely prudential.  C. <u>Licensing</u> Criteria for authorisation to deal in China's financial services sector are solely prudential (i.e., contain no	(3) Except for prudential measures, foreign financial institution may do business, without restrictions or need for case-by-case approval, with foreign-invested enterprises, non-Chinese natural persons, Chinese natural persons, and Chinese enterprises. Otherwise, none.	

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	economic needs test or quantitative limits on licences).		
- Motor vehicle financing by non-bank financial institutions	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on	(1) Unbound	

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>corporate restructuring and strategy.</p> <p>(2) None</p> <p>(3) None</p>	<p>(2) None</p> <p>(3) None</p>	

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>				
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>		<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- Other financial services as listed below: (k) Provision and transfer of financial information, and financial data processing and related software by supplier of other financial services; (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio	(1)	None	(1)	None
	(2)	None	(2)	None
	(3)	None. Criteria for authorisation to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licences). Branches of foreign institutions are permitted.	(3)	None

<b>Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
research and advice, advice on acquisitions and on corporate restructuring and strategy.			

<b>Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Securities	<p>(1) Unbound except for the following:</p> <p>(a) Foreign securities institutions may engage directly (without Chinese intermediary) in B share business</p> <p>(b) Foreign service suppliers which meet the requirement of China's relevant laws and regulations are permitted to provide the following services to Chinese Qualified Institutional domestic Investors (QDII):</p> <ul style="list-style-type: none"> <li>- Trading for account of QDII;</li> <li>- Providing securities trading advice or portfolio management; and</li> </ul>	(1) None	

<b>Modes of supply: (1) Cross-border supply    (2) Consumption abroad    (3) Commercial presence</b>			
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<ul style="list-style-type: none"> <li>- Providing custody for overseas assets of QDII.</li> </ul>		
	(2) None	(2) None	
	(3) (a) Unbound except for the following: <ul style="list-style-type: none"> <li>- Representative offices in China of foreign securities institutions may become Special Members of all Chinese stock exchanges.</li> <li>- Foreign service suppliers, which meet the regulatory requirements and conditions, upon approval, are permitted to establish wholly foreign owned fund management companies to engage (without Chinese intermediary) in</li> </ul>	(3) None	

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
	<p>domestic securities investment fund management business.</p> <ul style="list-style-type: none"> <li>- Foreign services suppliers, which meet the regulatory requirements and conditions, upon approval, are permitted to establish wholly foreign owned securities companies to engage (without Chinese intermediary) in domestic securities business.</li> <li>- Foreign services suppliers are permitted to hold 100 per cent equity of futures companies.</li> </ul> <p>(b) Criteria for authorisation to deal in China's financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licences).</p>		

## **Attachment**

### **Insurance: Definition of "Master Policy"**

Master policy is the policy that provides blanket coverage for the same legal person's property and liabilities located in different places. Master policy may only be issued by the business department of an insurer's head office or that of its authorised province-level branch offices. Other branches are not allowed to issue master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on the state key construction projects (i.e., projects that are so listed and annually announced by the State Development and Planning Commission) meet either of the following requirements, they may purchase master policy from insurers that are located in the same place as the investors' legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 per cent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 per cent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of master policies.

Master policy covering different subjects-matter insured of the same legal person. For those subjects-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue

master policy, no matter whether the insurance applicant's legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the CIRC cannot be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a master policy.

**APPENDIX B TO LIST II**

***For the following Sectors, China’s Obligations under Article XVI of the General Agreement on Trade in Services as set out in China’s Schedule of Specific Commitments under GATS (GATS/SC/135, GATS/SC/135/Corr.1, GATS/SC/135/Corr.2) are improved as described.***

Sector/Subsector	Market Access Improvements
<b>1. BUSINESS SERVICES</b>	
<b>A. Professional Services</b>	
<p>a. Legal Services (CPC 861, excluding Chinese law practice)</p>	<p>For mode 3 limitations: The geographic and quantitative limitations for representative offices are eliminated for mode 3.</p> <p>Foreign law firms which have established their representative offices in the China (Shanghai) Pilot Free Trade Zone (“FTZ”) in accordance with the Chinese laws, regulations and rules:</p> <p>(1) may enter into contracts with Chinese law firms in the FTZ, and based on such contracts, these foreign and Chinese law firms may dispatch their lawyers to each other to act as legal counsels. For aforementioned dispatchment, it means the Chinese law firms may dispatch their lawyers to the representative offices in the China (Shanghai) FTZ of foreign law firms to act as legal counsels on Chinese law and international law practice, and the foreign law firms may dispatch their lawyers to the Chinese law firms in the China (Shanghai) FTZ to act as legal counsels on foreign law and international law practice. The two sides shall cooperate within their respective</p>

Sector/Subsector	Market Access Improvements
	<p>business scope;</p> <p>(2) are permitted to form commercial association with Chinese law firms in Shanghai FTZ. Within the validity of commercial association, the two law firms from both sides respectively have independent legal status, name, and financial operation, and bear civil liabilities independently. Clients of the commercial association are not limited within Shanghai FTZ. Foreign lawyers in this type of commercial association are not permitted to conduct the practice of Chinese law.</p>
c. Taxation services (CPC 8630)	Modify mode 3 limitations as “None”
<p>d. Architectural services (CPC 8671)</p> <p>e. Engineering services (CPC 8672)</p> <p>f. Integrated engineering services (CPC 8673)</p>	Modify mode 3 limitations as: “None.”
g. Urban planning services (except general urban planning) (CPC 8674)	Modify mode 3 limitations as “None”.
Hospital Services (CPC 9311)	Insert new commitments with “Foreign service suppliers are permitted to establish partly foreign-invested hospital with Chinese partners, the total number of which will be in line with China’s needs, with foreign equity share no more than 70%” for mode 3.
<p><b>B. Computer and Related Services</b></p> <p>(Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as a</p>	

Sector/Subsector	Market Access Improvements
means of supply)	
b. Software implementation services (CPC 842) c. Data processing services (CPC 843) - Input preparation services (CPC 8431)	Modify mode 3 from “Only in the form of joint ventures, with foreign majority ownership permitted” to “Wholly Foreign-owned enterprises are allowed”.
- Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886)	Modify mode 3 limitations as follows: “Wholly foreign-owned subsidiaries are permitted”.
<b>D. Real Estate Services</b>	
a. Real estate services involving own or leased property (CPC 821)	Modify mode 3 from “None except for the following: Wholly foreign-owned enterprises are not permitted for high standard real estate projects, such as apartments and office buildings, but excluding luxury hotels” to “None”.
b. Real estate services on a fee or contract basis (CPC 822)	Modify mode 3 from “Only in the form of joint ventures, with foreign majority ownership permitted” to “None”.
<b>E. Rental and leasing services</b> (CPC 831, 832, excluding CPC 83202)	Insert new commitments with “Wholly foreign-owned enterprises are allowed. Foreign service suppliers are required to have global assets of US\$ 5 million” for mode 3.
<b>F. Other Business Services</b>	
a. Advertising Services (CPC 871)	Modify mode 3 limitations as “None”.
b. Market research services (CPC 86401, only limited to investigation services designed to secure	Insert new commitments with “Only in the form of partly foreign-invested enterprises, with foreign majority ownership permitted. Economic needs tests are required” for mode 3.

Sector/Subsector	Market Access Improvements
information on the prospects and performance of an organization's products in the market)	
<p>d. Services related to management consulting (only limited to the following sub-sector)</p> <ul style="list-style-type: none"> <li>- Project management services other than for construction (CPC 86601)</li> </ul>	<p>Insert new commitments with "Only partly foreign-invested enterprises with foreign majority ownership are permitted. Economic needs tests are required" for mode 3.</p>
<p>e. Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services</p>	<p>Modify mode 3 limitations as "None".</p>
<p>g. Services incidental to manufacturing (CPC 884, 885, except for 88442, and excluding prohibited or restricted industries for foreign service suppliers by Chinese laws and regulations, and excluding services China considers relating to its national security interests.)</p>	<p>Insert new commitments with "Wholly foreign-owned subsidiaries are allowed" for mode 3.</p>
<p>h. Placement and supply services of Personnel (CPC 872)</p>	<p>Insert new commitments with "None" for mode 3.</p>
<p>m. Related scientific and technical consulting services (CPC 8675)</p> <ul style="list-style-type: none"> <li>- Geological, geophysical (excluding regional gravity and magnetism prospecting services)</li> </ul>	<p>Modify mode 3 limitations as "None" for mode 3.</p>

Sector/Subsector	Market Access Improvements
<p>and other scientific prospecting services (CPC 86751)</p> <ul style="list-style-type: none"> <li>- Sub-surface surveying services (CPC 86752)</li> </ul>	
<ul style="list-style-type: none"> <li>- Onshore oil-field services</li> </ul>	<p>Modify mode 3 limitations as follows: “</p> <p>For domestic and foreign invested enterprises established in China with net assets of less than 300 million yuan: Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) or China Petroleum &amp; Chemical Corporation (SINOPEC) in the designated areas approved by the Chinese government.</p> <p>In order to carry out the petroleum contract, the foreign service supplier shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC or SINOPEC.</p> <p>The foreign service supplier shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory.</p> <p>For domestic and foreign invested enterprises established in China with net assets of no less than 300 million yuan: engage in oil and gas exploration and exploitation shall in compliance with safety, environmental protection and other qualification requirements and regulations, and with corresponding technical capabilities for oil and gas exploration and exploitation, could gain oil and gas exploration and exploitation rights independently.”</p>

Sector/Subsector	Market Access Improvements
- Maintenance and repair services (CPC 63, 6112 and 6122)	Modify mode 3 limitations as follows: “Wholly foreign-owned subsidiaries are permitted”.
o. Building-cleaning services (CPC 874)	Insert new commitments with “Wholly foreign-owned enterprises are permitted” for mode 3.
q. Packaging services (CPC 876)	Modify mode 3 limitations as follows: “None”.
r. Printing of packaging materials, on a fee or contract basis (Only limited to the printing of packaging materials)	Insert new commitments with “Wholly foreign-owned enterprises are permitted. Economic needs tests are required” for mode 3.
t. Translation and interpretation services (CPC 87905)	Modify mode 3 limitations as follows: “Wholly foreign-owned enterprises are permitted”.
<b>2. COMMUNICATION SERVICES</b>	
B. Courier Services (CPC 75121, except for those specifically reserved to Chinese postal authorities by the related law at the time of China’s accession to WTO on December 11 <sup>th</sup> 2001)	Modify mode 3 limitations as follows: “Wholly foreign-owned subsidiaries are permitted”.
C. Telecommunication Services <sup>1</sup> Value-added Services Including the following: (h) Electronic mail	Modify mode 3 limitations as follows: “Foreign service suppliers are permitted to establish partly foreign-invested value-added telecommunication enterprises, and foreign

<sup>1</sup> China’s commitments are scheduled 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) as set out in China’s Schedule of Specific Commitments under the GATS.

