

MALAYSIA-AUSTRALIA FREE TRADE AGREEMENT (MAFTA)

SCHEDULES OF SPECIFIC SERVICES COMMITMENTS

SCHEDULE OF MALAYSIA

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL SECTION			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE UNLESS OTHERWISE INDICATED</p>	<p>3) <u>Acquisition, Mergers and Take-overs</u></p> <p>The acquisition of assets or interests of Malaysian companies and businesses, mergers or take-overs requires approval and apply to the following:</p> <p>(a) the acquisition of the voting rights of a Malaysian corporation by any single foreign interest or associated group of 15 per cent or more, or an aggregate foreign interest of 30 per cent or more or exceeding RM10 million in value;</p> <p>(b) any proposed acquisition of any assets or interests by any means which will</p>	<p>3) <u>Land, Property and Real Estate</u></p> <p>Approval may be denied if the acquisition, disposal or dealing of land or any interest in land, property and real estate is undertaken for speculative or non-productive purpose or for purposes, which may conflict with the interest of the State.</p> <p><u>Incentives/Preferences</u></p> <p>Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government. Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objective</p>	

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	<p>result in ownership or control passing to foreign interest; and</p> <p>(c) control of Malaysian corporations through any form of joint-venture agreement, management agreement, technical assistance agreement or other arrangements.</p> <p>Approval is normally granted. However, it may be denied in circumstances where the proposed investment conflicts with the interest of the State.</p>	<p>of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p> <p>Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

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II. SECTOR SPECIFIC COMMITMENTS¹			
1. BUSINESS SERVICES			
A. Professional Services			
Legal Services (CPC 8619) Covers advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia.	1) None. 2) None. 3) Only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.	1) None. 2) None. 3) None.	
Accounting, auditing and bookkeeping services (CPC 862)	1) None.	1) None.	

¹ An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance.

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	2) None. 3) None.	2) None. 3) None.	
Taxation Services (CPC 863/8630)	1) None. 2) None. 3) Only through a locally registered partnership or private limited company with Malaysian authorised tax agents/firms and aggregate foreign interests in the partnership shall not exceed 51 per cent.	1) None. 2) None. 3) None.	
Architectural services (CPC 8671)	1) None. 2) None. 3)	1) Architectural services must be authenticated by a licensed architect in Malaysia. 2) None. 3)	

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	<p>(a) Architectural services may be supplied only by natural person; and</p> <p>(b) For multi-disciplinary practices (Architecture, Engineering, and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.</p>	<p>(a) None</p> <p>(b) Unbound.</p>	
<p>Engineering services (CPC 8672)</p> <p>Covers CPC 86721-86729</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For multi-disciplinary practices (Architecture, Engineering, and/or Quantity Surveying), foreign equity up to a maximum of 30 per cent for</p>	<p>1) Engineering services must be authenticated by a registered professional Engineer in Malaysia.</p> <p>2) None.</p> <p>3) None.</p>	

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	joint ventures by professionals who are registered in the country of origin. Foreign Directorship is not allowed.		
<p>Integrated engineering services (CPC 8673)</p> <p>Covers CPC 86731, 86732, 86733, 86739.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a representative office, regional office or locally incorporated with Malaysian individuals or Malaysian-controlled corporations or both for the purpose of services contract awarded in Malaysia.</p> <p>The aggregate foreign shareholding in the joint-venture corporation shall not exceed 30 per cent.</p>	<p>1) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>2) Integrated engineering services must be authenticated by the relevant registered professionals in Malaysia.</p> <p>3) None.</p>	

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	Establishment of such joint-venture corporation is only for duration necessary to complete the services contract.		
<p>Urban planning services (CPC 86741)</p> <p>Covers development services programmes, regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a locally incorporated joint organisation with Malaysian registered town planners. The aggregate foreign equity shall not exceed 30 per cent and to register with the Board of Town Planners Malaysia.</p> <p>Establishment of such joint-venture corporation is only for duration necessary to complete the services contract.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Unbound.</p>	
<p>Landscaping services (CPC 86742*)</p> <p>Covers the provision of advisory,</p>	<p>1) None.</p> <p>2) None.</p>	<p>1) None.</p> <p>2) None.</p>	

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planning and designing services for the aesthetic landscaping of golf courses and theme parks.	3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and the aggregate foreign shareholding in the joint venture shall not exceed 30 per cent.	3) None.	
<p>Medical specialty services (CPC 93122)</p> <p>Covers forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Medical specialty services may be supplied only by a natural person.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
<p>Veterinary services (CPC 932)</p> <p>Services delivered to equine</p>	1) None.	1) Unbound due to lack of technical feasibility.	

