



Committee on Regional Trade Agreements

FACTUAL PRESENTATION

AGREEMENT ON TRADE IN SERVICES BETWEEN INDIA AND
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS
(SERVICES)

Report by the Secretariat

This report, prepared for the consideration of the Agreement on Trade in Services between India and the Association of Southeast Asian Nations (ASEAN), has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The factual presentation reproduces as closely as possible the terminology used in the Agreement and in the comments provided and does not imply official endorsement or acceptance by the Secretariat of such terminology. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (WT/L/671) and thus does not imply any value judgement by the Secretariat regarding the contents of the Agreement.

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Key Facts

Parties to the Agreement: ASEAN member states (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam) and India

Date of Signature: 13 November 2014

Date of Entry into Force: 1 July 2015

Date of Notification: 20 August 2015

Full implementation: 20 August 2015

1 TRADE ENVIRONMENT

1.1. The Agreement on Trade in Services under the framework agreement on comprehensive economic cooperation between India and the Association of Southeast Asian Nations¹ (hereafter "the Agreement") is ASEAN's 6th regional trade agreement (RTA).² It is however ASEAN's 3rd Agreement covering trade in services. The Agreement is India's 14th RTA³ but India's 5th RTA in trade in services.

1.2. In commercial services, India ranked 5th globally in terms of both global exports and imports, amounting to US\$156 billion and US\$147 billion, respectively.⁴ This represents 3.15% and 3.07% of world exports and imports, respectively.

1.3. Among the ASEAN members, Singapore accounted for the largest share of world trade followed by Thailand and Malaysia (Table 1.1). Among the newer ASEAN members (Cambodia, Lao PDR, Myanmar and Viet Nam) Viet Nam had the largest share of exports and imports of commercial services, while Lao PDR has the smallest share.

Table 1.1 Commercial services trade by ASEAN member states and India, 2014

	Exports			Imports		
	Value (US\$ million)	Share in World Total (%)	Rank	Value (US\$ million)	Share in World Total (%)	Rank
ASEAN						
Brunei Darussalam	479	0.01	120	2,019	0.04	87
Cambodia	3,923	0.08	54	1,993	0.04	88
Indonesia	22,920	0.46	22	33,076	0.69	20
Lao PDR ^a	761	0.02	110	523	0.01	126
Malaysia	39,410	0.80	18	44,715	0.93	19
Myanmar ^a	2,204	0.05	74	1,456	0.03	96
Philippines	24,823	0.50	21	19,684	0.41	28
Singapore	140,140	2.84	6	141,323	2.96	6
Thailand	54,942	1.11	13	52,888	1.11	17
Viet Nam	10,833	0.22	36	14,305	0.30	36
India	155,627	3.15	5	146,930	3.07	5

a Refers to 2013.

Note: Rank excludes intra-EU trade.

Source: WTO Statistics Database, Trade Profiles (September 2015).

¹ The ASEAN is composed of Brunei Darussalam, the Kingdom of Cambodia (Cambodia); the Republic of Indonesia (Indonesia); the Lao People's Democratic Republic (Lao PDR); Malaysia; the Republic of the Union of Myanmar (Myanmar); the Republic of the Philippines (Philippines); the Republic of Singapore (Singapore); the Kingdom of Thailand (Thailand); and the Socialist Republic of Viet Nam (Viet Nam).

² Including the Agreement on the agreement establishing the ASEAN Free Trade Area.

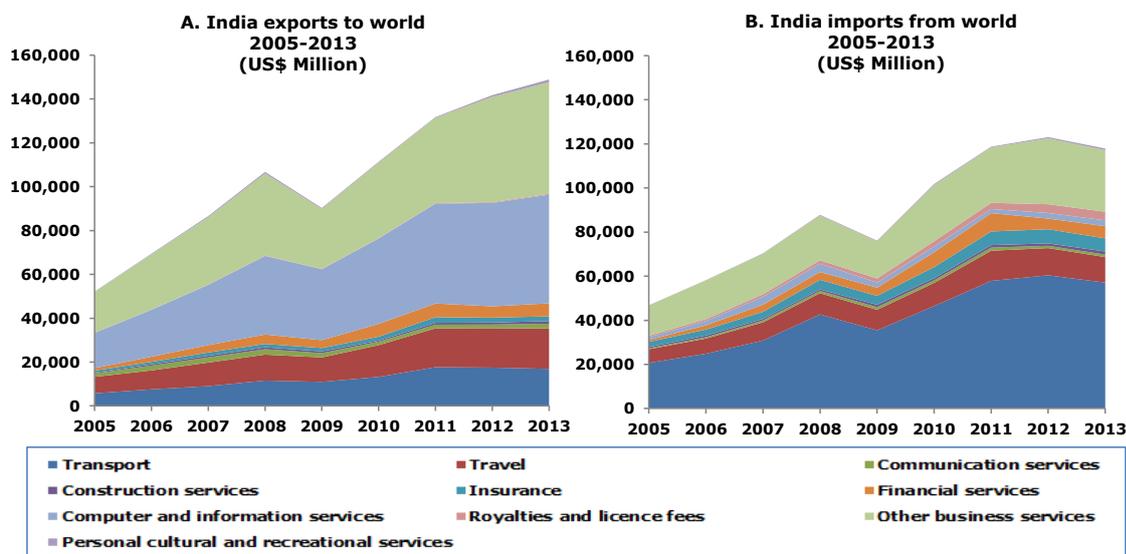
³ Not counting the Global System of Trade Preferences among Developing Countries.

⁴ Source: WTO Trade Profile (September 2015; 2014 data; and ranking excluding intra-EU trade).

1.4. Chart 1.1 shows the breakdown of commercial services trade for India in 2005-2014. During this period, India has run a constant trade deficit in these services. While its exports are dominated by other business services and computer and information services, key imports are transport and other business services.

1.5. Figures on India's bilateral commercial services trade with ASEAN have not been made available.

Chart 1.1 India, total commercial services trade, 2005-2013

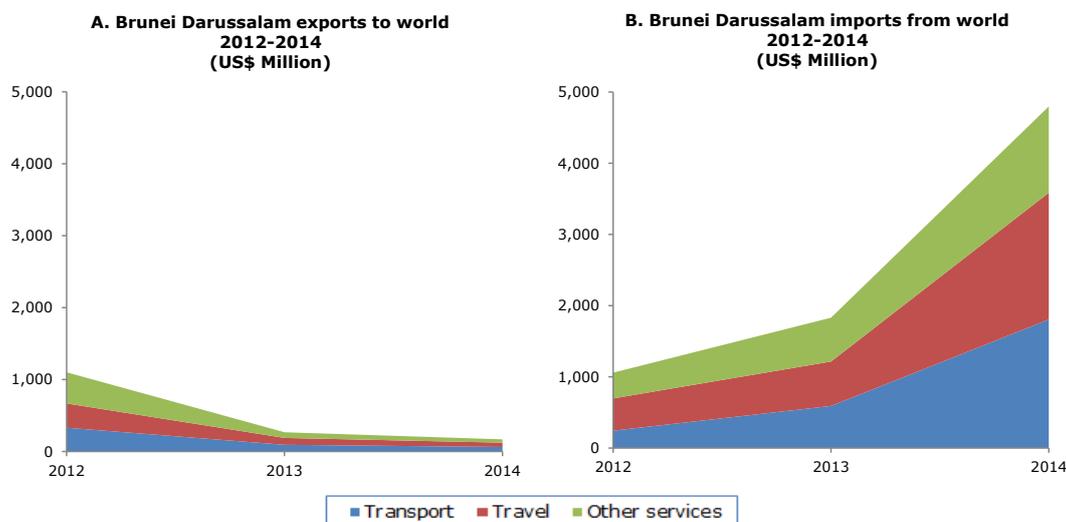


Note: Based on BPM5.

Source: WTO Statistics Database.

1.6. Charts 1.2. to 1.11 show the breakdown of commercial services trade for the ASEAN member states with the world, and when available with India, during periods which differ between ASEAN members. ASEAN's top three traders (both for exports and imports) were Singapore, Thailand, and Malaysia. In general travel and transport services are important exports and imports although other business services are also important notably for Indonesia, the Philippines and Singapore.

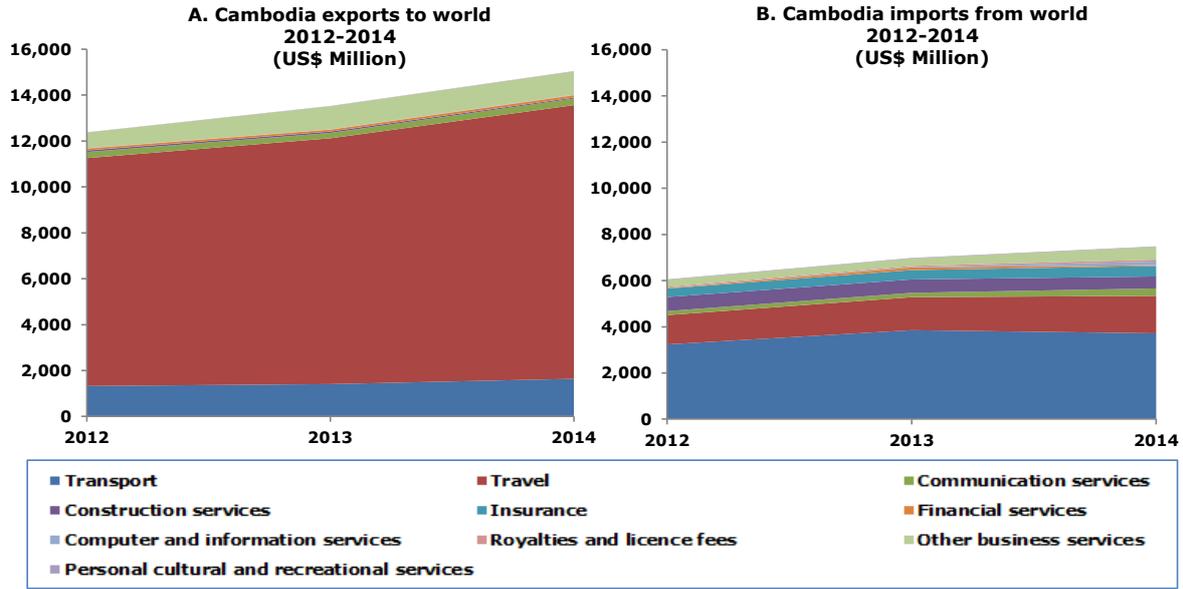
Chart 1.2 Brunei Darussalam, total trade in commercial services with world 2012-2014



Note: Based on BPM5.