All international telecommunications services shall go through gateways established with the approval of China’s telecommunications authorities, which will act as an independent regulatory authority in accordance with the principles of paragraph 5 of the Reference Paper.

Sector/Subsector	Market Access Improvements
(i) Voice mail (j) On-line information and database retrieval (k) Electronic data interchange (l) Enhanced/Value-added facsimile services (including store and forward, store and retrieve) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing)	investment in the enterprises shall be no more than 50 per cent.”
Basic Telecommunication Services - Paging Services	Modify mode 3 limitations as follows: “Foreign service suppliers are permitted to establish partly foreign-invested enterprises with foreign equity participation of no more than 50 per cent”.
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	Modify mode 3 limitations as follows: “Foreign service suppliers are permitted to establish partly foreign-invested enterprises only, and foreign investment in the enterprises shall be no more than 49 per cent”.
- Domestic Services a. Voice services b. Packet-switched data transmission services c. Circuit-switched data transmission services f. Facsimile services g. Domestic private leased circuit services	Modify mode 3 limitations as follows: “Foreign service suppliers are permitted to establish partly foreign-invested enterprises only, and foreign investment in the enterprises shall be no more than 49 per cent”.

Sector/Subsector	Market Access Improvements
<ul style="list-style-type: none"> <li>- International Services               <ul style="list-style-type: none"> <li>a. Voice services</li> <li>b. Packet-switched data transmission services</li> <li>c. Circuit-switched data transmission services</li> <li>f. Facsimile services</li> <li>g. International closed user group voice and data services (use of private leased circuit service is permitted)</li> </ul> </li> </ul>	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>	
(CPC 511, 512, 513 <sup>2</sup> , 514, 515, 516, 517, 518 <sup>3</sup> )	Modify mode 3 limitations as “None”.
<b>4. DISTRIBUTION SERVICES<sup>4</sup></b>	
<ul style="list-style-type: none"> <li>A. Commission Agents’ Services (excluding salt, tobacco)</li> <li>B. Wholesale Trade Services (excluding salt, tobacco)</li> </ul>	Modify mode 3 limitations as follows: “None”.
C. Retailing Services (excluding tobacco)	Modify mode 3 limitations as follows: “None”.
D. Franchising	Modify mode 3 limitations as follows: “None”.

<sup>2</sup> Including dredging services relating to infrastructure construction.

<sup>3</sup> Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

<sup>4</sup> For greater certainty, the exclusion of “tobacco” in the distribution services sector includes the exclusion of the distribution of electronic cigarettes and other new-type tobacco products.

Sector/Subsector	Market Access Improvements
E. Wholesale or retail trade services away from a fixed location.	Modify mode 3 limitations as follows: "None." <sup>4</sup>
<b>6. ENVIRONMENTAL SERVICES</b> (excluding environmental quality monitoring and pollution source inspection)	
A. Sewage Services (CPC 9401) B. Solid Waste Disposal Services (CPC 9402) C. Cleaning Services of Exhaust Gases (CPC 9404) D. Noise Abatement Services (CPC 9405) E. Nature and Landscape Protection Services (CPC 9406) F. Other Environmental Protection Services (CPC 9409) G. Sanitation Services (CPC 9403)	Modify mode 3 from "Foreign services suppliers engaged in environmental services are permitted to provide services only in the form of joint ventures, with foreign majority ownership permitted" to "None".
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>	
C. Social Services - Services for the aged (part of CPC 93311 and 93323)	Insert new mode 3 commitments as follows: "Service suppliers of a Party are permitted to establish wholly foreign-owned profit-making institutions for the aged in China".
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>	
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	Modify mode 3 limitations as follows: "Foreign services suppliers may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are

<sup>4</sup> See paragraph 310 of the Working Party Report on the Accession of China to the WTO.

Sector/Subsector	Market Access Improvements
	permitted.”
B. Travel Agency and Tour Operator (CPC 7471)	Modify mode 3 limitations as follows: “None”.
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b> (other than audiovisual services)	
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, including yoga, excluding golf)	Insert new commitments with “None” for mode 3.
<b>11. TRANSPORT SERVICES</b>	
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	Modify mode 3 limitations as follows: “None”.
- Maintenance and repair services of motor vehicles (CPC 61120)	Insert new commitments with “ wholly foreign-owned subsidiaries will be permitted” for mode 3.
H. Auxiliary Services a. Maritime cargo-handling services (CPC 741) c. Customs clearance services for maritime transport d. Container station and depot services e. Maritime agency services	Modify mode 3 limitations as follows: “None”.
C. Air Transport Services d. Aircraft repair and maintenance services (CPC 8868)	Delete the limitation of “Licenses for the establishments of joint ventures are subject to economic needs test” for mode 3.

Sector/Subsector	Market Access Improvements
<ul style="list-style-type: none"> <li>- Computer Reservation System (CRS) services</li> </ul>	<p>Modify mode 3 from “unbound” to “Foreign service suppliers are permitted to establish partly foreign-invested enterprises with Chinese Computer Reservation System in China. The Chinese side shall hold controlling shares or be in a dominant position in the enterprises. Licences for the establishment of enterprises are subject to economic needs test”.</p>
<p>E. Rail Transport Services</p> <ul style="list-style-type: none"> <li>- Freight transportation by rail (CPC 7112)</li> <li>- Supporting services for rail transport services (CPC 743)</li> </ul>	<p>Modify mode 3 limitations as follows: “None”.</p>
<p>F. Road Transport Services</p> <ul style="list-style-type: none"> <li>- Freight transportation by road in trucks or cars (CPC 7123)</li> </ul>	<p>Modify mode 3 limitations as follows: “None”.</p>
<p>Passenger Transportation</p> <ul style="list-style-type: none"> <li>- Urban and suburban regular transportation (CPC 71211)</li> <li>- Urban and suburban special transportation (CPC 71212)</li> <li>- Interurban regular transportation (CPC 71213)</li> <li>- Interurban special transportation (CPC 71214)</li> </ul>	<p>Insert new commitments with “None” for mode 3.</p>
<p>H. Services Auxiliary to all modes of Transport</p> <ul style="list-style-type: none"> <li>- Storage and warehousing services (CPC 742)</li> </ul>	<p>Modify mode 3 limitations as follows: “None”.</p>
<ul style="list-style-type: none"> <li>- Freight forwarding agency</li> </ul>	<p>Modify mode 3 limitations as follows: “Foreign</p>

Sector/Subsector	Market Access Improvements
services (CPC 748)	<p>freight forwarding agencies which have at least three consecutive years' experience are permitted to set up partly foreign-invested freight forwarding agency in China.</p> <p>Wholly foreign-owned subsidiaries permitted.</p> <p>Operation term of the partly foreign-invested enterprises shall not exceed 20 years.</p> <p>After one year operating in China, a partly foreign-invested enterprise can set up branches.</p> <p>A foreign freight forwarding agency may set up a second partly foreign-invested enterprise after its first enterprise has been in operation for two years”.</p>
- Freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	<p>Modify mode 3 limitations as follows:</p> <p>“Foreign services suppliers which have been engaged in inspection services in their home countries for more than three years are permitted to establish partly foreign-invested enterprises conducting technical testing, analysis and freight inspection with no less than US\$ 350,000 in registered capital.</p> <p>Wholly foreign-owned subsidiaries are permitted.”</p>
<b>12. OTHER SERVICES NOT INCLUDED ELSEWHERE</b>	
- Specialty design services (CPC 87907)	Insert new commitments with “None” for mode 3.
- Hairdressing and other beauty services (CPC 9702)	Insert new commitments with “None” for mode 3.

**PART B – SINGAPORE'S SCHEDULE OF RESERVATIONS AND NON-  
CONFORMING MEASURES FOR SERVICES AND INVESTMENT**

## LIST I

### EXPLANATORY NOTES

1. List I of the Schedule of Singapore in this Annex sets out, pursuant to Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and Article 6*ter* (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), the reservations taken by Singapore with respect to measures that do not conform with obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment);
- (d) Article 6 (Local Presence) of Chapter 8 (Cross-Border Trade in Services);
- (e) Article 6 (Prohibition of Performance Requirements) of Chapter 10 (Investment); or
- (f) Article 6*bis* (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. In the interpretation of a reservation, all elements of the reservation shall be considered in their totality.

3. With respect to the cross-border trade in services, Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.

4. The reservations and commitments relating to the cross-border trade in services shall be read together with the relevant guidelines stated in *Scheduling of Initial Commitments in Trade in Services: Explanatory Note* dated 3 September 1993 (MTN.GNS/W/164) and *Scheduling of Initial Commitments in Trade in Services: Explanatory Note: Addendum* dated 30 November 1993 (MTN.GNS/W/164/Add.1).