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animals in equestrians or turf clubs.	2) None. 3) Only through a locally incorporated joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate share of foreign interest shall not exceed 49 per cent, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognised by and registered with relevant professionals bodies.	2) None. 3) Unbound.	
B. Computer and Related Services			
Consultancy services related to the installation of computer hardware (CPC 841)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	

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Software implementation services (CPC 842)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Data Processing Services (CPC 843)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Database Services (CPC844)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Maintenance and Repair Services of Computers (CPC845)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	

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<p>Other Computer Services (CPC849**)</p> <p>Data preparation services for clients not involving data processing services (CPC 84910)</p> <p>Other Computer Services n.e.c. covers training services for staff of clients; data recovery services; and development of creative content (CPC 84990**)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
C. Research and Development Services			
<p>Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding in the joint-</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

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Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	venture corporation shall not exceed 51 per cent.		
<p>Research and development services on natural sciences and engineering (CPC 851** except for research and development services involving Malaysia's natural resources, biodiversity and genetic materials and CPC 85105 research and development services on medical sciences and pharmacy)</p> <p>Limited to industrial activities and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include:</p> <p>(i) Quality control of products or routine testing of materials, devices, products or produce;</p> <p>(ii) Research in the social sciences or humanities;</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None only for contract research and development company and research and development company locally incorporated.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

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(iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.			
Interdisciplinary research and development services (CPC 853** except for interdisciplinary research and development services involving Malaysia's natural resources, biodiversity and genetic materials) Covers industrial activities; all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with the objective of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include: (i) Quality control of products or routine testing of materials,	1) None. 2) None. 3) None only for contract research and development company and research and development company locally incorporated.	1) None. 2) None. 3) None.	

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devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.			
E. Rental/Leasing Services Without Operator			
Relating to ships exclude cabotage and offshore trades (CPC 83103)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Relating to aircraft (CPC 83104)	1) None. 2) None. 3) Only through a representative office, regional office or	1) None. 2) None. 3) None.	

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Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Malaysian-controlled corporation acting as agent.		
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	1) None. 2) None. 3) Only through a representative office, regional office or Malaysian-controlled corporation acting as agent.	1) None. 2) None. 3) None.	
F. Other Business Services			
Advertising services (CPC 8711, 8712, 8719)	1) Commercial presence is required. 2) None. 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both	1) Unbound. 2) None. 3) None.	

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	<p>and the aggregate foreign shareholding in the joint-venture corporation shall not exceed 51 per cent.</p> <p><u>Advertisement through electronic media</u></p> <p>Advertisement must have at least 80 per cent local content and be made in Malaysia.</p>		
<p>Market research and public opinion polling services (CPC 864)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
<p>Management Consulting Services (CPC 865) excluding</p>	<p>1) None.</p>	<p>1) None.</p>	

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financial management consulting services (CPC 86502) and	2) None. 3) None.	2) None. 3) None.	
Other Management Consulting Services (CPC 86509) covering: (a) advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy (b) advisory, guidance and operational assistance on environmental management services including risk assessment services (c) advisory and guidance in the field of pharmacy as follows: • Basic material manufacturing consultancy in the manufacture of drugs in	1) None. 2) None. 3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign interest shall not exceed 70 per cent.	1) None. 2) None. 3) None.	

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<p>raw material form;</p> <ul style="list-style-type: none"> • New systems of drug delivery; • Biotechnology-new techniques for influencing the process and products of living cells; • New techniques in drug development and methods of producing drugs and vaccine; • Vaccine production. <p>(d) advisory and guidance on International Value-Added Network Services, rural telecom development and human resource development in telecommunications.</p>			
<p>Technical Testing and Analysis Services (CPC 8676)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

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<p>Services incidental to agriculture and fishing (CPC 881*,882*)</p> <p>Covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding shall not exceed 70 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
Services Incidental to Mining (CPC 883,5115)			
<p>Site Investigation Work for Construction Project (CPC 51110)</p> <p>Engineering geological studies and terrain geological mapping</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a representative office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

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	foreign shareholding in the joint venture corporation shall not exceed 51 per cent.		
<p>Site Preparation for Mining (CPC 51150)</p> <p>Tunneling, overburden removing and Site Preparation</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a representative office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
<p>Construction for Mining and Manufacturing (CPC 51360)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a representative</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

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	office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.		
Engineering Works (CPC 51390) Mine Site Construction	1) None. 2) None. 3) Only through a representative office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.	1) None. 2) None. 3) None.	
Water Well Drilling (CPC 51520) Drilling or digging water well,	1) None. 2) None.	1) None. 2) None.	

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installation and repair work of water well pumps and well piping system.	3) Only through a representative office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.	3) None.	
Services incidental to manufacturing (CPC 884, 885 except 88442)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Related Scientific And Technical Consulting Services (CPC 8675)			
Related Scientific and Technical Services (CPC 86751) Geological, Geophysical and other scientific prospecting services (locating of minerals deposit or ground water)	1) None. 2) None. 3) Only through a representative office or locally incorporated	1) None. 2) None. 3) None.	

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	joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.		
Subsurface Survey (CPC 86752) Seismic	1) None. 2) None. 3) Only through a representative office or locally incorporated joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.	1) None. 2) None. 3) None.	
Interpretation of Images (CPC 86753) Remote Sensing, photogrammetric, sub-bottoms	1) None. 2) None. 3) Only through a representative	1) None. 2) None. 3) None.	

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profiling.	office or locally joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.		
Map making Services (CPC 86754) Geological map, hydro graphic map, geochemical map, geophysical map, hydro geological map, terrain geological map, engineering geology map.	1) None. 2) None. 3) Only through a representative office or locally joint-venture corporation with Malaysian individuals or Malaysian controlled corporations or both and foreign shareholding in the joint venture corporation shall not exceed 51 per cent.	1) None. 2) None. 3) None.	
Convention and exhibition management services (CPC 87909) Covers the provision of planning,	1) None. 2) None.	1) None. 2) None.	