Source: Brunei Darussalam authorities.

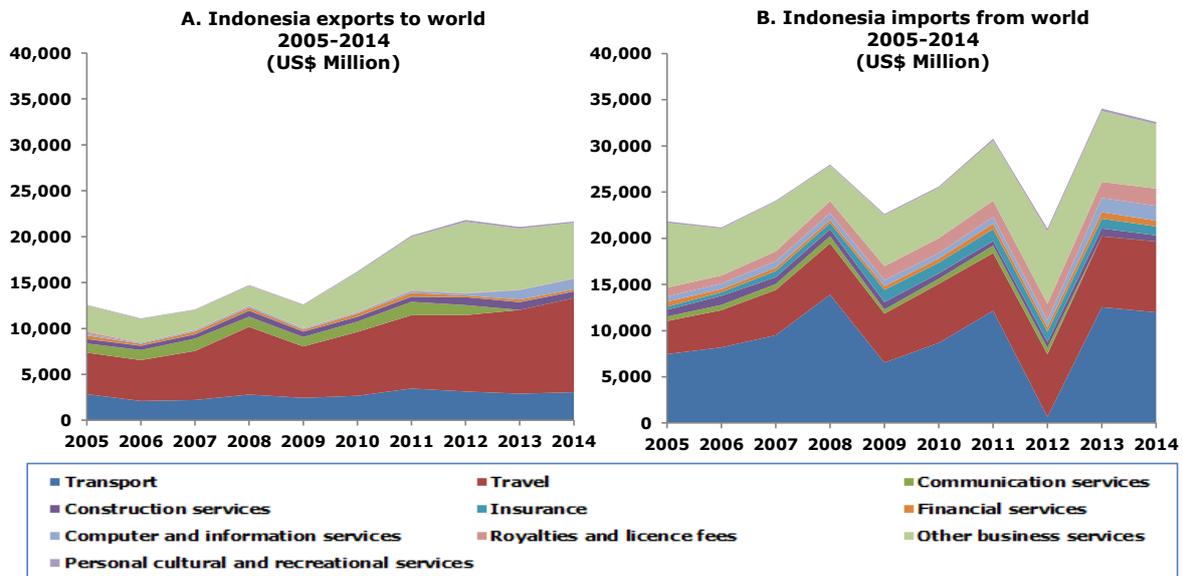
Chart 1.3 Cambodia, total trade in commercial services with world 2012-2014



Note: Based on BPM5.

Source: Brunei Cambodian authorities.

Chart 1.4 Indonesia, total trade in commercial services with world 2005-2014

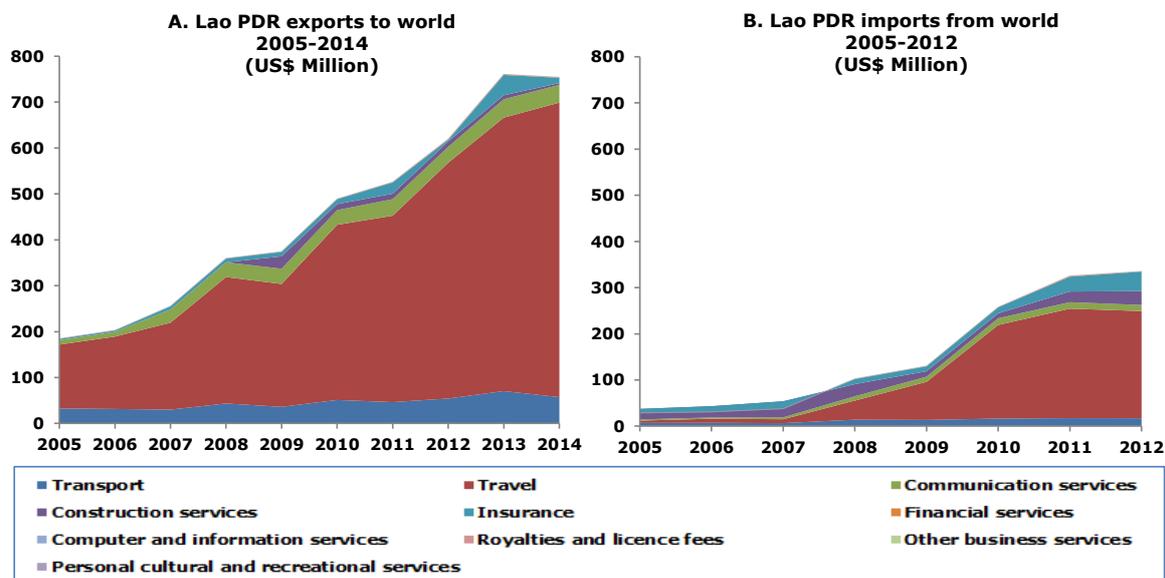


Note: Based on BPM5.

No trade data on communication services 82013-2014) and no export data on Insurance (2012).

Source: WTO Statistics Database and Indonesian authorities (2012-2014).

Chart 1.5 Lao PDR, total trade in commercial services with world (2005-2014 for exports; and 2005-2012 for imports)

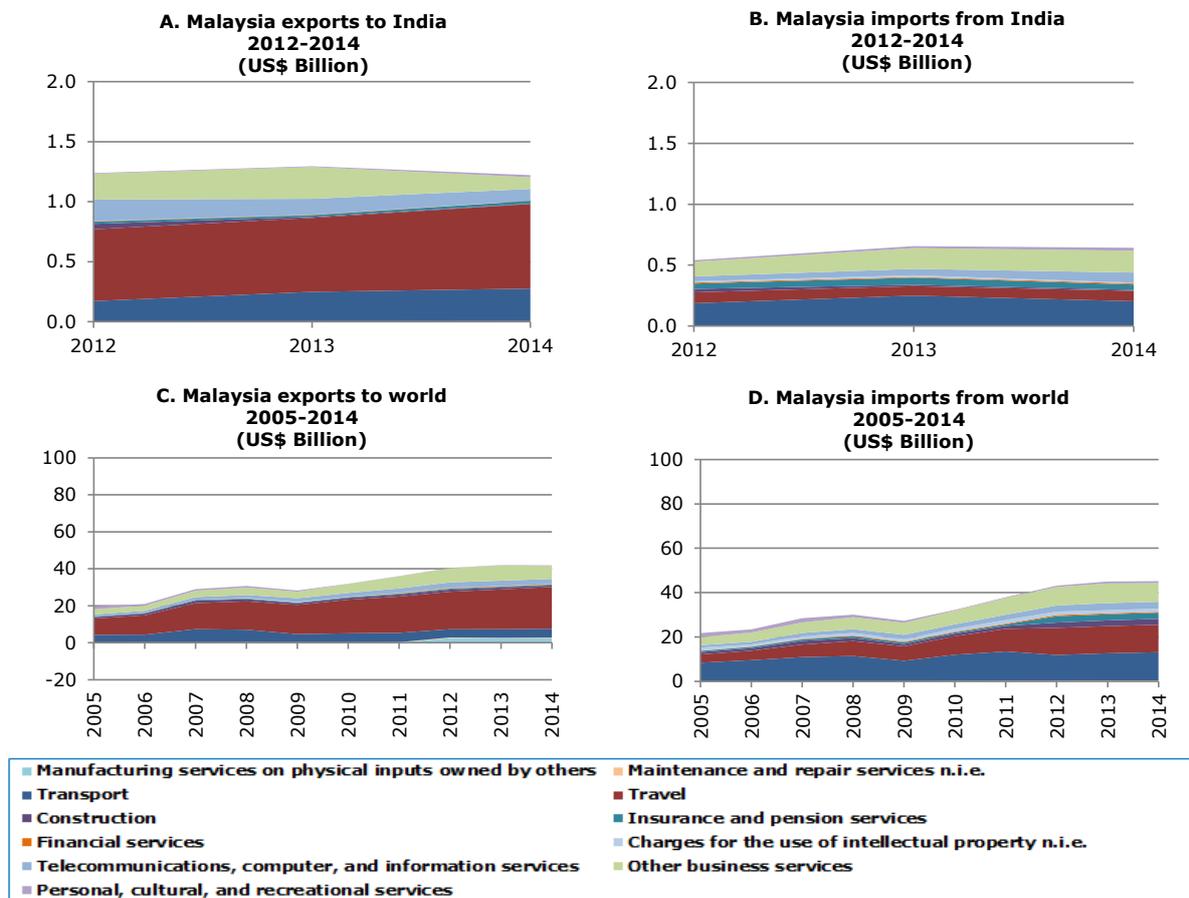


Note: Based on BPM5.

No export data (2005-2008) and import data (2013-2014) on Construction. No export data (2005-2010) and import data (2005-2010, 2013-2014) on Financial services. No import data on Transport, Travel, Communications services and Insurance (2013-2014). No trade data on Computer and information services, Royalties and licence fees, Other business services and Personal, cultural and recreational services (2005-2014).

Source: WTO Statistics Database and Lao PDR authorities (2012-2014 exports only).