5. Each entry in List I sets out the following elements:
- (a) **Sector** refers to the general sector for which the entry is made;
  - (b) **Subsector**, where referenced, refers to the specific subsector for which the entry is made;
  - (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, 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);
  - (d) **Obligations Concerned** specifies the obligations (Market Access, National Treatment, Most-Favoured-Nation Treatment, Local Presence, Prohibition of Performance Requirements, and Senior Management and Board of Directors) against which a reservation is taken;
  - (e) **Description** sets out the non-conforming measures to which the reservation applies; and
  - (f) **Source of Measure** identifies, for transparency purposes, the laws, regulations, or other measures to which the entry applies. The measures stipulated therein are not exhaustive.
6. Whenever, in this List I, the supply of services is conditioned upon obtaining licensing or authorisation from relevant regulatory authorities, it shall be understood that the licensing or authorisation process is non-automatic, requiring a case-by-case evaluation, and the regulatory authorities may exercise discretion over their decisions.
7. The Schedule of China shall not be used to interpret Singapore's commitments or obligations under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).
8. For greater certainty, the fact that a Party has described a measure in the Description element of an entry does not necessarily mean that, in the absence of such an entry, the measure would be inconsistent with that Party's obligation under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).

1.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>A non-resident financial institution may in certain circumstances be unable to borrow in Singapore dollars (S\$) more than S\$5 million from a resident financial institution owing to the following restrictions placed on financial institutions' lending of the Singapore dollar to non-resident financial institutions.</p> <p>A financial institution shall not extend to any non-resident financial institution S\$ credit facilities exceeding S\$5 million per non-resident financial institution:</p> <p>(a) where the S\$ proceeds are to be used outside of Singapore, unless:</p> <p>(i) such proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad; or</p> <p>(ii) such proceeds are for the purpose of preventing settlement failures where the financial institution extends a temporary S\$ overdraft to any vostro account of any non-resident financial institution, and the financial institution takes reasonable efforts to ensure that the overdraft is covered within two business days; and</p> <p>(b) where there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation, regardless of whether the S\$</p>

		<p>proceeds are to be used in Singapore or outside of Singapore.</p> <p>A financial institution shall not arrange S\$ equity or bond issues for any non-resident financial institution where the S\$ proceeds are to be used outside Singapore, unless the proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad.</p> <p>"Non-residents financial institution" means any financial institution which is not a resident as defined in the relevant notice.</p>
	<p>Source of Measure</p>	<p>: <i>Insurance Act 1966</i>, MAS Notice 109</p> <p><i>Banking Act 1970</i>, MAS Notice 757</p> <p><i>Finance Companies Act 1967</i>, MAS Notice 816</p> <p><i>Monetary Authority of Singapore Act 1970</i>, MAS Notice 1105</p> <p><i>Securities and Futures Act 2001</i>, MAS Notice SFA 04-N04</p>

2.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Investment)
	Description	:	<p><u>Investment:</u></p> <p>The aggregate of foreign shareholdings in PSA Corporation or its successor body is subject to a 49 per cent limit.</p> <p>The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:</p> <ul style="list-style-type: none"> <li>(a) any individual who is not a Singapore citizen;</li> <li>(b) any corporation which is not more than 50 per cent owned by Singapore citizens or by the Singapore Government; or</li> <li>(c) any other enterprise which is not owned or controlled by the Singapore Government.</li> </ul>
	Source of Measure	:	This is an administrative policy of the Singapore Government and is inscribed in the Memorandum and Articles of Association of PSA Corporation.

3.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Investment)
	Description	:	<p><u>Investment:</u></p> <p>All individual investors, apart from the Singapore Government, will be subject to the following equity ownership limits in the enterprises, or its successor bodies, as listed below:</p> <p>(a) Singapore Technologies Engineering – 15 per cent;</p> <p>(b) PSA Corporation – 5 per cent;</p> <p>(c) Singapore Airlines – 5 per cent; and</p> <p>(d) PowerGas, SP PowerGrid, SP PowerAssets, Singapore LNG Corporation – 12 per cent.</p> <p>For the purposes of this reservation, ownership of equity by an investor in these enterprises or its successor bodies includes both direct and indirect ownership of equity.</p>
	Source of Measure	:	<p>This is an administrative policy of the Singapore Government and is inscribed in the Memorandum and Articles of Association of the relevant enterprises.</p> <p><i>Gas Act 2001, 2020 Revised Edition, Section 63B</i></p> <p><i>Electricity Act 2001, 2020 Revised Edition, Section 30B</i></p>

4.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Local Presence
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Where a person required to be registered under the <i>Business Names Registration Act 2014</i>, or, in the case of any corporation, the directors, or secretaries of the corporation, do not reside in Singapore, an authorised representative who must be ordinarily resident* in Singapore must be appointed.</p> <p>*Persons who qualify to be appointed in such a capacity are primarily Singapore citizens, Singapore permanent residents and EntrePass holders (all with local address).</p>
	Source of Measure	:	<p><i>Business Names Registration Act 2014, 2020 Revised Edition</i></p> <p><i>Business Names Registration Regulations 2015</i></p>

5.	Sector	:	Business Services
	Subsector	:	Patent Agent Services
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) or its successor body and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore.  Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.
	Source of Measure	:	<i>Patents Act 1994, 2020 Revised Edition</i>

6.	Sector	:	Business Services
	Subsector	:	Placement and supply services of personnel
	Industry Classification	:	-
	Obligations Concerned	:	Local Presence
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.</p>
	Source of Measure	:	<i>Employment Agencies Act 1958, 2020 Revised Edition</i>

7.	Sector	:	Business Services
	Subsector	:	Private Investigation Services Unarmed Guard Services
	Industry Classification	:	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment) Market Access Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Local Presence Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of Unarmed Guard Services, Private Investigation Services, and Security Services, which are regulated under the <i>Private Security Industry Act 2007</i> for the protection of vital security interests.  This reservation does not apply to obligations under Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) and Article 3 (National Treatment) of Chapter 10 (Investment) in respect of the supply of a service by (1) or (2), or investors of the other Party or covered investments in the following sectors:  (a) security consultation services (CPC 87302); and

		<p>(b) unarmed guard services (CPC 87305),</p> <p>except that:</p> <ul style="list-style-type: none"> <li>(i) foreigners are permitted to set up agencies to provide unarmed guards for hire but must register a company with local participation. At least one of the directors must be a Singapore citizen or Singapore permanent resident;</li> <li>(ii) the foreign directors of the companies must produce a certificate of no criminal conviction from their country of origin;</li> <li>(iii) foreigners, except Malaysians, are not allowed to work as security officers, but can be involved in the administration of the company.</li> </ul> <p>For the purposes of this reservation:</p> <ul style="list-style-type: none"> <li>(1) refers to the supply of a service from the territory of a Party into the territory of the other Party; and</li> <li>(2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.</li> </ul>
	Source of Measure	: <i>Private Security Industry Act 2007, 2020 Revised Edition</i>

8.	Sector	:	Education Services
	Subsector	:	Higher Education Services in relation to the training of doctors
	Industry Classification	:	CPC 92390 Other Higher Education Services (Only applies to Higher Education Services in relation to the training of doctors)
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only local tertiary institutions which are established pursuant to an Act of Parliament, or as designated by the Ministry of Education shall be allowed to operate recognised undergraduate or graduate programmes for the training of doctors in Singapore.  Currently, only the National University of Singapore and the Nanyang Technological University are allowed to operate recognised undergraduate or graduate programmes for the training of doctors in Singapore.
	Source of Measure	:	<i>Medical Registration Act 1997, 2020 Revised Edition, Sections 2, 3, 34 and 35</i>  <i>Private Education Act 2009, 2020 Revised Edition</i>

9.	Sector	:	Health and Social Services
	Subsector	:	Medical Services Pharmacy Services  Deliveries and related services, nursing services, para-medical services and allied health services  Optometrists and Opticians
	Industry Classification	:	-
	Obligations Concerned	:	Local Presence
	Description	:	<u>Cross-Border Trade in Services:</u>  Only persons who are resident in Singapore are allowed to provide the following services: medical services, pharmacy services, deliveries and related services, nursing services, para-medical services and allied health services and optometry and opticianry services.
	Source of Measure	:	<i>Medical Registration Act 1997, 2020 Revised Edition</i>  <i>Pharmacists Registration Act 2007, 2020 Revised Edition</i>  <i>Medicines Act 1975, 2020 Revised Edition</i>  <i>Health Products (Licensing of Retail Pharmacies) Regulations 2016</i>  <i>Nurses and Midwives Act 1999, 2020 Revised Edition</i>  <i>Allied Health Professions Act 2011, 2020 Revised Edition</i>  <i>Optometrists and Opticians Act 2007, 2020 Revised Edition</i>

10.	Sector	:	Import, export and trading services
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	Local Presence
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Only services suppliers with local presence shall be allowed to apply for import or export permits, certificates of origin or other trade documents from the relevant authorities.</p>
	Source of Measure	:	<p><i>Regulation of Imports and Exports Act 1995, 2020 Revised Edition</i></p> <p><i>Regulation of Imports and Exports Regulations</i></p>

11.	Sector	:	Telecommunication Services
	Subsector	:	Telecommunication Services
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Facilities-based operators and service-based operators must be locally incorporated under the <i>Companies Act 1967</i>, 2020 Revised Edition.</p> <p>“Facilities-based operators” are operators who deploy any form of telecommunication networks, systems and facilities, outside of their own property boundaries, to offer telecommunication services to third parties, which may include other licensed telecommunication operators, business customers, or the general public.</p> <p>“Service-based operators” are operators who lease telecommunication network elements (such as transmission capacity and switching services) from any Facilities-Based Operator (FBO) licensed by Infocomm Media Development Authority of Singapore (IMDA) so as to provide their own telecommunication services, or to resell the telecommunication services of FBOs to third parties.</p> <p>The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.</p>

	Source of Measure	:	<i>Info-communications Media Development Authority Act 2016, 2020 Revised Edition</i> <i>Telecommunications Act 1999, 2020 Revised Edition</i>
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12.	Sector	:	Power Supply
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Power producers shall not be allowed to sell power directly to consumers and shall only sell power through the Singapore electricity wholesale market operators licensed by the Energy Market Authority.
	Source of Measure	:	<i>Electricity Act 2001</i> , 2020 Revised Edition, Sections 6(1) and 9(1)