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Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
organisational, management and marketing services for conventions and other similar events.	3) Only through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.	3) None.	
Other (CPC 8790)			
Translation and interpretation services (CPC 87905)	1) None. 2) None. 3) Supplied by natural person.	1) None. 2) None. 3) None.	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	1) None. 2) None. 3) None.	1) None. 2) None. 3) None.	
Operational Headquarters (OHQ) Services covering general management and	1) Unbound due to lack of technical feasibility.	1) Unbound due to lack of technical feasibility.	

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<p>administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)</p>	<p>2) Unbound due to lack of technical feasibility.</p> <p>3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia and a foreign-owned company which is already incorporated in Malaysia may seek to qualify as an OHQ.</p> <p>OHQ must operate in Malaysia and fulfill the following criteria:</p> <p>(a) carry out at least 3 of the OHQ service activities;</p> <p>(b) have a sizeable network of companies outside Malaysia which includes the parent company or its head offices and related companies;</p>	<p>2) Unbound due to lack of technical feasibility.</p> <p>3) None.</p>	

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	<p>(c) have a well established foreign-owned company which is sizeable in term of assets and employees;</p> <p>(d) have a network of companies with substantial number of qualified executives, professionals, technical and other supporting personnel;</p> <p>(e) be able to make decisions independently without consultations with its head office or parent company located outside Malaysia; and</p> <p>(f) be able to contribute to the Malaysian economy by :</p> <ul style="list-style-type: none"> i. using services such as legal, accounting etc. provided by Malaysians; ii. creating job opportunities for Malaysians; and iii. enabling greater inflow of foreign funds. 		
2. COMMUNICATION SERVICES			

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C. <u>Telecommunications Services</u>			
<p>Based on domestic regulations, Malaysia has reclassified its communications service sector on the basis of provision of Network Facility services (NFP), provision of Network Service (NSP), provision of Application Service (ASP).</p> <p>Individual and class licences: NFP(I)² and NFP(C)³ NSP(I)⁴ and NSP(C)⁵</p>	<p>1) None. 2) None. 3) None for ASP(C). For NFP(I), NFP(C), NSP (I) and NSP(C), foreign shareholding of up to 70 per cent in these service providers is allowed.</p> <p>The maximum aggregate foreign ownership in Telekom Malaysia shall not exceed 30 per cent. The maximum individual foreign ownership in Telekom Malaysia shall not exceed 5 per cent of the equity</p>	<p>1) None. 2) None. 3) None.</p>	

² Network facilities provider individual licence [NFP(I)] enables the provision of network facilities services such as earth stations, fixed links and cables, radio communications transmitters and links, satellite control station, satellite hubs, space station, submarine cable landing centre, towers, poles, ducts and pits used in conjunction with other network facilities.

³ Network facilities provider class licence [NFP(C)] enables the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

⁴ Network service provider individual licence [NSP(I)] enables the provision of network services such as bandwidth services, broadcasting distribution services, cellular mobile services, access applications services, space services, switching services and gateway services.

⁵ Network service provider class licence [NSP(C)] enables the provision of niched customer access or niched connection services such as public mobile radio network service, one or two way radio paging network services, terrestrial wireless fixed/mobile data network services for the specific purposes of messaging, surveillance, ticketing or inventory management, offered for the sole purpose of connecting end users in a building or a single clustered building complex.

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ASP(C) ⁶	at any one time.		

⁶ Application Service Provider class licence [ASP(C)] enables the provision of applications services such as PSTN telephony, public cellular services, IP telephony, public payphone service, public switched data service, audiotext hosting services provided on an opt-in basis, directory services, internet access services, messaging services, private payphone services, telegram services.

Explanatory Note

- 1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.
- 2) Definitions as per Communications and Multimedia Act 1998
 - a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
Network facilities provider means a person who is an owner of any network facilities.
 - b. Network services means a service for carrying communications by means guided and/unguided electromagnetic radiation.
Network service provider means a person who provides network services.
 - c. Application service means a service provided by means of, but not solely by means of, one or more network services.
Application service provider means a person who provides an applications service.
- 3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001
 - a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
Network facilities provider individual licensee means an individual license granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.
 - b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.
 - c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
Application service provider individual licensee means an individual license granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Audiovisual Services			
Motion picture, video tape and audio recording distribution services (CPC 96113)	1) None. 2) None. 3) Only through a locally incorporated joint-venture corporation with Malaysia individuals or Malaysian-controlled corporations or both and the aggregate foreign shareholding shall not exceed 49 per cent.	1) Unbound. 2) None. 3) None.	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514)	1) Unbound due to lack of technical feasibility. 2) None. 3) a. None except through a representative office, regional office or locally incorporated joint-venture corporation with Malaysian	1) Unbound due to lack of technical feasibility. 2) None. 3) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Installation Work (CPC 516)</p> <p>Building Completion and Finishing Work (CPC 517)</p> <p>Pre-erection Work at Construction Site (CPC 511)</p> <p>Special Trade Construction (CPC 515)</p>	<p>individuals or Malaysian controlled corporations or both. Aggregated foreign shareholding in the joint venture corporation shall not exceed 49 per cent.</p> <p>b. Foreign construction companies that are not locally incorporated may carry out the following construction projects jointly with local contractors, on project-by-project basis:</p> <p>i. Construction projects wholly financed by foreign investment and/or grants;</p> <p>ii. Construction projects financed by loans of international tendering according to the terms of loans;</p> <p>iii. Projects with foreign investment equal to or more than 50 per cent</p>		