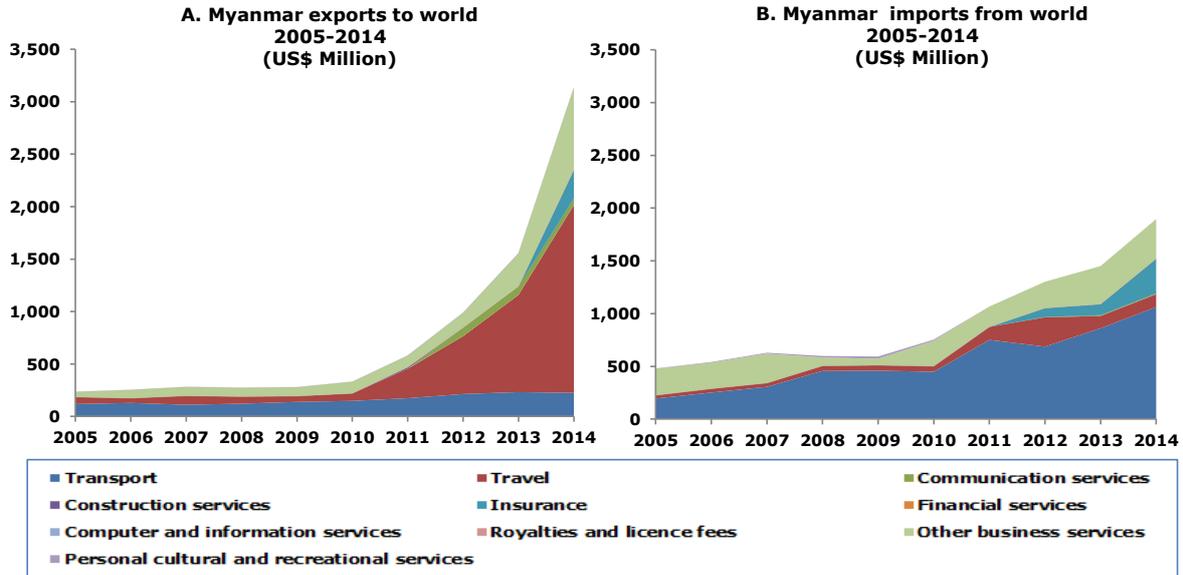
Chart 1.6 Malaysia, total trade in commercial services with India (2012-2014) and world (2005-2014)



Note: Based on BPM6.
 No bilateral trade on Manufacturing services on physical inputs owned by others (2012-2014); No bilateral exports on Maintenance and repair services n.i.e. (2012-2014); No data of exports to world (2010-2011) and imports from world (2005-2011) on Manufacturing services on physical inputs owned by others (2010-2011); No data on export to world on Maintenance and repair services n.i.e. (2005-2009).
 Exchange rate used for Malaysia (Malaysian Ringgit per US Dollar): 3.089 (2012), 3.151 (2013) and 3.273 (2014).

Source: WTO Statistics Database and Malaysian authorities (2012-2014 FDI bilateral and world).

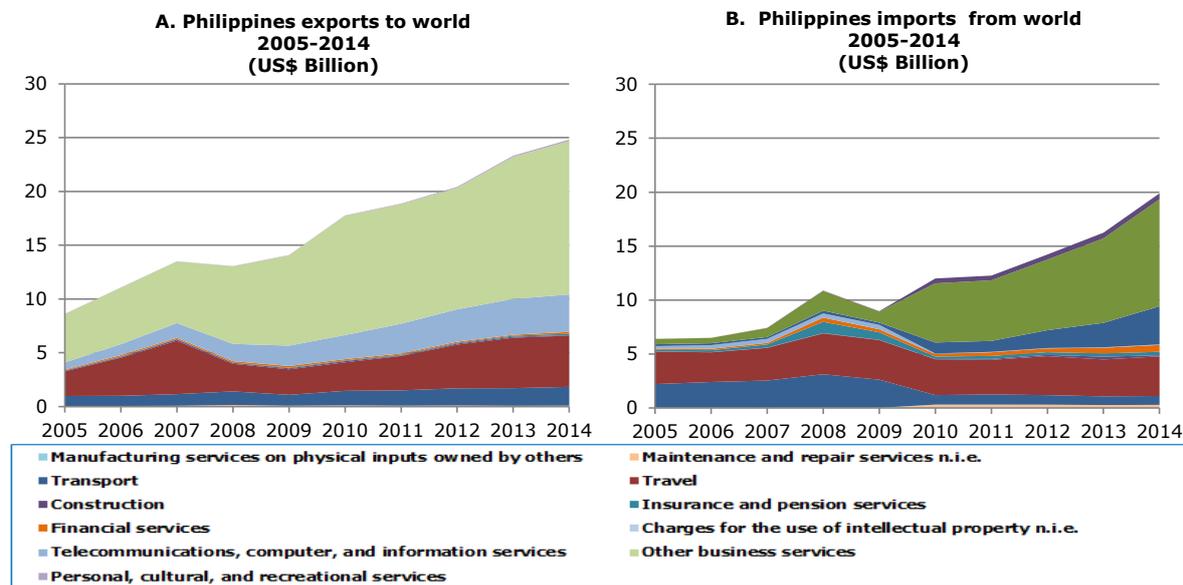
Chart 1.7 Myanmar, total trade in commercial services with world 2005-2014



Note: Based on BPM5.
 No trade data on Construction services, Financial services, Computer and information services and Royalties and licence fees.
 No data on exports (2012-2014) and imports (2014) for Personal, cultural and recreational services.

Source: WTO Statistics Database and Myanmar authorities (2012-2014).

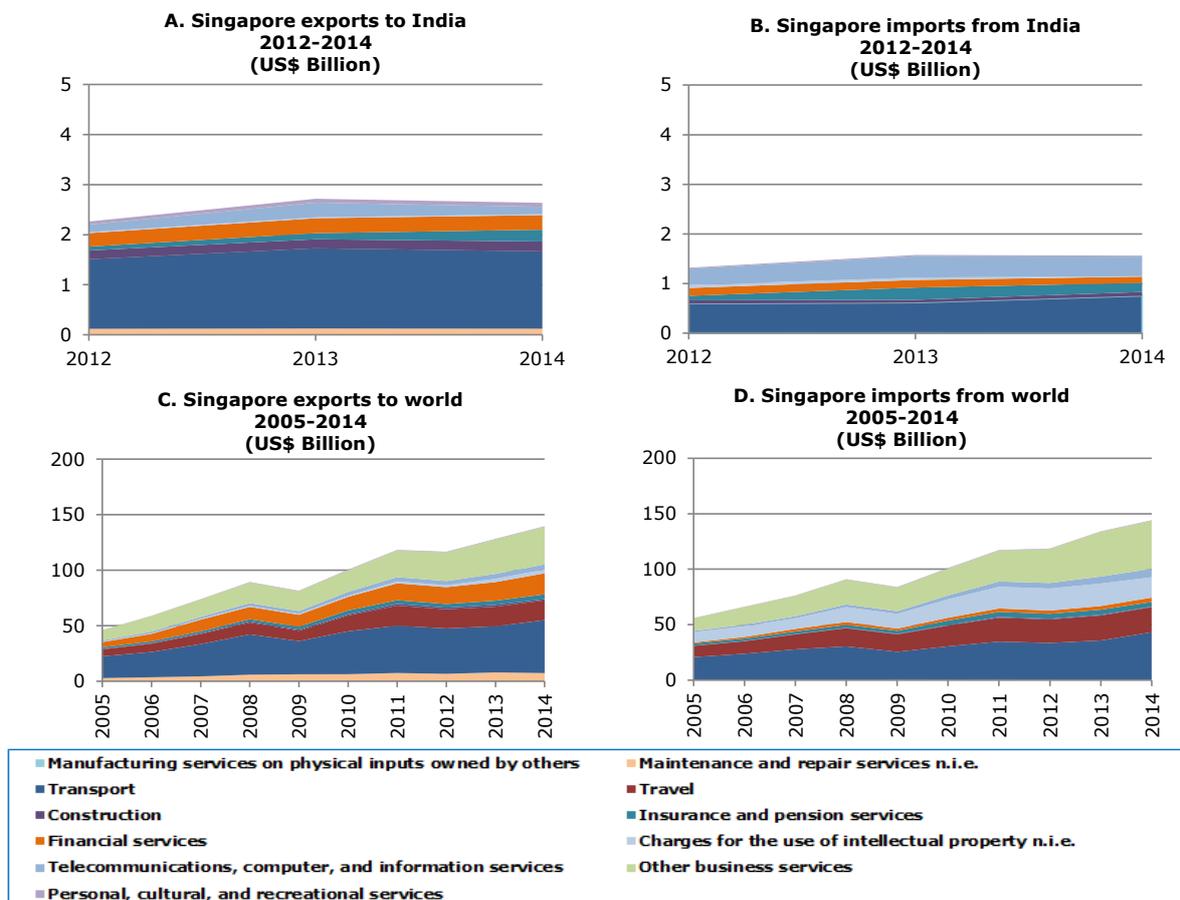
Chart 1.8 Philippines, total trade in commercial services with world 2005-2014



Note: Based on BPM6.
 No trade for Manufacturing services on physical inputs owned by others (2005-2014).

Source: WTO Statistics Database and Philippine authorities (2010-2014).