13.	Sector	:	Power Supply
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only retail electricity licensees with local presence may supply electricity in Singapore.*  * With the full liberalisation of Singapore's retail electricity market (i.e. Open Electricity Market Initiative), the retailing of electricity to all consumers shall be subject to competition as consumers could buy electricity from retail electricity licensees as well.
	Source of Measure	:	<i>Electricity Act 2001</i> , 2020 Revised Edition, Sections 6(1) and 9(1)

14.	Sector	:	Power Transmission and Distribution
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only a Transmission Licensee shall be the owner and operator of the electricity transmission and distribution network in Singapore.
	Source of Measure	:	<i>Electricity Act 2001</i> , 2020 Revised Edition, Sections 6(1) and 9(1)

15.	Sector	:	Tourism and Travel Related Services
	Subsector	:	<p>Beverage serving services for consumption on the premises</p> <p>Meal serving services in eating facilities run by the Singapore Government</p> <p>Retail sales of food</p>
	Industry Classification	:	<p>CPC 643 Beverage serving services for consumption on the premises</p> <p>CPC 642 Food serving services</p> <p>CPC 6310 Retail sales of food</p>
	Obligations Concerned	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Only a Singapore citizen or permanent resident can apply for a licence to operate a stall in government-run markets or hawker centres, in their personal capacity.</p>
	Source of Measure	:	<i>Environmental Public Health Act 1987, 2020 Revised Edition</i>

16.	Sector	:	Refuse Disposal, Sanitation and other Environmental Protection Services
	Subsector	:	Waste Management, including collection, disposal, and treatment of hazardous waste
	Industry Classification	:	-
	Obligations Concerned	:	Market Access Local Presence
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Foreign service suppliers must be locally incorporated in Singapore.</p> <p>The public waste collectors (PWCs) rendering services to domestic and trade premises are appointed by public competitive tender. The number of PWCs is limited by the number of geographical sectors in Singapore. For industrial and commercial waste, the market is opened to any licensed general waste collectors (GWCs).</p>
	Source of Measure	:	<i>Environmental Public Health Act 1987, 2020 Revised Edition</i>

17.	Sector	:	Trade Services
	Subsector	:	Distribution and Sale of Hazardous Substances
	Industry Classification	:	-
	Obligations Concerned	:	Market Access Local Presence
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Only service suppliers with a local presence shall be allowed to distribute and sell hazardous substances as defined in the <i>Environmental Protection and Management Act 1999</i>.</p> <p>Singapore reserves the right and flexibility to modify or increase the list of hazardous substances as defined or listed in the <i>Environmental Protection and Management Act 1999</i>.</p>
	Source of Measure	:	<i>Environmental Protection and Management Act 1999</i> , 2020 Revised Edition, Section 22

18.	Sector	:	Manufacturing and Services Incidental to Manufacturing
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  The manufacture of the following products, and services incidental to the manufacture of these products, in Singapore, may be subject to certain restrictions:  (a) beer and stout; (b) cigars; (c) drawn steel products; (d) chewing gum, bubble gum, dental chewing gum or any like substance, not being a health product categorized as an oral dental gum or a therapeutic product in the First Schedule to the <i>Health Products Act 2007</i> ; (e) cigarettes; and (f) matches.
	Source of Measure	:	<i>Control of Manufacture Act 1959</i> , 2020 Revised Edition  <i>Health Products Act 2007</i> , 2020 Revised Edition

19.	Sector	:	Trade Services
	Subsector	:	Distribution Services Retailing Services Wholesale Trade Services
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services) Market Access Local Presence
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Only service suppliers with local presence shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the <i>Medicines Act 1975</i> and <i>Health Products Act 2007</i>, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.</p> <p>Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices and cosmetics products.</p> <p>Singapore reserves the right and flexibility to modify or increase the list of medical and health-related products and materials as defined or listed in the <i>Medicines Act 1975</i> and <i>Health Products Act 2007</i>.</p>
	Source of Measure	:	<i>Medicines Act 1975</i> , 2020 Revised Edition <i>Health Products Act 2007</i> , 2020 Revised Edition

20.	Sector	:	Transportation and Distribution of Manufactured Gas and Natural Gas
	Subsector	:	-
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only the holder of a gas transporter licence shall be allowed to transport and distribute manufactured and natural gas.  Only one gas transporter licence has been issued given the size of the Singapore market.
	Source of Measure	:	<i>Gas Act 2001, 2020 Revised Edition</i>

21.	Sector	:	Business Services
	Subsector	:	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
	Industry Classification	:	CPC 83101, 83102, 83105 Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services)  Market Access
	Description	:	<u>Cross-Border Trade in Services:</u>  The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.
	Source of Measure	:	<i>Road Traffic Act 1961, 2020 Revised Edition</i>

22.	Sector	:	Transport Services
	Subsector	:	Maritime Transport Services Cargo Handling Services Pilotage Services Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
	Industry Classification	:	CPC 741 Cargo Handling Services CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services) CPC 74590 Other Supporting Services for Water Transport
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment) Market Access Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only PSA Corporation Ltd and Jurong Port Pte Ltd or their respective successor bodies are allowed to provide cargo handling services.  Only PSA Marine (Pte) Ltd or its successor bodies are allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.
	Source of Measure	:	<i>Maritime and Port Authority of Singapore Act 1996</i> , 2020 Revised Edition, Section 81

23.	Sector	:	Transport Services
	Subsector	:	Maritime Transport Services
	Industry Classification	:	-
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals.  Local service suppliers are either Singapore citizens or juridical persons which are more than 50 per cent owned by Singapore citizens.
	Source of Measure	:	<i>Maritime and Port Authority of Singapore Act 1996, 2020 Revised Edition, Section 81</i>

24.	Sector	:	Telecommunications Services
	Subsector	:	Telecommunications services  Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)
	Industry Classification	:	-
	Obligations Concerned	:	Market Access  Local Presence
	Description	:	<u>Cross-Border Trade in Services:</u>  A registrar must be a company incorporated or a foreign company registered under the <i>Companies Act 1967</i> , 2020 Revised Edition.
	Source of Measure	:	<i>Info-communications Media Development Authority Act 2016</i> , 2020 Revised Edition  <i>Telecommunications Act 1999</i> , 2020 Revised Edition  The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.

25.	Sector	:	Community, Personal and Social Services
	Subsector	:	Services furnished by co-operative societies
	Industry Classification	:	CPC 959 Services furnished by membership organizations n.e.c (only applies to co-operative society services)
	Obligations Concerned	:	National Treatment (Cross-Border Trade in Services and Investment)  Senior Management and Board of Directors  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Only service suppliers with a local presence can be registered under the <i>Co-operative Societies Act 1979</i> . Registration allows a co-operative society to be exempt from taxation measures applicable to other enterprises. Instead, co-operative societies are required to make a two-tier contribution of their surplus to the Central Co-operative Fund (CCF) and CCF/Singapore Labour Foundation respectively as the society may opt.  As a general rule, only Singapore citizens are allowed to hold office or be a member of the management committee of a co-operative society. Foreigners may be allowed to hold office or be a member of the management committee of a co-operative society, with the approval of the Registrar of Co-operative Societies.  A person who is not a Singapore citizen can form and join a co-operative society if he or she is resident in Singapore.
	Source of Measure	:	<i>Co-operative Societies Act 1979</i> , 2020 Revised Edition  <i>Co-operative Societies Rules 2009</i>

**LIST II**  
**EXPLANATORY NOTES**

1. List II of the Schedule of Singapore in this Annex sets out, pursuant to Article 7 (Reservations and Non-Conforming Measures) of Chapter 8 (Cross-Border Trade in Services) and Article 6<sup>ter</sup> (Reservations and Non-Conforming Measures) of Chapter 10 (Investment), the reservations taken by Singapore for sectors, subsectors or activities for which it may maintain existing or adopt new or more restrictive measures that do not conform with obligations imposed by:

- (a) Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services);
- (b) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 3 (National Treatment) of Chapter 10 (Investment);
- (c) Article 5 (Most-Favoured-Nation Treatment) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (Most-Favoured-Nation Treatment) of Chapter 10 (Investment);
- (d) Article 6 (Local Presence) of Chapter 8 (Cross-Border Trade in Services);
- (e) Article 6 (Prohibition of Performance Requirements) of Chapter 10 (Investment); or
- (f) Article 6<sup>bis</sup> (Senior Management and Board of Directors) of Chapter 10 (Investment).

2. In the interpretation of a reservation, all elements of the reservation shall be considered in their totality.

3. With respect to the cross-border trade in services, Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.

4. The reservations and commitments relating to the cross-border trade in services shall be read together with the relevant guidelines, stated in *Scheduling of Initial Commitments in Trade in Services: Explanatory Note* dated 3 September 1993 (MTN.GNS/W/164) and *Scheduling of Initial Commitments in Trade in Services: Explanatory Note: Addendum* dated 30 November 1993 (MTN.GNS/W/164/Add.1).

5. Each entry in List II sets out the following elements:

- (a) **Sector** refers to the general sector for which the entry is made;
- (b) **Subsector**, where referenced, refers to the specific subsector for which the

entry is made;

- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, 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);
- (d) **Type of Reservation** specifies the obligations (Market Access, National Treatment, Most-Favoured-Nation Treatment, Local Presence, Prohibition of Performance Requirements, and Senior Management and Board of Directors) against which a reservation is taken;
- (e) **Description** sets out the non-conforming measures to which the reservation applies; and
- (f) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sector, subsector, or activities covered by the entry. The measures stipulated therein are not exhaustive.

6. Whenever, in this List II, the supply of services is conditioned upon obtaining licensing or authorisation from relevant regulatory authorities, it shall be understood that the licensing or authorisation process is non-automatic, requiring a case-by-case evaluation, and the regulatory authorities may exercise discretion over their decisions.