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>where local expertise is not available;</p> <p>iv. 100 per cent Malaysian funded construction projects where local expertise is not available.</p> <p>Subject to compulsory sub-contracting to local sub-contractors.</p>		
5. EDUCATION SERVICES			
<p>For international schools:</p> <p>Primary education services (CPC 921)</p> <p>General secondary education services (CPC 9221)</p> <p>Higher secondary education services (CPC 9222)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a joint venture with foreign equity not exceeding 70 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
Other education services	1) None.	1) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 929 / 9290 / 92900)	2) None. 3) Only through a joint venture with foreign equity not exceeding 51 per cent.	2) None. 3) None.	
Technical and vocational secondary education services (private education services) (CPC 9223) Technical and vocational secondary school-type education services for handicapped students (CPC 9224)	1) None. 2) None. 3) Only through a joint venture with foreign equity not exceeding 70 per cent.	1) None. 2) None. 3) None.	Technical and vocational secondary education services (private education services) (CPC 9223) AND Technical and vocational secondary school-type education services for handicapped students (private education services) (CPC 9224), are required to use National curriculum.

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Other higher education services provided by privately funded higher education institutions ¹ other than private higher education institutions with Government of Malaysia equity or that receive Government of Malaysia assistance (CPC 92390)	1) Unbound except for requirement for commercial presence. 2) None. 3) Only through a joint venture with foreign equity not exceeding 70 per cent and subject to the requirement of a needs test if necessary. None by 2015.	1), 2), 3) Unbound including for grant of federal or state funding or subsidies such as but not limited to land grants, tax benefits, scholarships and loans limited to institutions with Government of Malaysia equity or citizens/permanent residents.	
6. ENVIRONMENTAL SERVICES			
Wastewater Management (CPC 9401**) Covers removal and treatment of industrial effluents (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)	1) None. 2) None. 3) Only through a locally incorporated joint-venture with Malaysia individuals or Malaysia-control corporation or both and aggregate foreign shareholdings shall not exceed 51 per cent.	1) None. 2) None. 3) None.	
Cleaning services of exhaust gases (CPC 9404**)	1) None.	1) None.	

¹ As defined in Malaysian Legislation

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Covers services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)</p>	<p>2) None.</p> <p>3) Only through a locally incorporated joint-venture with Malaysia individuals or Malaysia-controlled corporations or both and aggregate foreign shareholdings shall not exceed 51 per cent.</p>	<p>2) None.</p> <p>3) None.</p>	
<p>Noise abatement services (CPC 9405**)</p> <p>Covers monitoring programmes, installation of noise reduction screens in residential, commercial and industrial premises.</p> <p>(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a locally incorporated joint-venture with Malaysia individuals or Malaysia-controlled corporations or both and aggregate foreign shareholdings shall not exceed 51 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	
<p>Nature and landscape protection services (CPC 94060**)</p> <p>Covers contaminated soil clean-up and</p>	<p>1) None.</p>	<p>1) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
remediation. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)	2) None. 3) Only through a locally incorporated joint-venture with Malaysia individuals or Malaysia-control corporation or both and aggregate foreign shareholdings shall not exceed 51 per cent.	2) None. 3) None.	
<p>7. FINANCIAL SERVICES, INCLUDING INSURANCE</p> <p>Horizontal Commitments Applicable to the Financial Services Sector</p> <ol style="list-style-type: none"> 1. The commitments in the financial services sector are in accordance with Malaysia-Australia Free Trade Agreement Chapter 8 (Trade in Services) and the Annex on Financial Services. 2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, investment banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks, merchant banks and investment banks, the following limitations on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule. 4. For further clarity, Malaysia's commitments cannot be interpreted as applying to the supply of Shariah-compliant financial 			

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services, unless specific entries are made in the banking, insurance or capital markets sub-sectors accordingly ² .			
ALL FINANCIAL SERVICES	3) Limitations on investments as contained in the all-sector horizontal section.	3) Limitations on land and other immovable property as contained in the all-sector horizontal section. Unbound for measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).	
1. Offshore banks, offshore investment banks, offshore direct insurance companies, offshore	1), 2) Unbound* except as otherwise specified in this schedule.	1), 2) Unbound* except as otherwise specified in this schedule.	

² This approach is consistent with Malaysia's commitments at the WTO and under existing FTAs.

* Due to lack of technical feasibility

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	3) Entry is confined to Labuan. Entry is limited to establishment of a branch registered or a subsidiary incorporated in Malaysia.	3) None.	
2. Commercial banks, merchant banks and investment banks	1), 2) Unbound* except as otherwise specified in this schedule. 3) The 13 wholly-foreign owned commercial banks are permitted to remain wholly-owned by their existing shareholders. Unbound for new licenses. Entry is limited to equity	1), 2) Unbound* except as otherwise specified in this schedule. 3) None except as indicated in the all financial services horizontal section and in the respective activity listed below. Acquisition by a	