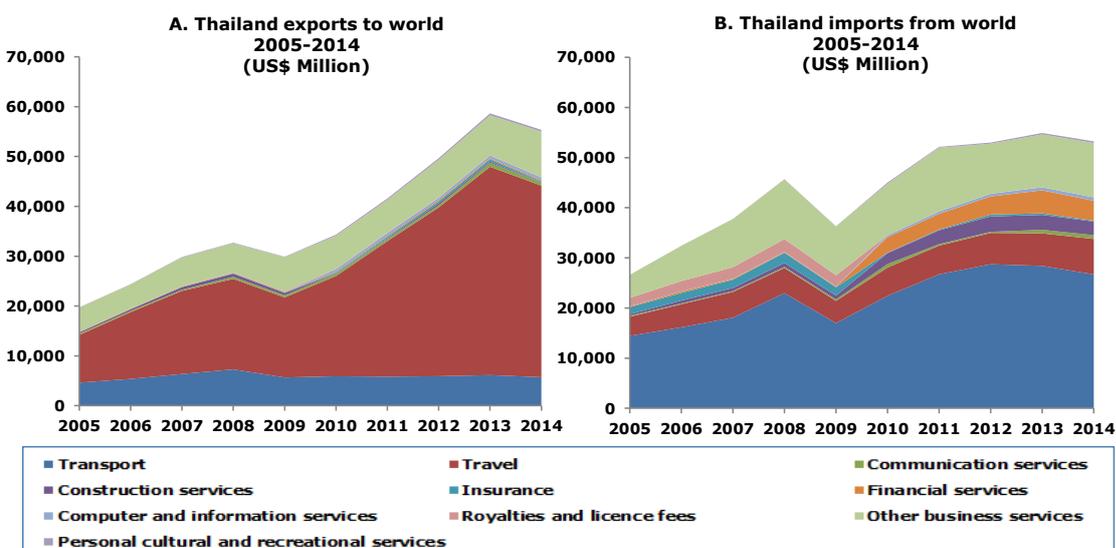
Chart 1.9 Singapore, total trade in commercial services with India (2012-2014) and world (2005-2014)



Note: Based on BPM6.

Source: WTO Statistics Database and Singapore authorities (2012-2014 FDI bilateral and world).

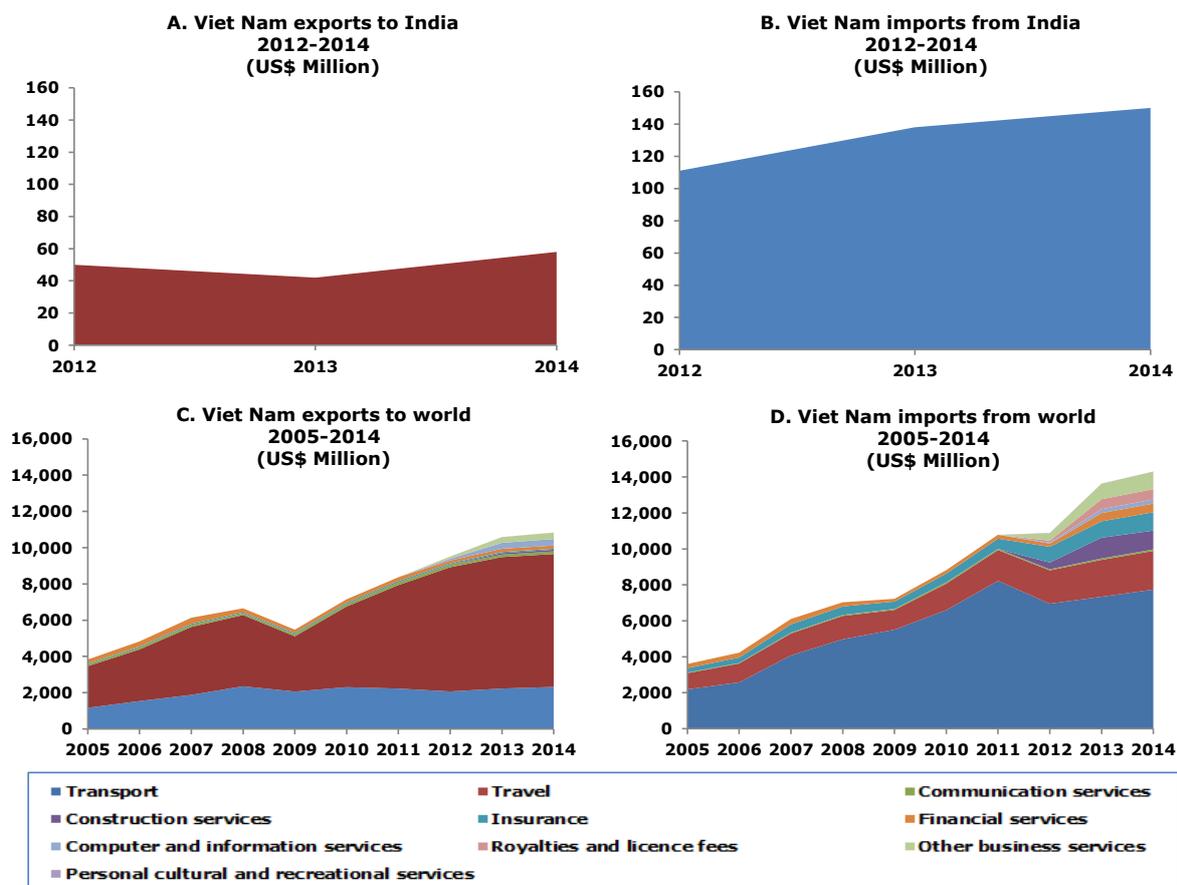
Chart 1.10 Thailand, total trade in commercial services with world 2005-2014



Note: Based on BPM5.
The 2014 data is preliminary.

Source: WTO Statistics Database and Thailand authorities (2010-2014).

Chart 1.11 Viet Nam, total trade in commercial services with world 2005-2014



Note: Based on BPM5.
 No trade data on Construction services, Computer and information services, Royalties and licence fees, Other business services and Personal cultural and recreational services (2005-2011). Only bilateral trade available is exports on Travel (2012-2014) and imports on Transport (2012-2014).

Source: WTO Statistics Database and Viet Nam authorities (2012-2014).

1.7. While Tables 1.2 and 1.3 show ASEAN Member States' foreign direct investment (FDI) stocks and flows during 2005-2014, Chart 1.12 pictures India's stocks and flows during the same period.

1.8. Table 1.2, based on available data on total inward and outward foreign direct investment (FDI) stocks with the world for each ASEAN Member State, shows that Singapore remains the largest source and destination for FDI. It is also the largest investor in India and the largest recipient of FDI from India among ASEAN members.

Table 1.2 ASEAN, total inward and outward foreign direct investment stock with world and India, by country, 2005-2014

(US\$ billion)

			2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
Brunei Darussalam	World	I	2.1	2.6	2.8	3.1	3.5	4.1	4.8	5.7	6.3	6.2	
		O	0.6	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.3	0.1	0.1
Cambodia	World	I	2.5	3.0	3.0	3.9	4.8	6.2	3.0	9.4	11.2	13.0	
		O	0.3	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.5	0.5	
Indonesia	World	I	41.2	54.5	79.9	72.2	108.8	160.7	184.8	211.6	230.8	253.1	
		O	-	1.0	3.2	2.8	3.9	6.7	6.2	12.4	19.4	24.1	
	India	I	-	-	-	-	-	-	-	-	0.008	0.011	0.003
		O	-	-	-	-	-	-	-	-	-	-	-
Lao People's Dem. Rep.	World	I	0.68	0.87	1.19	1.42	1.61	1.89	2.19	2.48	2.91	3.63	
		O	0.01	0.05	0.09	0.01	0.01	0.01	0.01	0.01	-	-	-
Malaysia	World	I	44.5	53.7	75.8	73.6	79.0	101.6	115.1	131.3	141.7	142.8	
		O	22.0	36.1	58.4	66.9	79.7	97.0	106.4	119.2	133.5	144.9	
	India	I	-	-	-	-	-	-	-	-	0.11	0.04	0.03
		O	-	-	-	-	-	-	-	-	1.10	2.15	3.96
Myanmar	World	I	6.5	7.2	7.2	7.8	7.8	14.5	15.6	16.1	16.7	17.7	
		O	-	-	-	-	-	-	-	-	-	-	-
Philippines	World	I	15.0	16.9	20.5	21.7	22.9	25.9	31.0	36.5	47.3	57.1	
		O	2.0	2.1	5.7	5.7	6.1	6.7	7.5	9.2	29.0	35.6	
Singapore	World	I	237.0	313.2	420.9	459.0	507.9	632.8	688.8	554.9	632.9	736.6	
		O	188.5	267.4	342.3	313.7	375.8	458.6	465.4	361.3	392.3	442.6	
	India	I	-	-	-	-	-	-	-	-	17.2	17.3	17.6
		O	-	-	-	-	-	-	-	-	9.4	11.0	13.5
Thailand	World	I	61.4	78.2	94.7	94.5	106.9	142.5	159.3	180.1	187.3	200.2	
		O	5.2	6.7	8.3	10.6	14.9	24.6	42.1	57.1	66.4	70.5	
	India	I	-	-	-	-	-	0.3	0.4	0.4	0.4	0.3	
		O	-	-	-	-	-	0.3	0.6	0.6	0.8	0.8	
Viet Nam	World	I	22.4	24.8	31.8	41.4	49.0	57.0	64.5	210.5	232.1	253.8	
		O	0.1	0.2	0.3	0.6	1.3	2.2	3.2	14.0	18.2	19.8	
	India	I	-	-	-	-	-	-	-	-	0.251	0.254	0.299
		O	-	-	-	-	-	-	-	-	0.001	0.002	0.006

Note: - no data.

I – inward O – outward.

Exchange rate used for Malaysia (Malaysian Ringgit per US Dollar): 3.089 (2012), 3.151 (2013) and 3.273 (2014).

Source: Authorities of Indonesia (bilateral inward stock and trade with world 2012-2014), Malaysia (2012-2014), Singapore (2012-2014), Thailand (2010-2014), Viet Nam (2012-2014) and UNCTAD.

1.9. Table 1.3 shows total foreign direct investment flows by ASEAN member states during 2005-2014. As for its investment in India, among ASEAN members, Singapore has consistently been the largest recipient and provider of direct investment from and to the world, respectively. Malaysia and Indonesia have consistently been the second and third largest providers of FDI during the period surveyed. Thailand and Malaysia have consistently been next as the second and third largest recipients of FDI, respectively, for most of this period. In the second part of the period, Indonesia became the third destination for FDI, following Singapore and Thailand.

Table 1.3 ASEAN, total inward and outward foreign direct investment flow with world and India, by country, 2005-2014

(US\$ billion)

			2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Brunei Darussalam	World	I	0.29	0.43	0.26	0.32	0.37	0.48	0.69	0.86	0.78	0.57
		O	0.02	0.02	-0.01	0.02	0.01	0.01	0.01	-0.42	-0.14	-
Cambodia	World	I	0.38	0.48	0.87	0.85	0.93	1.34	1.37	1.56	1.27	1.73
		O	0.01	0.01	0.001	0.02	0.02	0.02	0.03	0.04	0.05	0.03
	India	I	-	-	-	-	-	-	-	0.012	0.006	0.003
		O	-	-	-	-	-	-	-	-	-	-
Indonesia	World	I	8.3	4.9	6.9	9.3	4.9	13.8	19.2	19.1	18.8	22.6
		O	3.1	2.7	4.7	5.9	2.2	2.7	7.7	5.4	6.6	7.1
Lao People's Dem. Rep.	World	I	0.03	0.2	0.3	0.2	0.2	0.3	0.3	0.002	0.002	0.447
		O	-0.01	0.03	0.04	-0.1	0.001	-0.001	0.001	-0.001	-0.04	0.002
	India	I	-	-	-	-	-	-	-	0.002	-	0.002
		O	-	-	-	-	-	-	-	-	-	-
Malaysia	World	I	4.1	6.1	8.6	7.2	1.5	9.1	12.2	9.2	12.1	10.8
		O	3.1	6.0	11.3	15.0	7.8	13.4	15.2	-17.1	-14.1	-16.4
	India	I	-	-	-	-	-	-	-	-0.02	-0.03	0.01
		O	-	-	-	-	-	-	-0.19	-1.10	-1.76	
Myanmar	World	I	0.1	0.7	0.002	0.6	0.027	6.7	1.1	1.4	2.6	0.9
		O	-	-	-	-	-	-	-	-	-	-
	India	I	-	-	-	-	-	-	-	-	0.007	0.001
		O	-	-	-	-	-	-	-	-	-	
Philippines	World	I	1.9	2.9	2.9	1.5	2.0	1.3	1.9	2.0	3.7	6.2
		O	0.2	0.1	3.5	0.3	0.4	0.6	0.3	1.7	3.6	7.0
Singapore	World	I	18.1	36.9	47.7	12.2	23.8	55.1	48.0	56.7	64.8	67.5
		O	11.6	18.6	36.9	6.8	26.2	33.4	24.5	15.1	28.8	40.7
Thailand	World	I	8.1	9.5	11.4	8.5	4.9	14.75	2.47	12.90	15.94	3.72
		O	0.5	1.0	3.0	4.1	4.2	-8.13	-7.18	-14.26	-12.12	-4.28
	India	I	-	-	-	-	-	0.09	0.03	0.05	0.06	-0.08
		O	-	-	-	-	-	-0.13	-0.06	-0.16	-0.025	-0.05
Viet Nam	World	I	2.0	2.4	7.0	9.6	7.6	8.0	7.5	16.3	22.4	21.9
		O	0.1	0.1	0.2	0.3	0.7	0.9	1.0	1.5	4.4	1.8
	India	I	-	-	-	-	-	-	-	0.020	0.003	0.045
		O	-	-	-	-	-	-	-	-	0.001	0.004

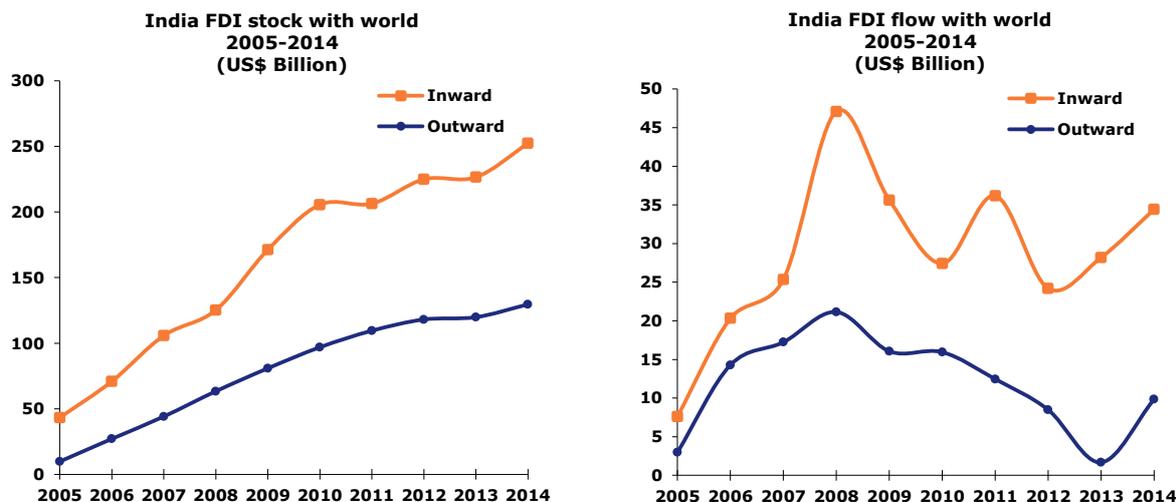
Note: - no data.

I – inward O – outward.

Exchange rate used for Malaysia (Malaysian Ringgit per US Dollar): 3.089 (2012), 3.151 (2013) and 3.273 (2014).

Source: Authorities of Brunei Darussalam (world inflow 2012-2014), Cambodia (world and bilateral inflow 2012-2014), Indonesia (2012-2014) Lao PDR (world and bilateral inflows 2012-2014), Malaysia (2012-2014), Myanmar (world and bilateral inflows 2012-2014), Thailand (2010-2014), Viet Nam (2012-2014) and UNCTAD.

1.10. In relation to India, Chart 1.12 illustrates the consistent deficit ran by India in connection with its FDI stock, with both inward and outward FDI stocks increasing steadily during the period. India's inward FDI flows fluctuated considerably after peaking in 2008 and declining generally until 2013; outward FDI flows also declined between 2008 and 2013 before picking up in 2014.

Chart 1.12 India: FDI stock and flow with world, 2005-2014

Source: UNCTAD.

2 CHARACTERISTIC ELEMENTS OF THE AGREEMENT

2.1 Background Information

2.1. The Agreement was signed by India and the ASEAN member states (hereafter "the Parties") on 13 November 2014 and entered into force on 1 July 2015. It was notified to the WTO by the Parties on 20 August 2015 under GATS Article V:7(a) (S/C/N/822).

2.2. The Agreement was negotiated under the Framework Agreement on Comprehensive Economic Cooperation between the Republic of India and the ASEAN and the Protocol to amend the Framework Agreement, signed in 2009. It should also be seen in connection with the Agreement on Trade in Goods that entered into force on 1 July 2003; the ASEAN-India Agreement on dispute settlement mechanism (hereafter the "DSM agreement"), which was signed in 2009; and the Agreement on investment that was signed on 12 November 2014. The text of the Agreement is available, together with its Annex, on the following official websites:

India:

http://www.commerce.nic.in/DOC/writereaddata/UploadedFile/MOC_636040205325835433_ServicesAgreement.pdf

ASEAN:

http://asean.org/?static_post=asean-india-free-trade-area-3

2.2 Structure of the Agreement

2.3. The Agreement is composed of four Parts and 34 Articles. It also contains an Annex on movement of natural persons. Each Party's Schedules of specific commitments are attached to and form an integral part of the Agreement. Moreover, the GATS Annexes (on the movement of natural persons supplying services, air transport services, financial services, and telecommunications) shall apply to the Agreement, *mutatis mutandis* (Article 28).

2.4. Part I of the Agreement provides the scope of its disciplines and definitions. Part II contains the main obligations and disciplines while Part III addresses the Parties' specific commitments covering market access and national treatment, as well as additional commitments. It refers to the Parties' individual Schedules of specific commitments and addresses the application and extension of commitments as well as the procedure applicable to the modification of Schedules. Part IV contains other and final provisions covering areas such as the relationship between the Agreement and other agreements; the incorporation of annexes and possible future legal instruments; comitology (contact points and Joint Committee on Services); the review of the implementation

and operation of the Agreement; amendments to the Agreement; dispute settlement; denial of benefits; the entry into force of the Agreement; and withdrawal from it or its termination.

2.5. The Parties may adopt legal instruments in the future pursuant to the provisions of the Agreement. Such instruments shall form an integral part of the Agreement (Article 24).

3 PROVISIONS ON TRADE IN SERVICES

3.1 Scope and Definitions

3.1. The Agreement applies to measures⁵ of a Party affecting trade in services. Trade in services is defined as the supply of a service through the four modes of supply⁶ defined by the GATS.⁷

3.2. The Agreement does not apply to: i) services supplied in the exercise of governmental authority; ii) laws, regulations or requirements on government procurement of services in the exercise of non-commercial resale and use; and iii) cabotage in maritime transport services (Paragraph 2 of Article 1).

3.3. The newer ASEAN Member States, Cambodia (which joined in 1999), Lao PDR (1997), Myanmar (1997) and Viet Nam (1995) enjoy special and differential treatment and flexibility under the Agreement (preamble of the Agreement). The increasing participation of these Parties shall be facilitated through negotiated specific commitments taking into account, *inter alia*, their need to improve access to technology, to distribution channels and information networks, and the liberalization of market access in sectors and modes of supply of export interest to them. Appropriate flexibility shall also be accorded to these Parties for progressive liberalization in terms of specific commitments undertaken in line with their respective stage of development (Article 16).

3.2 Denial of Benefits

3.4. Article 31 on the denial of benefits is based on Article XXVII of the GATS and allows a Party to deny the benefits of the Agreement, *inter alia*, for the supply of a service, if it establishes that the service is supplied from or in the territory of a third-party; or if it establishes that a natural person is not a "natural person of another Party"⁸, or that a juridical person is not a "juridical person of another Party".

3.3 General Provisions on Trade in Services

3.3.1 Market access

3.5. The market access provisions mirror the language of Article XVI of the GATS (Article 18). The Parties' market access commitments refer to their Schedules of specific commitments.

⁵ The Agreement covers measures taken by central, regional, or local governments and authorities; as well as measures taken by non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.

⁶ It can be noted that the Agreement on Investment Under the Framework Agreement on Comprehensive Economic Cooperation between India and the ASEAN Nations, signed on 12 November 2014, does not apply to measures adopted or maintained by a Party to the extent that they are covered by the [India-ASEAN Trade in Services] Agreement.

⁷ In relation to mode 3, under the Agreement, "commercial presence" means any type of business or professional establishment, including through: i) the constitution, acquisition or maintenance of a juridical person; or ii) the creation or maintenance of a branch or a representative office, within the territory of a Party for the purpose of supplying a service.

⁸ As indicated under letter (h) of Article 2, the definition of 'natural persons of another Party' is not harmonized among all 11 Parties. Seven Parties (India, Cambodia, Indonesia, Lao PDR, Myanmar, Thailand and Viet Nam) recognize natural persons of another Party who reside in the territory of that other Party or elsewhere and who under the law of that other Party are nationals of that other Party; however, they do not recognize permanent residents in their territories as natural persons. If any of the seven Parties enacts a domestic law on the treatment of permanent residents of another Party or non-Party, negotiations shall be conducted to determine whether to include permanent residents as 'natural persons' under the Agreement in respect of that Party (footnote 1 of the Agreement). The other four Parties, Brunei Darussalam, Malaysia, the Philippines, and Singapore recognize both permanent residents and nationals of another Party as natural persons.

3.3.2 National and MFN treatment

3.6. The national treatment provisions mirror the language of Article XVII of the GATS (Article 17). The Parties' national treatment commitments refer to their Schedules of specific commitments.

3.7. The Agreement does not contain provisions on MFN treatment.

3.3.3 Commercial presence

3.8. No specific provision on commercial presence, *per se*, is stated by the Agreement. The limitations on commercial presence in the services sectors in the Parties' schedules of commitments are summarized in section 3.4 below.

3.9. The Agreement on Investment of the Framework Agreement on Comprehensive Economic Cooperation between the Parties⁹ contains a provision affecting the supply of a service by a Party's service supplier through commercial presence in the territory of another Party. The Agreement on Investment shall not apply to measures adopted or maintained by a Party to the extent that they are covered by the Agreement (Paragraph 4(a) of Article 1 of the Agreement on Investment).¹⁰

3.3.4 Performance requirements

3.10. No specific provision on performance requirements, *per se*, is stated by the Agreement. The limitations related to performance requirements in the subscribed services sectors in the Parties' schedules of commitments are summarized in section 3.4 below.

3.11. Parties' additional commitments, including those regarding qualifications, standards or licensing matters are included in their Schedules of specific commitments (Article 19).

3.3.5 Senior Managers and Boards of Directors

3.12. No specific provision on senior managers and boards of directors, *per se*, is stated by the Agreement. The limitations that may be applicable to senior managers and boards of directors in the services sectors in the Parties' schedules of commitments are summarized in section 3.4 below.

3.3.6 Movement of natural persons

3.13. There is no specific provision on the movement of natural persons in the Agreement. However, where commitments are undertaken by a Party on the movement of natural persons, the categories of natural persons for whom commitments are undertaken are defined in the Annex on Movement of Natural Persons, where applicable. This Annex identifies and provides definitions for three categories of natural persons: (i) business visitor; (ii) contractual service supplier; and (iii) intra-corporate transferee.

3.14. The GATS Annex on Movement of Natural Persons Supplying Services shall, *mutatis mutandis*, apply to the Agreement (Paragraph 1 of Article 28).

⁹ For the purpose of liberalization and subject to reservations, the Agreement on Investment shall apply to a limited number of sectors (manufacturing; agriculture; fishery; forestry; and mining and quarrying).

¹⁰ Notwithstanding the non-application of the Agreement on Investment to measures adopted or maintained by a Party to the extent that they are covered by the Agreement (on services) and regardless of whether a service sector is scheduled (in the Agreement on services), several Articles of the Agreement on Investment (Articles 7 on treatment of investment; 8 on expropriation, 9 on compensation for losses, 10 on subrogation, 11 on transfers, and 20 on investment disputes between a Party and an investor) shall apply, *mutatis mutandis*, to any measure affecting the supply of the service by a service supplier of a Party through commercial presence in the territory of another Party pursuant to the Agreement (on services), but only to the extent that they relate to an investment and an obligation under the Agreement on Investment.

3.4 Liberalization Commitments

3.15. Part III of the Agreement contains disciplines related to the specific commitments made by each Party in their individual Schedules. A GATS-like "positive listing" approach is used for their commitments in market access, national treatment, and additional commitments. Modification and withdrawal of commitments are governed by Article 22. Notification of changes followed by negotiations with the affected Party and the necessity to agree on compensatory adjustment are disciplined. If the Parties are unable to reach an agreement on compensatory adjustment, the matter shall be resolved under the DSM Agreement. In such cases, the modifying Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the arbitration.¹¹

3.16. The Parties' Schedules of specific commitments identify the services sectors and sub-sectors for which commitments are made, and specify, by mode of supply, the conditions and limitations that may be applicable to market access and national treatment-related commitments. It lists as well additional commitments that the Parties may wish to register (Article 19).

3.17. The sections below compare each Party's GATS schedule with its respective Schedules of specific commitments attached to the Agreement. After recalling GATS MFN exemptions and identifying horizontal limitations in the GATS and in the Agreement, Tables 3.1 to 3.12 summarize specific commitments under the Agreement, by main sectors and sub-sectors and compare them with GATS commitments. Improvements over existing GATS commitments are a reduction in limitations to market access and/or national treatment, a relaxation of the form of establishment under mode 3, and/or additional commitments and increased coverage. However, horizontal limitations in the GATS Schedule of Specific Commitments and reservations covering all sectors are not included. Moreover, mode 4 commitments and limitations are, to a large extent, excluded. The following sections are to be read in conjunction with the Parties' schedules of commitments under the Agreement.

3.4.1 India

3.18. India has a single Schedule that is applied to Brunei Darussalam, Cambodia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand and Viet Nam, and two separate individual Schedules that are applicable to Indonesia and to the Philippines (Article 22).

3.4.1.1 Horizontal commitments

3.19. India's horizontal commitments in the Agreement, almost identical for all its ASEAN partners¹², partly match those under the GATS. Additional national treatment limitations are registered for some types of transfer of equity; on the repatriation of sale proceeds of immovable property; on certain aspects of taxation laws; and on the acquisition of land. Subsidies are unbound. Under mode 4, the horizontal commitments in the GATS serve as a basis for those in the Agreement, with some specific commitments made in particular for the provision of computer and related services.

3.4.1.2 Sector-specific commitments

3.20. Under the Agreement, India's services schedule builds on its commitments under the GATS. It both expands the coverage of its specific commitments and improves market access and/or national treatment by withdrawing some limitations (for the latter in particular in relation to modes 1 and 2).

3.21. With respect to sectors for which it has commitments under the GATS, India makes improvements, under the Agreement, in relation to professional services (though not with respect

¹¹ If the modifying Party implements its proposed modification or withdrawal and does not comply with the findings of the arbitration, any Party that participated in the arbitration may modify or withdraw substantially equivalent benefits in conformity with those findings. Such a modification or withdrawal may be implemented solely with respect to the modifying Party.

¹² The additional horizontal commitments related to contractual service suppliers and to independent professionals, both applicable to computer and related services, are not made by India with respect to the Philippines.

to the Philippines); computer and related services, and some other business services (though no improvement is made with respect to Indonesia and the Philippines). Improvements are also made in some telecommunication services and, marginally, some audiovisual services (motion picture or video tape distribution services); general construction work for civil engineering; some health services – in particular hospital services (though this is not applicable with respect to the Philippines); hotel and restaurant services and travel agencies and tour operators services (improvements for the latter two tourism subsectors not benefitting the Philippines); and some maritime transport services (with a number of limitations and not in favour of the Philippines).

3.22. As under the GATS, no commitment is made, under the Agreement, in distribution services; education services; environmental services; and recreational and cultural and sporting services. India's partial GATS commitments in financial services are repeated, without improvement, in the Agreement.

3.23. The following Table summarizes India's commitments under the GATS and the Agreement with regards to: a) Brunei Darussalam, Cambodia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, and Viet Nam; b) Indonesia; and c) the Philippines, respectively. It should also be read in conjunction with the Party's Schedules of specific commitments with regards to these countries.

Table 3.1 India: comparison between the GATS and Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	with respect to Brunei Darussalam, Cambodia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, and Viet Nam		with respect to Indonesia		with respect to the Philippines	
		As compared to GATS	FTA	As compared to GATS	FTA	As compared to GATS	FTA
1. Business services							
A. Professional Services	Partial	Improved	Partial	Improved	Partial	Similar	Partial
B. Computer and Related Services	Partial	Improved	Partial	Improved	Partial	Improved	Partial
C. Research and Development Services	Partial	Similar	Partial	Similar	Partial	Similar	Partial
D. Real Estate Services	---	Similar	---	Similar	---	Similar	---
E. Rental/Leasing Services without Operators	---	Similar	---	Similar	---	Similar	---
F. Other Business Services	Partial	Improved	Partial	Similar	Partial	Similar	Partial
2. Communication services							
A. Postal services	---	Similar	---	Similar	---	Similar	---
B. Courier services	---	Similar	---	Similar	---	Similar	---
C. Telecommunication services	Partial	Improved	Partial	Improved	Partial	Improved	Partial
D. Audiovisual services	Partial	Improved	Partial	Improved	Partial	Improved	Partial
3. Construction and related engineering services							
A. General construction work for buildings	---	Similar	---	Similar	---	Similar	---
B. General construction work for civil Engineering	Partial	Improved	Partial	Improved	Partial	Improved	Partial
C. Installation and assembly work	---	Similar	---	Similar	---	Similar	---
D. Building completion and finishing work	---	Similar	---	Similar	---	Similar	---
E. Other	---	Similar	---	Similar	---	Similar	---
4. Distribution services							
A. Commission agents' services	---	Similar	---	Similar	---	Similar	---
B. Wholesale trade services	---	Similar	---	Similar	---	Similar	---
C. Retailing services	---	Similar	---	Similar	---	Similar	---
D. Franchising	---	Similar	---	Similar	---	Similar	---
5. Education services							
A. Primary education services	---	Similar	---	Similar	---	Similar	---
B. Secondary education services	---	Similar	---	Similar	---	Similar	---
C. Higher education services	---	Similar	---	Similar	---	Similar	---
D. Adult education	---	Similar	---	Similar	---	Similar	---
E. Other education services	---	Similar	---	Similar	---	Similar	---

Sectors	GATS	with respect to Brunei Darussalam, Cambodia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, and Viet Nam		with respect to Indonesia		with respect to the Philippines	
		As compared to GATS	FTA	As compared to GATS	FTA	As compared to GATS	FTA
6. Environmental services							
A. Sewage services	---	Similar	---	Similar	---	Similar	---
B. Refuse disposal services	---	Similar	---	Similar	---	Similar	---
C. Sanitation and similar services	---	Similar	---	Similar	---	Similar	---
D. Other	---	Similar	---	Similar	---	Similar	---
7. Financial services							
A. All insurance and insurance-related services	Partial	Similar	Partial	Similar	Partial	Similar	Partial
B. Banking and other financial services	Partial	Similar	Partial	Similar	Partial	Similar	Partial
8. Health related and social services							
A. Hospital services	Partial	Improved	Partial	Improved	Partial	Similar	Partial
B. Other Human Health Services	---	Similar	---	Similar	---	Similar	---
C. Social Services	---	Similar	---	Similar	---	Similar	---
D. Other	---	Similar	---	Similar	---	Similar	---
9. Tourism and travel related services							
A. Hotels and restaurants (including catering)	Partial	Improved	Partial	Improved	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Improved	Partial	Improved	Partial	Similar	Partial
C. Tourist guides services	---	Similar	---	Similar	---	Similar	---
10. Recreational and cultural and sporting services							
A. Entertainment services	---	Similar	---	Similar	---	Similar	---
B. News agency services	---	Similar	---	Similar	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---	Similar	---	Similar	---
D. Sporting and other recreational services	---	Similar	---	Similar	---	Similar	---
11. Transport services							
A. Maritime Transport Services	---	Improved	Partial	Improved	Partial	Similar	---
B. Internal Waterways Transport	---	Similar	---	Similar	---	Similar	---
C. Air Transport Services	---	Similar	---	Similar	---	Similar	---
D. Space Transport	---	Similar	---	Similar	---	Similar	---
E. Rail Transport Services	---	Similar	---	Similar	---	Similar	---
F. Road Transport Services	---	Similar	---	Similar	---	Similar	---
G. Pipeline Transport	---	Similar	---	Similar	---	Similar	---
H. Services auxiliary to all modes of transport	---	Similar	---	Similar	---	Similar	---
I. Other Transport Services	---	Similar	---	Similar	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/IND), prepared by the Secretariat (in 2003) and India's Schedules annexed to the Agreement.

3.4.2 ASEAN Member States

3.24. The specific commitments of the ASEAN Member States are contained in separate individual Schedules. While some ASEAN Member States Schedules are similar to their GATS specific commitments, others have made commitments higher than their GATS commitments in terms of coverage and depth. It is understood that, in the latter case, their GATS commitments continue to apply to the other Parties, even if not specifically included in the Schedules in the Agreement.

3.4.2.1 Brunei Darussalam

3.4.2.1.1 Horizontal commitments

3.25. As under the GATS, Brunei's horizontal commitments under the Agreement apply to modes 3 and 4. Mode 3 is unbound under market access for measures concerning foreign equity. As regards national treatment, half of the board members of a public company and half the directors of a private company must be nationals or residents of Brunei, and all companies incorporated outside but which establish a place of business in Brunei must have one or more locally resident agents. Mode 4 commitments cover the entry and temporary presence of intra-corporate transferees at the level of managers, executives and specialists.

3.4.2.1.2 Sector-specific commitments

3.26. Under the Agreement, Brunei Darussalam's services schedule builds on its commitments under the GATS. Improvements are made in particular through the improvement of coverage, though, in most cases, with limitations.

3.27. With respect to sectors for which there are GATS commitments, Brunei Darussalam, under the Agreement, registers improvements in business services (new coverage of architectural services), communication services (new coverage of telex and telegraph services) and some air transport services (new coverage of computer reservation system services and selling and marketing of air transport services).

3.28. In a number of other sectors, partial specific commitments are made in sectors and/or sub-sectors for which Brunei has no GATS commitments. This is in particular the case for education services (adult education); financial services (banking); health related and social services (hospital services); tourism and travel related services (hotel and restaurant); and some transport services (maritime transport services).

3.29. The following Table summarizes Brunei Darussalam's commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.2 Brunei Darussalam: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Improved	Partial
B. Computer and Related Services	Partial	Similar	Partial
C. Research and Development Services	---	Similar	---
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	Partial	Similar	Partial
F. Other Business Services	---	Similar	---
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	---	Similar	---
C. Telecommunication services	Partial	Improved	Partial
D. Audiovisual services	---	Similar	---
3. Construction and related engineering services			
A. General construction work for buildings	---	Similar	---
B. General construction work for civil Engineering	---	Similar	---
C. Installation and assembly work	---	Similar	---
D. Building completion and finishing work	---	Similar	---
E. Other	---	Similar	---
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	---	Similar	---
B. Secondary education services	---	Similar	---
C. Higher education services	---	Similar	---

Sectors	GATS	As compared to GATS	FTA
D. Adult education	---	New	Partial
E. Other education services	---	Similar	---
6. Environmental services			
A. Sewage services	---	Similar	---
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	Similar	---
D. Other	---	Similar	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Similar	Partial
B. Banking and other financial services	---	New	Partial
8. Health related and social services			
A. Hospital services	---	New	Partial
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	---	New	Partial
B. Travel agencies and tour operators services	---	Similar	---
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	Similar	---
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	---	Similar	---
11. Transport services			
A. Maritime Transport Services	---	New	Partial
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	Partial	Improved	Partial
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	Similar	---
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	---	Similar	---
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/BRN), prepared by the Secretariat (in 2003) and Brunei Darussalam's Schedule annexed to the Agreement.

3.4.2.2 Cambodia

3.4.2.2.1 Horizontal commitments

3.30. Cambodia's services schedule under the Agreement is identical to that under the GATS. The horizontal section of the schedule contains mode 4 commitments for intra-corporate transferees (executives, managers, and specialists), business visitors, and persons responsible for setting up a commercial presence.

3.4.2.2.2 Sector-specific commitments

3.31. Cambodia's schedule under the Agreement reproduces its GATS schedule in its entirety for each sector and subsector for which Cambodia has partial commitment in the GATS, as summarized in Table 3.3. The Table should also be read in conjunction with its Schedule of specific commitments.

Table 3.3 Cambodia: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Same	Partial
B. Computer and Related Services	Partial	Same	Partial
C. Research and Development Services	---	Same	---
D. Real Estate Services	---	Same	---
E. Rental/Leasing Services without Operators	Partial	Same	Partial
F. Other Business Services	Partial	Same	Partial
2. Communication services			
A. Postal services	---	Same	---
B. Courier services	Partial	Same	Partial
C. Telecommunication services	Partial	Same	Partial
D. Audiovisual services	---	Same	---
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Same	Partial
B. General construction work for civil Engineering	Partial	Same	Partial
C. Installation and assembly work	Partial	Same	Partial
D. Building completion and finishing work	Partial	Same	Partial
E. Other	Partial	Same	Partial
4. Distribution services			
A. Commission agents' services	Partial	Same	Partial
B. Wholesale trade services	Partial	Same	Partial
C. Retailing services	Partial	Same	Partial
D. Franchising	Partial	Same	Partial
5. Education services			
A. Primary education services	---	Same	---
B. Secondary education services	---	Same	---
C. Higher education services	---	Same	---
D. Adult education	---	Same	---
E. Other education services	---	Same	---
6. Environmental services			
A. Sewage services	---	Same	---
B. Refuse disposal services	---	Same	---
C. Sanitation and similar services	---	Same	---
D. Other	---	Same	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Same	Partial
B. Banking and other financial services	Partial	Same	Partial
8. Health related and social services			
A. Hospital services	Partial	Same	Partial
B. Other Human Health Services	---	Same	---
C. Social Services	---	Same	---
D. Other	---	Same	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Same	Partial
B. Travel agencies and tour operators services	Partial	Same	Partial
C. Tourist guides services	Partial	Same	Partial
10. Recreational and cultural and sporting services			
A. Entertainment services	Partial	Same	Partial
B. News agency services	---	Same	---
C. Libraries, archives, museums and other cultural services	---	Same	---
D. Sporting and other recreational services	---	Same	---
11. Transport services			
A. Maritime Transport Services	Partial	Same	Partial
B. Internal Waterways Transport	---	Same	---
C. Air Transport Services	Partial	Same	Partial
D. Space Transport	---	Same	---
E. Rail Transport Services	---	Same	---
F. Road Transport Services	Partial	Same	Partial
G. Pipeline Transport	Partial	Same	Partial

Sectors	GATS	As compared to GATS	FTA
H. Services auxiliary to all modes of transport	---	Same	---
I. Other Transport Services	---	Same	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Same: Same commitments as under GATS).

Source: Cambodia's Schedule of specific commitments under the GATS (document GATS/SC/140 of 25 October 2005), and Cambodia's Schedule annexed to the Agreement.

3.4.2.3 Indonesia

3.4.2.3.1 Horizontal commitments

3.32. Indonesia's schedule under the Agreement contains horizontal restrictions on commercial presence in relation to the type of legal entity (joint venture) and with respect to eligibility for subsidies (reserved for nationals), while all measures related to taxation are unbound with respect to modes 1 and 2. Limitations relating to modes 3 and 4 refer, *inter alia*, to qualification requirements, use of certain technology, requirements related to education and expertise. Horizontal commitments under mode 4 also cover directors, managers and technical experts (intra-corporate transfer). Horizontal commitments under the Agreement differ from those contained in Indonesia's GATS Schedule.

3.4.2.3.2 Sector-specific commitments

3.33. Under the Agreement, Indonesia builds on its commitments under the GATS. Improvements are made through the improvement of the coverage of, in particular, modes 1 and 2 for a number of business services (some professional services, computer and related services, and other business services). New sub-sectors, under other business services that were unbound under the GATS, are also covered under the Agreement. The provision of some telecommunication services, through modes 1 and 2, unbound under the GATS, are covered under the Agreement, while partial commitments are made for additional subsectors under the Agreement (foundation work and gas fitting construction work in particular).

3.34. Partial specific commitments are made for sectors and/or sub-sectors for which it has no GATS commitments. This is especially the case in education services (secondary education services and adult education); and some transport services (improvement of the coverage of maritime transport services, that were already partly covered under the GATS, and new commitments on maritime auxiliary services and maritime cargo handling services). Some services at ports are also made available to international maritime transport supplier under certain conditions.

3.35. Table 3.4 summarizes Indonesia's commitments under the GATS and the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.4 Indonesia: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Improved	Partial
B. Computer and Related Services	Partial	Improved	Partial
C. Research and Development Services	Partial	Similar	Partial
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	---	Similar	---
F. Other Business Services	Partial	Improved	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	---	Similar	---
C. Telecommunication services	Partial	Improved	Partial

Sectors	GATS	As compared to GATS	FTA
D. Audiovisual services	---	Similar	Partial
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Similar	Partial
B. General construction work for civil Engineering	Partial	Similar	Partial
C. Installation and assembly work	Partial	Improved	Partial
D. Building completion and finishing work	---	Similar	---
E. Other	Partial	Improved	Partial
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	---	Similar	---
B. Secondary education services	---	New	Partial
C. Higher education services	---	Similar	---
D. Adult education	---	New	Partial
E. Other education services	---	Similar	---
6. Environmental services			
A. Sewage services	---	Similar	---
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	Similar	---
D. Other	---	Similar	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Similar	---
B. Banking and other financial services	Partial	Similar	---
8. Health related and social services			
A. Hospital services	---	Similar	---
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Similar	Partial
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	Similar	---
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	---	Similar	---
11. Transport services			
A. Maritime Transport Services	Partial	Improved	Partial
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	---	Similar	---
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	Similar	---
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	---	New	Partial
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/IDN), prepared by the Secretariat (in 2003) and Indonesia's Schedule annexed to the Agreement.

3.4.2.4 Lao PDR

3.4.2.4.1 Horizontal commitments

3.36. Under the GATS, Lao PDR's Schedule contains horizontal commitment and/or limitations essentially in relation to land ownership, subsidies and investment incentives, commercial presence and movement of natural persons providing services. Under the Agreement, some of these commitments/limitations are reiterated (particularly on land ownership, though with some differences; and on tax treatment under commercial presence). Mode 4 commitments are drafted differently under the GATS and in the Agreement, although they have similar coverage.

3.4.2.4.2 Sector-specific commitments

3.37. As compared to its commitments under the GATS, Lao PDR's improvements under the Agreement are essentially in relation to the provision of most education services (except primary education services) through mode 1. While for most other sectors / subsectors its commitments under the Agreement are similar to the corresponding one under the GATS, no commitments are made in the Agreement for some subsectors in which it has partial commitments in the GATS. This is in particular the case for some business services (professional services, research and development services, and other business services); some communication services (courier services); most distribution services (except commission agents' services, already unbound under the GATS); primary education services; insurance and insurance-related services; hospital services; and air transport services.

3.38. Table 3.5 summarizes Lao PDR's commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.5 Lao PDR: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Low	Partial
B. Computer and Related Services	Partial	Similar	Partial
C. Research and Development Services	Partial	Low	---
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	---	Similar	---
F. Other Business Services	Partial	Low	---
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	Partial	Low	---
C. Telecommunication services	Partial	Similar	Partial
D. Audiovisual services	---	Similar	---
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Similar	Partial
B. General construction work for civil Engineering	Partial	Similar	Partial
C. Installation and assembly work	Partial	Similar	Partial
D. Building completion and finishing work	Partial	Similar	Partial
E. Other	Partial	Similar	Partial
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	Partial	Low	---
C. Retailing services	Partial	Low	---
D. Franchising	Partial	Low	---
5. Education services			
A. Primary education services	Partial	Low	Partial
B. Secondary education services	Partial	Improved	Partial
C. Higher education services	Partial	Improved	Partial
D. Adult education	Partial	Improved	Partial
E. Other education services	Partial	Improved	Partial
6. Environmental services			
A. Sewage services	Partial	Similar	Partial
B. Refuse disposal services	Partial	Similar	Partial
C. Sanitation and similar services	Partial	Similar	Partial
D. Other	Partial	Similar	Partial

Sectors	GATS	As compared to GATS	FTA
7. Financial services			
A. All insurance and insurance-related services	Partial	Low	---
B. Banking and other financial services	Partial	Similar	Partial
8. Health related and social services			
A. Hospital services	Partial	Low	---
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Similar	Partial
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	Similar	---
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	---	Similar	---
11. Transport services			
A. Maritime Transport Services	---	Similar	---
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	Partial	Low	---
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	Similar	---
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	---	Similar	---
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Low: Lower coverage (as compared to GATS), including in cases a whole sector or subsector is excluded.

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Lao's Schedule of specific commitments under the GATS (document GATS/SC/150 of 22 April 2013), and Lao's Schedule annexed to the Agreement.

3.4.2.5 Malaysia

3.4.2.5.1 Horizontal commitments

3.39. As under the GATS, Malaysia's schedule under the Agreement contains horizontal restrictions on commercial presence in relation to acquisition, mergers and takeovers (limitations on market access); and on land-property and real estate; and incentives/preferences (limitations on national treatment). Horizontal commitments under mode 4, identical as under the GATS, cover intra-corporate transferees; and others (including specialists; professionals with academic credentials, professional qualifications, experience and/or expertise; and business visitors).

3.4.2.5.2 Sector-specific commitments

3.40. Under the Agreement, Malaysia's services schedule builds on its GATS commitments. While it expands the coverage of its specific commitments and/or improves market access and/or national treatment by withdrawing some limitations, it also chose not to reproduce, under the Agreement, certain commitments that are under the GATS (indicated as "low" in the following Table). Improvements are made in particular through the improvement of coverage, though, in most cases, with limitations.

3.41. With respect to sectors for which GATS commitments are made, Malaysia makes improvements, under the Agreement, in computer and related services, all construction and related engineering services sub-sectors; professional services; computer and related services;

telecommunication services; and audiovisual services (for the latter four Malaysia's Schedule under the Agreement does not reiterate some of its GATS commitments).

3.42. Under the Agreement, Malaysia does not reproduce some of the specific commitments made under the GATS. This is in particular the case in rental/leasing services without operators; some (other) business services; the whole financial sector; entertainment services; sporting and other recreational services; and some maritime transport services.

3.43. In a number of other sectors, partial specific commitments are made in sectors and/or sub-sectors for which Malaysia has no GATS commitments. This is the case in relation to higher education services and road transport services.

3.44. Table 3.6 summarizes Malaysia's commitments under the GATS and the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.6 Malaysia: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Low / Improved	Partial
B. Computer and Related Services	Partial	Improved	Partial
C. Research and Development Services	Partial	Low / Improved	Partial
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	Partial	Low	Partial
F. Other Business Services	Partial	Low	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	---	Similar	---
C. Telecommunication services	Partial	Low / Improved	Partial
D. Audiovisual services	Partial	Low / Improved	Partial
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Improved	Partial
B. General construction work for civil Engineering	Partial	Improved	Partial
C. Installation and assembly work	Partial	Improved	Partial
D. Building completion and finishing work	Partial	Improved	Partial
E. Other	Partial	Improved	Partial
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	---	Similar	---
B. Secondary education services	---	Similar	---
C. Higher education services	---	New	Partial
D. Adult education	---	Similar	---
E. Other education services	---	Similar	---
6. Environmental services			
A. Sewage services	---	Similar	---
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	Similar	---
D. Other	---	Similar	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Low	---
B. Banking and other financial services	Partial	Low	---
8. Health related and social services			
A. Hospital services	Partial	Low	---
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Similar	Partial
C. Tourist guides services	---	Similar	---

Sectors	GATS	As compared to GATS	FTA
10. Recreational and cultural and sporting services			
A. