

Specific Commitments in Conformity with Section D  
(Temporary Presence of Natural Persons for Business Purposes)  
of Chapter 8 (Liberalisation of Investments,  
Trade in Services and Electronic Commerce)

1. The list of commitments specified in this Appendix indicates the sectors liberalised pursuant to Articles 8.7 (Schedule of Specific Commitments) and 8.13 (Schedule of Specific Commitments) for which limitations apply on business visitors, intra-corporate transferees, business sellers and contractual service suppliers in accordance with Articles 8.15 (Intra-Corporate Transferees and Business Visitors), 8.16 (Business Sellers) and 8.17 (Contractual Service Suppliers). This list is composed of the following elements:
  - (a) the first column indicates the sector or sub-sector in which limitations apply; and
  - (b) the second column describes the applicable limitations.
2. Viet Nam does not undertake any commitment for business visitors or intra-corporate transferees in sectors which are not liberalised (remain unbound) pursuant to Articles 8.4 (Market Access) and 8.10 (Market Access).

3. Viet Nam does not undertake any commitment for business sellers in sectors which are not liberalised (remain unbound) pursuant to Articles 8.4 (Market Access) and 8.10 (Market Access).
4. Viet Nam does not undertake any commitment for contractual service suppliers in sectors which are not listed in Article 8.17 (Contractual Service Suppliers).
5. Commitments on business visitors, intra-corporate transferees, business sellers and contractual service suppliers do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiation.
6. The list of commitments specified in this Appendix does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures when they do not constitute a limitation within the meaning of Section D (Temporary Presence of Natural Persons for Business Purposes). Those measures, such as the need to obtain a license, the need to obtain recognition of qualifications in regulated sectors, the need to pass specific examinations, including language examinations, and the need to have a legal domicile in the territory where the economic activity is performed, even if not listed in this Appendix, apply in any case to business visitors, intra-corporate transferees, business sellers and contractual service suppliers of the Union.

7. All requirements pursuant to the laws and regulations of Viet Nam regarding entry, stay, work and social security measures continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements even if not listed in this Appendix.
8. In accordance with paragraph 6 of Article 8.1 (Objectives and Scope), the list of commitments specified in this Appendix does not include measures concerning subsidies granted by a Party.
9. The list of commitments specified in this Appendix is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on liberalisation of investments set out in Appendix 8-B-1.
10. The rights and obligations arising from this Agreement, including the list of commitments specified in the table in this Appendix, shall have no direct effect and confer no rights directly on natural or juridical persons.

Sector or sub-sector	Description of reservations
ALL SECTORS	Intra-corporate transferees At least 20 % of managers, executives and specialists shall be Vietnamese nationals, unless they cannot be substituted by Vietnamese. However, a minimum on 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.
1. BUSINESS SERVICES	
B. Computer and related services (CPC 84)	The chief of the branch has to be a resident in Viet Nam.
F. Other business services	
(c) Management consultant services (CPC 865)	The chief of the branch has to be a resident in Viet Nam.
(d) Services related to management consulting – CPC 866, except CPC 86602) Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)	The chief of the branch has to be a resident in Viet Nam.

Sector or sub-sector	Description of reservations
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES	
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515, 518)	The chief of the branch has to be a resident in Viet Nam.
4. DISTRIBUTION SERVICES	
D. Franchising services (CPC 8929)	The chief of the branch has to be a resident in Viet Nam.
5. EDUCATIONAL SERVICES Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below, the education content must be approved by Viet Nam's Ministry of Education and Training.	

Sector or sub-sector	Description of reservations
C. Higher education services (CPC 923) D. Adult education (CPC 924) E. Other education services (CPC 929 including foreign language training)	Foreign teachers who wish to work in Viet Nam shall have at least 5 years of teaching experience, and their qualifications shall be recognised by the competent authority.
9. TOURISM AND TRAVEL RELATED SERVICES	
B. Travel agencies and tour operator services (CPC 7471)	Tourist guides in foreign-invested enterprises shall be Vietnamese citizens.
11. TRANSPORT SERVICES	
A. Maritime transport	
(a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint - ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be a Vietnamese citizen.

Sector or sub-sector	Description of reservations
(c) Maritime agency services <sup>1</sup> (CPC 748*)	Union managers are allowed to work in ship agencies.
D. Road transport	
(a) Passenger transportation (CPC 7121+7122)	100 % of a joint-venture's drivers shall be Vietnamese citizens.
(b) Freight transportation (CPC 7123))	

---

<sup>1</sup> Maritime agency services or ship agency services are services which the ship agent is authorised to undertake, in the name of the ship owner or the ship operator, to perform services connected with the ship's operations at the port including arrangement of the ship's entry and departure; concluding contracts of carriage, marine insurance contracts, contracts for cargo handling, charter parties, and recruitment agreements; issuing and signing bills of lading or similar documents; supplying stores, bunkers and provisions to the ship; submitting ship's sea protests; communicating with the ship owner or the ship operator; arranging relevant services for ship crew; receiving and paying all amounts incident to the ship's operation; handling claims arising from contracts of carriage and or marine accidents, and supplying other services in connection with the ship as required.