*Due to lack of technical feasibility

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>participation by foreign banks in Malaysian-owned or controlled commercial banks, merchant banks and investment banks.</p> <p>Aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30 per cent.</p> <p>Aggregate foreign shareholding in an investment bank shall not exceed 70 per cent.</p> <p>Shareholding by a single person individually or jointly with related persons is limited to a maximum of 20 per cent.</p> <p>A commercial bank is not allowed to acquire any share in another commercial bank but may acquire shares in one merchant bank or investment bank.</p> <p>A merchant bank or an investment bank is not allowed to acquire any share in a commercial bank or another merchant bank or investment bank.</p>	<p>foreign bank of an aggregate of 5 per cent or more of shareholding in a Malaysian-owned or controlled commercial bank, merchant bank or investment bank must meet the following criteria:</p> <p>(a) The foreign bank has the ability to facilitate trade and contribute to the financial and economic development of Malaysia;</p> <p>(b) The country of the foreign bank has significant trade and investment interests in Malaysia; and</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Other persons are not permitted to acquire 5 per cent or more of shareholding in a commercial bank, merchant bank or investment bank if the person already holds 5 per cent or more of shareholding in another licensed financial institution.</p> <p>Entry is also permitted through the setting up of representative offices. Representative offices can only undertake research, exchange of information and liaison services.</p>	<p>(c) The country of the foreign bank does not have significant representation in the Malaysian banking industry.</p>	
<p>3. Direct insurance companies.</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) Foreign insurance companies are required to be locally incorporated in accordance with the Insurance Act 1996.</p> <p>Presence of Australian financial institutions in new and existing locally incorporated insurance companies is limited to equity</p>	<p>1), 2) Unbound* except as otherwise specified in this schedule.</p> <p>3) None except as indicated in the all financial services horizontal section and in the respective activity listed below.</p> <p>Acquisition by a foreign insurance company of an</p>	

*Due to lack of technical feasibility

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>participation of up to 70 per cent.</p> <p>Unbound for new licenses.</p> <p>An insurance company in Malaysia is not allowed to acquire more than 5 per cent share:</p> <p>(a) In another insurance company in Malaysia that carries on the same class of insurance business as that carried on by it; or</p> <p>(b) In an insurance broking company in Malaysia.</p> <p>Other persons holding more than 5 per cent shareholding in an insurance company in Malaysia are not permitted to acquire more than 5 per cent shareholding in:</p> <p>(a) Another insurance company in Malaysia carrying on the same class of insurance business as that carried on by the insurance company in which the person is a shareholder; or</p>	<p>aggregate of more than 5 per cent shareholding in a locally incorporated insurance company must meet at least one of the following criteria:</p> <p>(a) The foreign insurance company has the ability to facilitate trade and contribute to the financial and economic development of Malaysia;</p> <p>(b) The country of the foreign insurance company has significant trade and investment interests in Malaysia;</p> <p>(c) The country of the foreign insurance company does not have a significant</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(b) An insurance broking company in Malaysia.	representation in the Malaysian insurance industry; or The foreign insurance company has the ability to provide technical expertise and know-how to contribute to the financial and economic development of Malaysia.	
FINANCIAL SERVICES ACTIVITIES			
A. Banking And Other Financial Services, Excluding Insurance			
Acceptance of deposits, and other repayable funds from the public, wholesale and retail.	1) Soliciting, advertising and acceptance of deposits in Malaysia are not allowed. 2) None. 3) Only permitted through a commercial bank, a merchant bank, an investment bank or an	1) None. 2) None. 3) For commercial banks, unbound for branching (including off-premises ATMs)	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>offshore bank. Offshore banks in Labuan are permitted to accept foreign currency deposits only. Offshore investment banks in Labuan are not permitted to accept deposits.</p>	<p>and networking with ATMs in Malaysia.</p>	
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p>	<p>1), 2) Financial services associated with lending to residents in any currency in excess of an equivalent of RM25 million must be undertaken jointly with commercial banks, merchant banks or investment banks in Malaysia.</p> <p>3) Entry as a non-bank for scheduled businesses is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent; or</p> <p>(b) A representative office.</p>	<p>1), 2) None.</p> <p>3) Foreign controlled banking institutions in Malaysia are allowed to extend credit facilities (including factoring and leasing) up to a maximum of 50 per cent of the total credit facilities obtained by non-resident controlled companies from banking institutions.</p> <p>For commercial</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Representative offices can only undertake research and liaison services.</p> <p>Provision of factoring services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.</p> <p>Merchant banks and investment banks are not permitted to provide consumer credit and home mortgages.</p> <p>Only commercial banks are permitted to provide overdraft facilities.</p> <p>Offshore banks and offshore investment banks are permitted to lend in foreign currencies only.</p>	<p>banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia.</p>	
Financial leasing	<p>1), 2) Leasing services to residents in any currency must be undertaken jointly with leasing companies, merchant banks or investment banks in Malaysia.</p>	<p>1), 2) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) Provision of leasing services by a commercial bank requires the setting up of a separate entity and shareholding by a foreign controlled commercial bank shall not exceed 49 per cent.</p> <p>Entry as a non-bank is limited to:</p> <p>(a) Foreign financial institutions through the establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 49 per cent; or</p> <p>(b) A representative office.</p> <p>Representative offices can only undertake research and liaison services.</p> <p>Entry is permitted through the establishment of a branch or subsidiary in Labuan by reputable foreign leasing companies. Such offshore entity can only transact in foreign currencies.</p>	<p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Offshore banks and offshore investment banks are permitted to carry on financial leasing business in foreign currencies only.		
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.	<p>1) Electronic fund transfer system requires approval.</p> <p>2) None.</p> <p>3) Offshore banks are permitted to extend payment and money transmission services to non-residents only.</p> <p>Only commercial banks are permitted to issue credit cards, debit cards or provide checking account services.</p> <p>Sale or purchase of foreign currency and purchase of travellers' cheques other than by commercial banks require money changer's license. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) For commercial banks, unbound for branching (including off- premises ATMs) and networking with ATMs in Malaysia.</p> <p>Branching (including dispensers) is permitted for travellers cheques companies with foreign shareholding not exceeding 30 per cent.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Charge cards.	1), 2) None. 3) Entry is limited to establishment of a company incorporated in Malaysia. Approval of the Central Bank is required.	1), 2) None. 3) None.	
Guarantees and commitments.	1), 2) None except banks established in Malaysia may be given the right of first refusal. 3) None.	1), 2) None. 3) None.	
Money and foreign exchange broking services.	1), 2) Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorised dealers and money and foreign exchange brokers incorporated in Malaysia. 3) Entry is limited to: <ul style="list-style-type: none"> (a) equity participation in existing institutions and aggregate foreign shareholding in such institutions shall not exceed 30 per cent; or (b) the establishment of a 	1), 2) None. 3) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">branch or subsidiary, by a money and foreign exchange broker, registered or incorporated in Labuan.</p> <p align="center">Money and foreign exchange broking services by offshore entities are confined to foreign currencies only.</p>		
<p>Trading for own account or account of customers in the following:</p> <ul style="list-style-type: none"> - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion 	<ol style="list-style-type: none"> 1) Dealing is limited to contracts traded on specified exchanges abroad. 2) None. 3) Transactions by offshore banks and offshore investment banks in Labuan must be conducted in foreign currencies, except for the sale or purchase of currencies with authorised banks in Malaysia. <p>Transactions by offshore banks and offshore investment banks in Labuan for own account are limited to instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p>	<ol style="list-style-type: none"> 1) None. 2) None. 3) None. 	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Trading for accounts of customers by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued by offshore companies in Labuan and foreign companies abroad.</p> <p>Trading in shares of Malaysian companies by offshore banks, offshore investment banks and offshore companies in Labuan is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan.</p> <p>Only commercial banks, offshore banks and offshore investment banks are permitted to trade in foreign currency.</p> <p>Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions require establishment of a locally incorporated joint-venture</p>		