7. The Schedules of China shall not be used to interpret Singapore's commitments or obligations under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).

8. For greater certainty, the fact that a Party has described a measure in the Description element of an entry does not necessarily mean that, in the absence of such an entry, the measure would be inconsistent with that Party's obligation under Chapter 8 (Cross-Border Trade in Services) or Chapter 10 (Investment).

9. Commitments on measures with respect to or relating to trade in financial services are undertaken subject to the limitations and conditions set forth in Chapter 8 (Cross Border Trade in Services), Chapter 10 (Investment), these headnotes and the Schedule below.

10. To clarify Singapore's commitments with respect to Article 3 (Market Access) of Chapter 8 (Cross Border Trade in Services), juridical persons supplying financial services are subject to non-discriminatory limitations on juridical form.<sup>1</sup>

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<sup>1</sup> For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in Singapore. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

11. (a) Singapore reserves the right to require a foreign bank that is systemically important to incorporate within Singapore, provided that such a requirement is applied in a reasonable, objective and impartial manner. Before imposing such a requirement, Singapore will take into account such factors as the quality of the home country regulation and supervision over the bank, degree of protection accorded to depositors in the home country *vis-à-vis* depositors in Singapore, and the amount of assets held or situated in Singapore.
- (b) Singapore shall not impose the requirement described in subparagraph (a) with respect to a foreign bank of the other Party, unless it:
- (i) notifies the bank and the other Party of its intent at least six months before imposing the requirement;
  - (ii) consults with the other Party concerning the requirement and gives due consideration to the views expressed by the other Party in this respect; and
  - (iii) allows the bank a reasonable time to comply with the requirement.

1.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
	Description	:	<u>Cross-Border Trade in Services:</u>  Singapore reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay, subject to Chapter 9 (Movement of Natural Persons).
	Existing Measure	:	-

2.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure in relation to the development or usage of land or the type of activities which may be conducted on land in accordance with its land zoning, land use, urban planning policies, development control, conservation and preservation policies as well as policies relating to environmental protection, nature reserves and national parks.
	Existing Measure	:	<i>Planning Act 1998, 2020 Revised Edition</i>

3.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of health services by government-owned or controlled healthcare institutions, such as hospitals and polyclinics, including investments in these institutions, hospitals and polyclinics.</p>
	Existing Measure	:	-

4.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of social services, social security, public training, public law enforcement and ambulance services.</p>
	Existing Measure	:	-

5.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting, including the alienation and divestment of, real estate owned by the State.</p>
	Existing Measure	:	<i>State Lands Act 1920, 2020 Revised Edition</i>

6.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting:</p> <ul style="list-style-type: none"> <li>(a) the full or partial devolvement to the private sector of services provided in the exercise of governmental authority;</li> <li>(b) the divestment of its equity interests in, or the assets of, an enterprise that is wholly owned by the Singapore Government; and</li> <li>(c) the divestment of its equity interests in, or the assets of, an enterprise that is partially owned by the Singapore Government.</li> </ul> <p>However, the right referred to in the preceding paragraph shall, in respect of measures affecting:</p> <ul style="list-style-type: none"> <li>(i) subparagraph (a) (to the extent that the development is accompanied by a divestment), and</li> <li>(ii) subparagraphs (b) and (c),</li> </ul>

			pertain only to the initial divestment and Singapore does not reserve this right with respect to subsequent divestments of such divested equity interests and/or assets. <sup>2</sup>
	Existing Measure	:	-

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<sup>2</sup> For greater certainty, any transfer of equity interests or assets to an enterprise that is wholly owned by the Singapore government, whether for consideration or not, shall not be considered to be a divestment.

7.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting real estate. This includes measures affecting the ownership, sale, purchase, development and management of real estate.</p> <p>This reservation does not apply to real estate consultancy services, real estate agency services, real estate auction services, real estate valuation services, and renting or leasing services involving owned or leased non-residential property.</p>
	Existing Measure	:	<p><i>Residential Property Act 1976, 2020 Revised Edition</i></p> <p><i>State Lands Act 1920, 2020 Revised Edition</i></p> <p><i>Housing and Development Act 1959, 2020 Revised Edition</i></p> <p><i>Jurong Town Corporation Act 1968, 2020 Revised Edition</i></p>

		<i>Executive Condominium Housing Scheme Act 1996, 2020 Revised Edition</i> <i>Planning Act 1998, 2020 Revised Edition</i>
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8.	Sector	:	Administration and Operation of National Electronic Systems
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure relating to or affecting the collection and administration of proprietary information by national electronic systems.</p>
	Existing Measure	:	-

9.	Sector	:	Arms and Explosives
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the arms and explosives sector.</p>
	Existing Measure	:	<i>Arms and Explosives Act 1913, 2020 Revised Edition</i>

10.	Sector	:	Broadcasting Services  Broadcasting is defined as the transmission of signs or signals via any technology for the reception or display of aural or visual programme signals by all or part of the public.
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting broadcasting services receivable by Singapore's domestic audience or originating from Singapore and to the allocation of spectrum in relation to broadcasting services.  This entry does not apply to the sole activity of transmitting licensed broadcasting services to a final consumer.  Commitments in the production, distribution and public display of motion pictures, video recordings and sound recordings shall not include all the broadcasting and audio-visual services and materials that are broadcasting-related. Examples of services that are reserved include: free-to-air broadcasting, cable and pay television, direct

			broadcasting by satellite and teletext.
	Existing Measure	:	-

11.	Sector	:	Entertainment and Cultural Services
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure relating to the creative arts, cultural heritage and other cultural industries, including entertainment services and other cultural services.</p> <p>“Creative arts” includes: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative online, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid arts work which uses new technologies to transcend discrete artform divisions.</p> <p>“Cultural heritage” includes: 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, as well as intangible cultural heritage.</p>

	Existing Measure	:	-
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12.	Sector	:	Business Services
	Subsector	:	Patent Agent Services
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the recognition of educational and professional qualifications for purposes such as the admission, registration and qualification of patent agents.</p>
	Existing Measure	:	<i>Patents Act 1994, 2020 Revised Edition</i>

13.	Sector	:	Business Services
	Subsector	:	Armed Escort Services and Armoured Car Services Armed Guard Services
	Industry Classification	:	CPC 87305 Guard Services
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the provision of armed escort, armoured car and armed guard services.
	Existing Measure	:	<i>Police Force Act 2004, 2020 Revised Edition, Part 9</i>

14.	Sector	:	Business Services
	Subsector	:	Betting and Gambling Services
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of betting and gambling services.</p>
	Existing Measure	:	<p><i>Gambling Control Act 2022 (No. 15 of 2022)</i></p> <p><i>Gambling Regulatory Authority of Singapore Act 2022 (No. 14 of 2022)</i></p> <p><i>Casino Control Act 2006, 2020 Revised Edition</i></p>

15.	Sector	:	Business Services - Professional Services (Legal Services)
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of legal services in Singapore.</p>
	Existing Measure	:	-

16.	Sector	:	Community, Personal and Social Services
	Subsector	:	Services furnished by trade unions
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting services provided by trade unions.
	Existing Measure	:	<i>Trade Unions Act 1940, 2020 Revised Edition</i>

17.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Investment) Senior Management and Board of Directors
	Description	:	<u>Investment:</u> Singapore reserves the right to adopt or maintain any measure in relation to the retention of a controlling interest by the Singapore Government in Singapore Technologies Engineering (the Company) or its successor body, including but not limited to controls over the appointment and termination of members of the Board of Directors, divestment of equity and dissolution of the Company.
	Existing Measure	:	-

18.	Sector	:	Distribution, Publishing and Printing of Newspapers
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the publishing or printing of newspapers, including shareholding limits and management control.</p> <p>The distribution of any newspaper, whether published outside of Singapore or in Singapore, shall be subject to the laws of Singapore.</p> <p>“Newspapers” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments, in relation to such news, intelligence, reports of occurrences, or to any matter of public interest, printed in any language and published for sale or free distribution at regular intervals or otherwise, but does not include any publication published by or for the Singapore Government.</p>

	Existing Measure	:	<i>Newspaper and Printing Presses Act 1974, 2020</i> Revised Edition
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19.	Sector	:	Trade Services
	Subsector	:	Distribution Services Commission Agents' Services Wholesale Trade Services Retailing Services Franchising
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment) Market Access Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of any products subject to import prohibition or non-automatic import licensing.  Singapore reserves the right to modify or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import prohibition or non-automatic import licensing regime.
	Existing Measure	:	-

20.	Sector	:	Educational Services
	Subsector	:	Primary Education Services Secondary Education Services
	Industry Classification	:	CPC 921 Primary Education Services CPC 92210 General Secondary Education Services CPC 92220 Higher Secondary Education Services (only applies to junior colleges and pre-university centres under the Singapore educational system)
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of primary, general secondary and higher secondary (only applies to junior colleges and pre-university centres under the Singapore educational system) education services for Singapore citizens, including Sports Education Services.
	Existing Measure	:	<i>Education Act 1957, 2020 Revised Edition</i>  Administrative Guidelines  <i>Private Education Act 2009, 2020 Revised Edition</i>

21.	Sector	:	Health and Social Services
	Subsector	:	Medical Services Pharmacy Services Deliveries and related services, nursing services, para-medical services and allied health services <sup>3</sup> Optometrists and Opticians
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services) Market Access
	Description	:	<u>Cross-Border Trade in Services:</u>  Singapore reserves the right to adopt or maintain any limit on the number of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, para- medical services and allied health services and optometry and opticianry services.  Singapore reserves the right to adopt or maintain any measure with respect to the regulation of service suppliers providing, including but not limited to, the following services: medical services, pharmacy services, deliveries and related services, nursing services, para-medical services and allied health services and optometry and opticianry services.  This reservation does not apply to obligations under:  (a) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) in respect of

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<sup>3</sup> Includes physiotherapy services.

		<p>the supply of a service by (1);</p> <p>(b) Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) in respect of the supply of a service by (2), or</p> <p>(c) Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services) in respect of the supply of a service by (2) or investors of the other Party or covered investments,</p> <p>in the sector of medical services, specifically general medical services (CPC 93121) and specialised medical services (CPC 93122), except that Singapore may limit the number of new foreign doctors registered each year depending on the total supply of doctors.</p> <p>For the purposes of this reservation:</p> <p>(1) refers to the supply of a service from the territory of a Party into the territory of the other Party; and</p> <p>(2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.</p>
	Existing Measure	<p>: <i>Allied Health Professions Act 2011, 2020 Revised Edition</i></p> <p><i>Medical Registration Act 1997, 2020 Revised Edition</i></p> <p><i>Pharmacists Registration Act 2007, 2020 Revised Edition</i></p> <p><i>Medicines Act 1975, 2020 Revised Edition</i></p> <p><i>Health Products (Licensing of Retail Pharmacies) Regulations 2016</i></p> <p><i>Nurses and Midwives Act 1999, 2020 Revised Edition</i></p> <p><i>Optometrists and Opticians Act 2007, 2020 Revised</i></p>

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22.	Sector	:	Recreational, Cultural and Sporting Services
	Subsector	:	Archive services for government records
	Industry Classification	:	CPC 96312 Archive services
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of archive services for government records specified under the National Heritage Board or its successor body.
	Existing Measure	:	-

23.	Sector	:	Foreign Employee Dormitory Services
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of dormitory services for foreign employees.</p>
	Existing Measure	:	-

24.	Sector	:	Sewage Services
	Subsector	:	Waste Water Management, including collection, disposal and treatment of solid waste and waste water.
	Industry Classification	:	CPC 9401 Sewage Services
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting waste water management, including the collection, treatment and disposal of waste water.</p>
	Existing Measure	:	<p>Code of Practice on Sewerage and Sanitary Works</p> <p><i>Sewerage and Drainage Act 1999, 2020 Revised Edition</i></p>

25.	Sector	:	Postal Services
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of postal services.</p>
	Existing Measure	:	-

26.	Sector	:	Telecommunications Services <sup>4</sup>
	Subsector	:	Telecommunications Services
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of Telecommunications Services, except for the following sectors and subsectors which are subject to the limitations, conditions and qualifications <sup>5</sup> listed herein:  (a) Basic Telecommunication Services <sup>6</sup> , including resale (facilities-based and services-based):  (i) Public Switched Services <sup>7</sup> (local and

<sup>4</sup> Telecommunication services exclude broadcasting services, which is defined as the transmission of signs or signals via any technology for the reception or display of aural or visual programme signals by all or part of the public.

<sup>5</sup> For supply of service from the territory of another Party into the territory of Singapore, market access is subject to commercial arrangements with licensed operators.

<sup>6</sup> Basic Telecommunication Services may be provided using satellite technology.

<sup>7</sup> This includes voice, data and facsimile services.

		<ul style="list-style-type: none"> <li>international);</li> <li>(ii) Leased Circuit Services (local and international);</li> <li>(b) Mobile Services<sup>8</sup> including resale (facilities-based and services-based): <ul style="list-style-type: none"> <li>(i) Public Mobile Data Service (PMDS);</li> <li>(ii) Public Trunked Radio Service (PTRS);</li> <li>(iii) Public Radio Paging Service (PRPS);</li> <li>(iv) Public Cellular Mobile Telephone Service (PCMTS); and</li> </ul> </li> <li>(c) The following value-added Network (VAN) services: <ul style="list-style-type: none"> <li>(i) electronic-mail;</li> <li>(ii) voice-mail;</li> <li>(iii) on-line information and data-base retrieval;</li> <li>(iv) electronic data interchange; and</li> <li>(v) on-line information and/or data processing.</li> <li>(vi) store-and-forward (S&amp;F)</li> <li>(vii) store-and-retrieve (S&amp;R)</li> </ul> </li> </ul>
	Existing Measure	: -

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<sup>8</sup> Mobile Services may be provided using satellite technology. For supply of service from the territory of another Party into the territory of Singapore, market access is subject to commercial arrangements with licensed operators.

27.	Sector	:	Trade Services
	Subsector	:	Supply of potable water for human consumption
	Industry Classification	:	CPC 18000 Natural Water  The sectors listed above apply only insofar as they relate to the supply of potable water.
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of potable water.  For greater certainty, this reservation does not affect the supply of bottled water.
	Existing Measure	:	<i>Public Utilities Act 2001, 2020 Revised Edition</i>

28.	Sector	:	Transport Services
	Subsector	:	Transportation services via pipeline
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services)  Market Access  Local Presence
	Description	:	<u>Cross-Border Trade in Services:</u>  Only service suppliers with local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products.  Singapore reserves the right and flexibility to modify or increase the list of the chemical and petroleum products, and other related products that are subject to this reservation.
	Existing Measure	:	-

29.	Sector	:	Transport Services
	Subsector	:	Air transport services
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting cross-border supply of:</p> <ul style="list-style-type: none"> <li>(a) aircraft repair and maintenance services;</li> <li>(b) the selling and marketing of air transport services;</li> <li>(c) computer reservation system services.</li> </ul> <p>This reservation does not apply to obligations under Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) and Article 3 (National Treatment) of Chapter 10 (Investment) in respect of the supply of a service:</p> <ul style="list-style-type: none"> <li>a. by (1) and (2) in respect of the following sectors: <ul style="list-style-type: none"> <li>(i) the selling and marketing of</li> </ul> </li> </ul>

		<p>air transport services; and  (ii) computer reservation system (CRS) services, or</p> <p>b. by (1), (2), and investors of the other Party or covered investments in respect of the sector of rental or leasing services without operators relating to aircraft (CPC 83104).</p> <p>For the purposes of this reservation:</p> <p>(1) refers to the supply of a service from the territory of a Party into the territory of the other Party; and</p> <p>(2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.</p> <p>Singapore reserves the right to adopt or maintain any measure affecting investments in air transport and air transport-related services.</p>
	Existing Measure	: <i>Civil Aviation Authority of Singapore Act 2009, 2020 Revised Edition</i>

30.	Sector	:	Business Services
	Subsector	:	Scientific and Technical Consulting Services
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of the following:  (a) surveying; (b) mapping; and (c) photography.
	Existing Measure	:	-

31.	Sector	:	Transport Services
	Subsector	:	Air Transport Services - Passengers Transportation by Air Freight Transportation by Air
	Industry Classification	:	CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure relating to the requirements of Singapore's bilateral and multilateral air services agreements.  Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline may have to be effectively controlled or substantially owned by the Singapore Government or citizens of Singapore or both.
	Existing Measure	:	<i>Air Navigation (Licensing of Air Services) Regulations</i>

32.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure in relation to the divestment of the administrator and operator of airports.</p>
	Existing Measure	:	-

33.	Sector	:	Transport Services
	Subsector	:	<p>Land Transport Services – Passenger transport services, including but not limited to passenger transportation services by railway, urban and suburban regular transportation services, taxi services, bus and rail station services and ticketing services related to public transport services.</p> <p>Passenger transport services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.</p>
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of passenger transport services.</p>
	Existing Measure	:	<p><i>Rapid Transit Systems Act 1995, 2020 Revised Edition</i></p> <p><i>Land Transport Authority of Singapore Act 1995, 2020 Revised Edition</i></p> <p><i>Public Transport Council Act 1987, 2020 Revised</i></p>

		<p>Edition</p> <p><i>Road Traffic Act 1961, 2020 Revised Edition</i></p> <p><i>Point-to-Point Passenger Transport Industry Act 2019, 2020 Revised Edition</i></p>
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34.	Sector	:	Transport Services
	Subsector	:	Land Transport Services – Rail and road freight transportation.  Supporting services for rail and road transport services.
	Industry Classification	:	-
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of land transport services as set out above.  This reservation does not apply to obligations under Article 3 (Market Access) of Chapter 8 (Cross-Border Trade in Services) or Article 4 (National Treatment) of Chapter 8 (Cross-Border Trade in Services) and Article 3 (National Treatment) of Chapter 10 (Investment) in respect of the supply of a service by (2), an investor of a Party and a covered investment in the following sectors:  a. rental services of cars with operators (CPC 71222);

		<p>b. rental services of buses and coaches with operators (CPC 71223);</p> <p>c. rental services of commercial freight vehicles with operators (CPC 71240); and</p> <p>d. freight transportation of: (i) refrigerated goods (CPC 71231), (ii) liquids or gases (CPC 71232), (iii) containerized freight (CPC 71233) and (iv) furniture (CPC 71234).</p> <p>In addition, this reservation does not apply to:</p> <p>a. maintenance and repair services of motor vehicles (CPC 61120);</p> <p>b. maintenance and repair services of parts of motor vehicles (CPC 88**); and</p> <p>c. parking services (CPC 74430).</p> <p>For the purposes of this reservation:</p> <p>(1) refers to the supply of a service from the territory of a Party into the territory of the other Party; and</p> <p>(2) refers to the supply of a service in the territory of a Party by a person of that Party to a service consumer of the other Party.</p>
	Existing Measure	: -

35.	Sector	:	Transport Services
	Subsector	:	Services Auxiliary to All Modes of Transport
	Industry Classification	:	CPC 742 Storage and warehousing services CPC 742** Container station and depot services CPC 748 Freight transport agency services CPC 7123** Inland trucking services
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure that accords equivalent treatment to storage and warehousing, freight forwarding, inland trucking, container station and depot services of another Party.
	Existing Measure	:	-

36.	Sector	:	Transport Services
	Subsector	:	Maritime Transport Services – Towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.
	Industry Classification	:	CPC 74510 Port and Waterway Operation Services CPC 74520 Pilotage and Berthing Services CPC 74530 Navigation Aid Services CPC 74590 Other Supporting Services for Water Transport
	Type of Reservation	:	National Treatment (Cross-Border Trade in Services and Investment)  Market Access  Local Presence  Prohibition of Performance Requirements  Senior Management and Board of Directors
	Description	:	<u>Cross-Border Trade in Services and Investment:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.  For greater certainty, no measures shall be applied

		<p>which deny international maritime transport operators reasonable and non-discriminatory access to the above port services.</p> <p>This entry does not apply to:</p> <ul style="list-style-type: none"> <li>(a) international transport (freight and passengers) excluding cabotage transport (CPC 7211**, 7212**);</li> <li>(b) international towage (CPC 7214**);</li> <li>(c) rental of vessels with crew (CPC 7213); and</li> <li>(d) other supporting and auxiliary services (including catering) (CPC 749**).</li> </ul>
	Existing Measure	: <i>Maritime and Port Authority of Singapore Act 1996</i> , 2020 Revised Edition, Section 41

37.	Sector	:	Transport Services
	Subsector	:	Internal Waterways Transport Services
	Industry Classification	:	CPC 722 Transport Services by Non-seagoing Vessels
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of internal waterways transportation services.</p>
	Existing Measure	:	-

38.	Sector	:	Trade Services
	Subsector	:	Wholesale trade services and retail trade services of alcoholic beverages and tobacco
	Industry Classification	:	-
	Type of Reservation	:	Market Access Local Presence
	Description	:	<u>Cross-Border Trade in Services:</u>  Singapore reserves the right to adopt or maintain any measure affecting the supply of wholesale and retail trade services of tobacco products and alcoholic beverages.
	Existing Measure	:	-

39.	Sector	:	Energy
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting or relating to nuclear energy, including energy products (e.g. electricity, heat and steam) produced by nuclear energy.</p>
	Existing Measure	:	-

40.	Sector	:	All <sup>9</sup>
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	Most-Favoured-Nation Treatment (Investment)
	Description	:	<p><u>Investment:</u></p> <p>With respect to the establishment, acquisition, and expansion of investments:</p> <ol style="list-style-type: none"> <li>a. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of the 2023 Protocol. *</li> <li>b. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any future bilateral or multilateral international agreement which liberalises service in accordance with Article V of GATS or liberalises investment, provided the agreement has substantial sector coverage in terms of number of sectors and provides for the absence or elimination of substantially all discrimination in the covered sectors either at the entry into force of that agreement or on the basis of a reasonable time-frame.*</li> <li>c. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to Member States of ASEAN under any international agreement in</li> </ol>

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<sup>9</sup> For greater certainty, this reservation is without prejudice to Singapore's rights and obligations with respect to China under the WTO Agreement.

		<p>force or signed after the date of entry into force of the 2023 Protocol.</p> <p>d. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of the 2023 Protocol involving:</p> <ul style="list-style-type: none"> <li>(a) aviation matters, including air services;</li> <li>(b) maritime and services auxiliary to maritime matters; and port matters;</li> <li>(c) land transport matters;</li> <li>(d) postal and courier services matters;</li> <li>(e) telecommunications and information technology matters; and</li> <li>(f) electronic commerce matters.</li> </ul> <p>With respect to the management, conduct, operation, and sale or other disposition of investments:</p> <ul style="list-style-type: none"> <li>a. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to 16 October 2019.*</li> <li>b. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to Member States of ASEAN under any international agreement in force or signed after 16 October 2019.</li> <li>c. Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after 16 October</li> </ul>
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		<p>2019 involving:</p> <ul style="list-style-type: none"> <li>(i) aviation matters;</li> <li>(ii) maritime and services auxiliary to maritime matters; and port matters;</li> <li>(iii) land transport matters; and</li> <li>(iv) telecommunications matters.</li> </ul> <p>* For greater certainty, the wording in these paragraphs extend to any differential treatment accorded to a country pursuant to a subsequent review or amendment of the relevant bilateral or multilateral agreement mentioned in these paragraphs.</p>
	Existing Measure	: -

41.	Sector	:	All <sup>10</sup>
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
	Description	:	<p><u>Cross-Border Trade in Services:</u></p> <p>Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of the 2023 Protocol.*</p> <p>Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any future bilateral or multilateral international agreement which liberalises service in accordance with Article V of GATS or liberalises investment, provided the agreement has substantial sector coverage in terms of number of sectors, and provides for the absence or elimination of substantially all discrimination in the covered sectors either at the entry into force of that agreement or on the basis of a reasonable time-frame.*</p> <p>Singapore reserves the right to adopt or maintain any measure that accords differential treatment to Member States of ASEAN under any international agreement in force or signed after the date of entry into force of the 2023 Protocol.</p> <p>Singapore reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of the 2023</p>

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<sup>10</sup> For greater certainty, this reservation is without prejudice to Singapore's rights and obligations with respect to China under the WTO Agreement.

		<p>Protocol involving:</p> <ul style="list-style-type: none"> <li>(a) aviation matters, including air services;</li> <li>(b) maritime and services auxiliary to maritime matters; and port matters;</li> <li>(c) land transport matters;</li> <li>(d) postal and courier services matters;</li> <li>(e) telecommunications and information technology matters; and</li> <li>(f) electronic commerce matters.</li> </ul> <p>* For greater certainty, the wording in these paragraphs extend to any differential treatment accorded to a country pursuant to a subsequent review or amendment of the relevant bilateral or multilateral agreement mentioned in these paragraphs.</p>
	Existing Measure	: -

42.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	Market Access Local Presence
	Description	:	<u>Cross-Border Trade in Services:</u>  Singapore reserves the right to adopt or maintain any limit on the number of suppliers of credit bureau services where information provided by the supplier of credit bureau services is obtained from financial institutions in Singapore. The supplier must be established in Singapore.
	Existing Measure	:	<i>Monetary Authority of Singapore Act 1970, 2020 Revised Edition</i>

43.	Sector	:	All
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>1. Singapore reserves the right to adopt or maintain any measure with respect to new industries and new services.</p> <p>2. Singapore shall notify China prior to adopting a measure with respect to a new industry or new service inconsistent with the above-mentioned obligations. At the request of either Party, the Parties shall enter into negotiations with regard to the liberalisation commitments for the new industry or new service.</p> <p>3. For the purposes of this entry:</p> <p>(a) The term “new industry” means an economic activity that at the date of entry into force of the 2023 Protocol is:</p> <p>(i) not currently in existence in the territory of either Party; and</p>

		<p>(ii) an existing economic activity not covered or defined in the International Standard Industrial Classification of All Economic Activities (ISIC), Rev.4 (“<b>ISIC Rev.4</b>”).</p> <p>(b) The term “new service” means a service that at the date of entry into force of the 2023 Protocol is:</p> <p>(i) not currently in existence in the territory of either Party; and</p> <p>(ii) an existing service not covered or defined in the CPC.</p> <p>4. For greater certainty, this entry does not apply to a service or economic activity that could be classified in the ISIC Rev.4 or the CPC, but that could not previously be supplied on a cross-border basis due to lack of technical feasibility.</p>
	Existing Measure	-

44.	Sector	:	Financial Services
	Subsector	:	-
	Industry Classification	:	-
	Type of Reservation	:	<p>National Treatment (Cross-Border Trade in Services and Investment)</p> <p>Market Access</p> <p>Most-Favoured Nation Treatment (Cross-Border Trade in Services and Investment)</p> <p>Local Presence</p> <p>Prohibition of Performance Requirements</p> <p>Senior Management and Board of Directors</p>
	Description	:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Singapore reserves the right to adopt or maintain any measure affecting the supply of financial services with respect to Most-Favoured Nation Treatment, Prohibition of Performance Requirements, Senior Management and Board of Directors and Local Presence.</p> <p>Singapore reserves the right to adopt or maintain any measure with respect to National Treatment and Market Access, except as specified in the Appendix to List II (Commitments for Financial Services – Singapore) and subject to the limitations, conditions and qualifications specified therein.</p>
	Existing Measure	:	-

**APPENDIX TO LIST II**  
**COMMITMENTS FOR FINANCIAL SERVICES**  
**SINGAPORE**

**EXPLANATORY NOTES**

This Appendix shall be read together with entry 44 in List II of the Schedule of Singapore in Annex 5 (Schedules of Reservations and Non-Conforming Measures for Services and Investment). This Appendix does not include Singapore's commitments on the supply of a service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay.

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>FINANCIAL SERVICES</b>  All the commitments in this Appendix are also subject to entry requirements, domestic laws, guidelines, rules and regulations, terms and conditions of the Monetary Authority of Singapore (MAS) or any other relevant authority or body in Singapore, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services of the GATS.</p>			
<p><b>A. Insurance and Insurance-related Services</b></p>			
<p>(a) Life insurance services including annuity, disability income, accident and health insurance services</p>	<p>(1) Unbound  (2) None  (3) These measures are also limitations on national treatment.</p> <p>None except foreign persons can only acquire equity stakes of up to 49 per cent in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign person being the largest shareholder; insurance companies must establish as branches or subsidiaries; and for activities relating to the use, including via investment, of monies from any social security, public retirement or statutory savings scheme.</p>	<p>(1) Unbound  (2) None  (3) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Non-life insurance services including disability income, accident and health insurance and contracts of fidelity bonds, performance bonds or similar contracts of guarantee.	<p>(1) Unbound</p> <p>(2) None except that compulsory insurance of Motor Third Party Liability and Workmen's Compensation may only be purchased from licensed insurance companies in Singapore.</p> <p>(3) Foreign persons can only acquire equity stakes of up to 49 per cent in aggregate in locally-owned insurance companies provided the acquisition does not result in any foreign party being the largest shareholder. Unbound for licensing of new insurance companies and establishment of new representative offices.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p>	
(c) Reinsurance and retrocession	<p>(1) None</p> <p>(2) None</p> <p>(3) None except that reinsurance companies must be established as branches or subsidiaries.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Insurance intermediation comprising broking and agency services	<p>(1) Unbound</p> <p>(2) These measures are also limitations on national treatment.</p> <p>Agents are not allowed to act for unlicensed insurers. The placement of domestic risks outside Singapore by brokers is subject to the approval of MAS, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of shipowners insured by protection &amp; indemnity clubs.</p> <p>(3) These measures are also limitations on national treatment.</p> <p>Unbound except for admission of direct<sup>11</sup> insurance and reinsurance brokers as locally incorporated subsidiaries.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p>	

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<sup>11</sup> Direct insurance broker means an insurance broker which is licensed under the Insurance Act in respect of insurance policies relating to general insurance and long term accident and health policies, other than insurance policies relating to reinsurance business.

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. Banking and other financial services</b>			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound (2) None (3) These measures are also limitations on national treatment.  Only institutions licensed or approved as banks, merchant banks and finance companies can accept deposits.  Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country	(1) Unbound (2) None (3) <u>Commercial banks:</u> Foreign banks can operate from only one office (excluding back-office operations). They cannot establish off-premise ATMs and ATM networking and new sub-branches.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>depositors in receivership or winding-up proceedings, the MAS may exercise appropriate differentiated measures against that foreign financial institution in Singapore to safeguard the interest of the Singapore office's depositors. MAS may require foreign banks to incorporate under Singapore law.</p> <p>Establishment and operation of foreign banks, merchant banks and finance companies are also subject to the limitations listed under activities B(a) to B(l) and the following limitations:</p> <p><u>Commercial banks</u> No new full and Wholesale banks. New foreign banks may only establish as offshore bank branches or representative offices. Representative offices cannot conduct business or act as agents. Banks, with MAS' approval, can operate foreign currency savings accounts only for non-residents.</p>	<p>Unbound for provision of all electronic banking services.</p> <p>Location of banks and relocation of banks and sub-branches require prior approval from MAS.</p> <p>Wholesale banks can only accept foreign currency fixed deposits from and operate current accounts for residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>A single or related group of foreign shareholders can only hold up to 5 per cent of a local bank's shares.</p> <p><u>Merchant banks</u> Foreign banks and merchant banks may establish as merchant bank subsidiaries or merchant bank branches.</p> <p><u>Finance companies</u> No new finance companies.</p> <p>Unbound for foreign acquisition of shares in finance companies and transfer of stake of foreign shareholdings in existing finance companies to foreign persons.</p> <p>All finance companies, local and foreign-owned, can only conduct Singapore dollar business. With MAS' prior approval, eligible finance companies can also deal in foreign currencies, gold or other precious metals, and acquire</p>	<p>S\$250,000 or more per deposit.</p> <p>Offshore banks can accept foreign currency fixed deposits from residents and non-residents. For Singapore dollar deposits, they can only accept fixed deposits of S\$250,000 or more per deposit from non-residents.</p> <p>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	foreign currency stocks, shares or debt or convertible securities.	<p>permanent residents.<sup>12</sup></p> <p><u>Merchant banks</u> Merchant banks can operate from only one office (excluding back-office operations). Location and relocation of merchant banks require MAS' prior approval.</p> <p>Merchant banks can, with MAS' authorization, raise foreign currency funds from residents and non-residents, operate foreign</p>	

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<sup>12</sup> MAS may permit a bank incorporated in Singapore which is a wholly owned subsidiary of a bank of the other Party incorporated outside Singapore, to have less than a majority of directors who are either Singapore citizens or Singapore permanent residents.

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>currency savings accounts for non-residents and raise Singapore dollar funds from their shareholders and companies controlled by their shareholders, banks, other merchant banks and finance companies.</p> <p><u>Finance companies</u> Location of finance companies and relocation of sub-branches require MAS' prior approval. Foreign-owned finance companies cannot establish off-premise ATMs, ATM</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		networking and new sub-branches.	
(b) Lending of all types including consumer credit, mortgage credit, factoring and financing of commercial transaction	<p>(1) Unbound. Measures taken are also limitations on national treatment.</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment.</p> <p>(i) Other than in-house credit cards, credit and charge cards may be issued by card issuers approved by MAS subject to MAS' guidelines.</p> <p>(ii) Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Each offshore bank's lending in Singapore dollars to residents shall not exceed S\$500 million in aggregate.</p> <p>Offshore banks should not use their related merchant banks to circumvent the S\$500 million lending limit.</p> <p>Unbound for establishment of off-premise cash</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>currency upon draw-down or before remittance abroad. Financial entities shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</p> <p>(iii) Establishment of credit companies which do not conduct activities requiring MAS' approval is allowed.</p>	<p>dispensing machines for credit and charge cards issuers.</p>	
(c) Financial leasing	<p>(1) None</p> <p>(2) None</p> <p>(3) None except as indicated for activity B(b) above</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None except as indicated for activity B(b) above.</p>	
(d) Payment and money transmission services, including credit, charge and debit cards, travellers	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
cheques and bankers' drafts	Remittance shops, except where the remittance business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens. Bankers' drafts can only be issued by banks. Multi-purpose stored value cards can only be issued by a bank in Singapore licensed by MAS. The limitations indicated in B(b)(3) above also apply to the activities listed in B(d).		
(e) Guarantees and commitments	<p>(1) None except for the limitations indicated in activity A(b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee.</p> <p>(2) None</p> <p>(3) None except for the limitations indicated in activity A(b) for insurance companies providing contracts of fidelity bonds, performance bonds or similar contracts of guarantee, and B(b)(3)(ii) above.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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 instruments (including cheques, bills, certificates of deposit)</li> </ul>	<p>(1) Unbound except for trading in products listed in B.(f) for own account. Trading in money market instruments, foreign exchange, as well as exchange rate and interest rate instruments can be conducted with financial institutions only. Measures taken are also limitations on national treatment.</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- foreign exchange</li> <li>- derivative products, including financial futures and options</li> <li>- exchange rate and interest rate instruments, including swaps and forward rate agreements</li> <li>- transferable securities</li> <li>- other negotiable instruments and financial assets, including bullion</li> </ul>	<p>(3) These measures are also limitations on national treatment. Banks and merchant banks are required to set up separate subsidiaries to trade financial futures for customers. Financial futures brokers can establish as branches or subsidiaries. The offer of derivative products by both local and foreign-owned financial institutions is allowed provided:</p> <ul style="list-style-type: none"> <li>- the product has been offered by the financial institution in other internationally-reputable financial centres and the supervisory authorities of those centres agree to the offer of such products in their markets;</li> <li>- the financial institution's parent supervisor and its head office must be aware and have no objection to the offer of such products in the Singapore branch or subsidiary; and</li> <li>- MAS is satisfied that the financial institution has and continues to have the financial strength and adequate</li> </ul>	<p>(3) None except as indicated for activity B(b) above.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>internal controls and risk management systems to trade in these products.</p> <p>The offer of derivative products involving the Singapore dollar is subject to the requirement indicated in B(b)(3)(ii).</p> <p>Moneychangers, except where the money changing business is conducted by banks and merchant banks, are required to be majority owned by Singapore citizens.</p>		
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent and provision of service related to such issues	<p>(1) Unbound except for participation in issues of securities for own account, and underwriting and placement of securities through stockbroking companies, banks or merchant banks in Singapore.</p> <p>Measures taken are also limitations on national treatment.</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(3) Measures taken are also limitations on national treatment.</p> <p>Singapore Exchange Securities Trading Ltd (SGX-ST) will admit new trading members. New members will be able to trade directly in S\$ denominated securities of Singapore incorporated companies with resident investors for a minimum value of S\$200,000.</p> <p>Representative offices cannot conduct business or act as agents. Unbound for foreign acquisition of new and existing equity interests in SGX-ST member companies.</p> <p>Banks' and merchant banks' membership on SGX-ST and Singapore Exchange Derivatives Trading Ltd (SGX-DT) must be held through subsidiaries.</p>	<p>(3) None except as indicated for activity B(b) above</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Unbound for new Primary and Registered dealers of Singapore Government Securities.		
(h) Money broking	(1) Unbound (2) None (3) Unbound for new money brokers. Measures taken are also limitations on national treatment.	(1) Unbound (2) None (3) None	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	(1) Unbound (2) None (3) These measures are also limitations on national treatment. None, except asset management companies, custodial depositories, and trust services companies can establish as branches, subsidiaries or joint ventures; only the Central Depository Pte Ltd is authorised to provide securities custodial depository services under the scripless trading system.	(1) Unbound (2) None (3) None	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Unbound for activities relating to the use, including via investment, of monies from any social security, public retirement, or statutory saving scheme.		
(j) Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments	<p>(1) Unbound, except for the provision of settlement and clearing services for financial assets which are listed on overseas exchanges only.</p> <p>(2) None</p> <p>(3) These measures are also limitations on national treatment. Settlement and clearing services for exchange traded securities and financial futures can only be provided by Central Depository (Pte) Limited and SGX-DT respectively. Only one clearing house established under the <i>Banking Act</i> may provide clearing services for Singapore dollar cheques and interbank fund transfer.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(k) Advisory and other auxiliary financial services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	<p>(1) Commercial presence is required for provision of investment and portfolio research and advice to the public.</p> <p>(2) None</p> <p>(3) Financial advisers can establish as branches, subsidiaries or representative offices. Representative offices cannot conduct business or act as agents.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	
(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	<p>(1) Unbound except for the provision of financial information by providers such as Reuters and Bloomberg. Measures taken are also limitations on national treatment.</p> <p>The Singapore branches of foreign banks can transmit data to their head offices and sister branches for processing provided proper controls exist, the integrity and confidentiality of the data and information are safeguarded, and MAS is allowed on-</p>	<p>(1) None for the provision of financial information by providers such as Reuters and Bloomberg.</p>	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>site access to the data/information at the place where the data and information is processed.</p> <p>(2) Only the provision of financial information by providers such as Reuters and Bloomberg is allowed. Measures taken are also limitations on national treatment.</p> <p>(3) The provision of financial information by providers, such as Reuters and Bloomberg, is allowed. The provision of financial data processing services to banks and merchant banks is subject to domestic laws on protection of confidentiality of information of customers of banks and merchant banks.</p>	<p>(2) None</p> <p>(3) None</p>	