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p> <p>Trades for own account and account of customers who are outside Malaysia may be routed to participating organisations of the stock exchange for execution by a foreign stock broking company that is incorporated in Malaysia subject to all terms and conditions which are being finalised.</p>		
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).</p>	<p>1), 2) Participation in issues and services related to such issues requires authorisation.</p> <p>3) Participation by offshore banks and offshore investment banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>Only merchant banks and investment banks are permitted to make submissions to the Securities Commission Malaysia for new issues.</p>	<p>1), 2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Participation by non-banks requires establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p> <p>Unbound for appointment as principal dealers.</p>		
Underwriting	<p>1) Commercial presence is required.</p> <p>2) Authorisation is required.</p> <p>3) For non-banks, only licensed dealers are permitted to underwrite. Entry is limited to establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company shall not exceed 30 per cent.</p> <p>Commercial banks are permitted to underwrite private debt securities only.</p> <p>Offshore banks and offshore investment banks are permitted to</p>	<p>1) Unbound.</p> <p>2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	underwrite foreign currency denominated securities created and issued by offshore companies in Labuan and foreign companies abroad.		
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	1) Commercial presence is required. 2) None. 3) Custodial and depository services are limited to scrip based securities. Asset management by offshore banks, offshore investment banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks, offshore investment banks and offshore companies in Malaysian equities or equity-linked investments are confined to non-resident customers other than offshore companies incorporated in Labuan in which residents have shareholdings. Entry as a non-bank, other than a	1) None. 2) None. 3) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Foreign Fund Management Company (FFMC) is limited to establishment of a locally incorporated joint-venture company and aggregate shareholding in such company shall not exceed 30 per cent.</p> <p>Provision of asset management services by a commercial bank requires establishment of a separate entity and shareholding by a foreign-controlled commercial bank shall not exceed 30 per cent.</p> <p>Entry as an FFMC is limited to the establishment of a company incorporated locally with more than 50 per cent foreign shareholding in the company and requires the approval of the Securities Commission Malaysia. Sourcing of local funds worth at least RM10 million is limited to FFMCs where the aggregate foreign shareholding is not more than 70 per cent and the company is managing or has undertaken to manage funds sourced from outside Malaysia to the amount of at least USD100 million. Sourcing of local funds is</p>		

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>limited to institutional funds and collective investment schemes other than unit trusts. Only ten FFMCs which have a maximum of 70 per cent foreign shareholding may manage the funds of a local unit trust subject to the approval of the Securities Commission Malaysia.</p>		
<p>Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy</p>	<p>1) Provision of investment and portfolio advice requires commercial presence.</p> <p>Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks, merchant banks or investment banks in Malaysia.</p> <p>2) Services other than investment and portfolio advice to residents must be undertaken jointly with commercial banks, merchant banks or investment banks in Malaysia.</p> <p>3) Entry as a non-bank is limited to:</p> <p>(a) Establishment of a locally</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>incorporated company licensed by the Securities Commission Malaysia to carry on the regulated activity of investment advice;</p> <p>(b) Establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on the regulated activity of advising on corporate finance. Aggregate foreign shareholding in such a company shall not exceed 70 per cent;</p> <p>(c) Establishment of a locally incorporated company licensed by the Securities Commission Malaysia to carry on the regulated activity of financial planning. Aggregate foreign shareholding in such a company shall not exceed 70 per cent; or</p> <p>(d) A representative office. Representative offices (including those of commercial banks, merchant banks,</p>		

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>investment banks and securities companies) are permitted to undertake information research and liaison services only.</p> <p>Representative offices of securities companies are not permitted to publish and circulate research work in Malaysia.</p> <p>Offshore banks, offshore investment banks and offshore companies in Labuan can only provide services to non-resident customers.</p>		
<p>Operational headquarters (OHQ) for financial sector</p> <p>(Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining</p>	<p>1), 2) Unbound*</p> <p>3) Only through a locally incorporated wholly foreign-owned company.</p> <p>A foreign-owned company, a regional office of a foreign-owned</p>	<p>1), 2) Unbound*</p> <p>3) None.</p>	

* Due to lack of technical feasibility

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
to general management and administration, business planning, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development).	<p>company which transfers its OHQ services to Malaysia, a regional office of a foreign-owned company established in Malaysia, and a foreign-owned company which is already incorporated in Malaysia, may seek to qualify as an OHQ.</p> <p>An OHQ must operate in Malaysia and fulfill the following criteria:</p> <ul style="list-style-type: none"> (a) Carry out at least three of the OHQ service activities; (b) Have a sizeable network of companies outside Malaysia which includes the parent company or its head office and related companies; (c) Have a well established foreign- owned company which is sizeable in terms of assets and employees; (d) Have a network of companies with a substantial number of qualified executives, professionals, technical and other supporting personnel; (e) Be able to make decisions independently without 		

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>consultation with its head office or parent company located outside Malaysia;</p> <p>(f) Be able to contribute to the Malaysian economy by:</p> <p>(i) Using services such as legal, accounting etc. provided by Malaysians;</p> <p>(ii) Creating job opportunities for Malaysians;</p> <p>(iii) Enabling greater inflow of foreign funds.</p>		
<p>Securities broking services comprising:</p> <ul style="list-style-type: none"> - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research 	<p>1) Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are participating organisations of the stock exchange.</p> <p>Promotion in Malaysia of Malaysian stocks requires approval.</p> <p>Provision of investment advisory services and credit reference services to residents requires commercial presence.</p> <p>2) Trades on Malaysian stock exchanges must be transacted through companies incorporated in</p>	<p>1) None.</p> <p>2) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Malaysia which are participating organisations of the stock exchange.</p> <p>3) Entry is limited to recognised foreign stock broking companies through:</p> <p>(a) Equity participation in an existing stock broking company; or</p> <p>(b) Establishment of a locally incorporated joint-venture company with a Malaysian stock broking company.</p> <p>And aggregate foreign shareholding in such company shall not exceed 49 per cent.</p> <p>A foreign stockbroking company is permitted to have shareholding in one stockbroking company only.</p> <p>Entry by recognised foreign stockbroking companies is also permitted through a representative office.</p> <p>Representative offices are permitted to undertake</p>	<p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>information research and liaison services only. Representative offices are not permitted to publish and circulate research work in Malaysia.</p> <p>New licences subject to conditions, including geographical location, numerical quota and other conditions to be determined.</p>		
Commodity futures broking services.	<p>1), 2) Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are trading participants of the exchange.</p> <p>3) Entry is limited to:</p> <p>(a) Establishment of a locally incorporated joint-venture company and aggregate foreign shareholding in such company is limited to 30 per cent or any higher percentage as determined by the relevant authorities; or</p> <p>(b) A representative office.</p>	<p>1), 2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">Representative offices are permitted to undertake information research and liaison services only.</p> <p align="center">Total participantship of the exchange will be based on economic needs.</p>		
B. Insurance Services			
Direct Insurance (non-life)	<p>1) Soliciting and advertising in Malaysia are not allowed.</p> <p>Approval of the Central Bank is required for direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>2) Approval of the Central Bank is</p>	<p>1) None.</p> <p>2) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>required for direct placement abroad of insurance of:</p> <p>(a) movable or immovable property located in Malaysia, including any ship or aircraft registered in Malaysia; and</p> <p>(b) liability of residents to third party.</p> <p>Approval will be granted if such insurance is not available from direct insurance companies in Malaysia.</p> <p>3) Only permitted through direct insurance companies.</p> <p>Offshore direct insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p>	<p>3) Branching is permitted for direct insurance companies with aggregate foreign shareholding of less than 50 per cent. Direct insurance companies are permitted to maintain their existing network of branches.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	
Direct insurance (life)	<p>1), 2) Unbound.</p> <p>3) Only permitted through direct insurance companies.</p> <p>Investment-linked insurance business and new life insurance products provided by direct insurance companies require approval.</p> <p>Offshore direct insurance companies in Labuan are not permitted to underwrite life insurance of residents. This limitation does not apply to ordinary life insurance of high net worth residents.</p>	<p>1), 2) Unbound.</p> <p>3) Branching is only permitted for direct insurance companies with aggregate foreign shareholding of less than 50 per cent. Direct insurance companies are permitted to maintain their existing network of branches.</p> <p>Unbound for special assistance to Malaysian-owned direct insurance companies to promote their development.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Reinsurance and retrocession (non-life)	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) Obligation on all insurers other than offshore direct insurance and offshore reinsurance companies to optimise national retention capacity before any outward reinsurance.</p> <p>Unbound for new licenses.</p> <p>Aggregate foreign shareholding in the Malaysian Reinsurance Berhad shall not exceed 30 per cent.</p> <p>Entry as an offshore reinsurance</p>	<p>1), 2) Voluntary cession up to 30 per cent of each class of non-life reinsurance business to the Malaysian Reinsurance Berhad.</p> <p>Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) Unbound for measures granting special position to Malaysian Reinsurance Berhad.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	company is confined to Labuan.		
Reinsurance and retrocession (life).	<p>1), 2) Outward reinsurance is permitted only if local capacity is not available.</p> <p>3) National retention capacity is required to be optimised before any outward reinsurance by:</p> <p>(a) direct life insurance and life reinsurance companies in Malaysia; and</p> <p>(b) offshore direct life insurance and offshore life reinsurance companies which are permitted to insure or reinsure life insurance of high net worth residents.</p> <p>Unbound for new licenses.</p> <p>Aggregate foreign shareholding in the Malaysian Life Reinsurance Group Berhad shall not exceed 30 per cent.</p> <p>Entry as an offshore reinsurance</p>	<p>1), 2) Unbound for fiscal incentives to promote reinsurance in Malaysia.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	company is confined to Labuan.		
Insurance intermediation – insurance broking (excluding agency).	<p>1), 2) Direct insurance broking services can only be provided to offshore companies in Labuan.</p> <p>Reinsurance broking is permitted.</p> <p>3) Unbound for onshore insurance broking.</p> <p>Broking of direct insurance of Malaysian risks by offshore insurance brokers is not permitted.</p> <p>This limitation does not apply to broking of reinsurance of Malaysian risks.</p>	<p>1), 2) None.</p> <p>3) None.</p>	
Insurance intermediation – insurance underwriting and insurance management.	<p>1), 2) Insurance underwriting and insurance management are not permitted.</p> <p>3) Unbound for onshore insurance underwriting and insurance management.</p>	<p>1), 2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>An offshore insurance underwriting manager is not permitted to provide services to any person other than offshore insurance companies in Labuan.</p> <p>An offshore insurance manager is permitted to provide insurance management services to persons other than residents.</p>		
<p>Services auxilliary to insurance as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting.</p>	<p>1) Actuarial services can be only provided to offshore insurance companies and offshore reinsurance companies in Labuan.</p> <p>2) None.</p> <p>3) Limited to the establishment of:</p> <p>(a) Locally incorporated companies;</p> <p>(b) Branches; or</p> <p>(c) Partnerships.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Offshore companies are not permitted to provide services to Malaysian residents.		
8. HEALTHCARE SERVICES			
Private hospital services (CPC 93110*)	1) None. 2) None. 3) Economic needs test; only through a locally incorporated joint-venture corporation with Malaysian individuals or Malaysian - controlled corporations or both and aggregate foreign shareholding in the joint-venture corporations shall not exceed 49 per cent; and the joint-venture corporation shall operate a hospital with a minimum of 100 beds.	1) None. 2) None. 3) Establishment of feeder out-patient clinic is not permitted.	
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel, tourist resort and restaurant	1) None.	1) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643)	2) None. 3) For CPC 64110 covering 4 & 5 star establishments, only through joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.	2) None. 3) None.	
Travel Agencies and Tour Operators Services (CPC 7471)	1) None. 2) None. 3) For inbound travel only, joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.	1) None. 2) None. 3) For inbound travel only, joint venture with Malaysian individuals or Malaysian controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Other entertainment services (CPC 96191, 96192)	1) Unbound due to lack of technical feasibility. 2) None. 3) Entertainment services may be supplied only by a natural person.	1) Unbound due to lack of technical feasibility. 2) None. 3) None.	
Sports event management services (CPC 96411, 96412)	1) Unbound due to lack of technical feasibility. 2) None. 3) Only through a Malaysian-controlled corporation acting as the local sponsor.	1) Unbound due to lack of technical feasibility. 2) None. 3) None.	
Theme park (CPC 96194*) A family based recreational area/amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various	1) Unbound due to lack of technical feasibility. 2) None.	1) None. 2) None.	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both.	3) Only through joint-venture with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 70 per cent.	3) None.	
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
International maritime transportation services, excludes cabotage (CPC 7211, 7212)	<p>1) None.</p> <p>2) None.</p> <p>3) Only through a representative office, regional office or locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate in the joint-venture corporation shall not exceed 51 per cent.</p> <p><u>Malaysian registered vessels</u></p> <p>To register a vessel in Malaysia, the following conditions must be</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> 1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering;

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>met:</p> <ol style="list-style-type: none"> 1. Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2. Majority shareholding to be held by Malaysians; 3. Majority of the board of directors to be Malaysians; and 4. Principle place of business to be in Malaysia. 		<ol style="list-style-type: none"> 4. Garbage collection and ballast waste disposal; 5. Port Captain's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies; 8. Emergency repair facilities; and 9. Anchorage, berth and berthing services.

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Maritime agency services (CPC 7454*)</p> <p>Covers marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required.</p> <p>Vessel salvage and refloating except on inland waters (CPC 74540)</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	

MALAYSIA – SCHEDULES OF SPECIFIC OF COMMITMENTS

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
12. OTHER SERVICES			
<p>Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows:</p> <ol style="list-style-type: none"> 1. Automated manufacturing technology; 2. Advanced materials technology; 3. Biotechnology; 4. Electronics; 5. Information technology; and 6. Avionics/aviation technology (CPC 97090) 	<ol style="list-style-type: none"> 1) None. 2) None. 3) Only through a locally-incorporated joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate in the joint-venture corporation shall not exceed 30 per cent; and establishment of local branches requires additional licenses. 	<ol style="list-style-type: none"> 1) None. 2) None. 3) None. 	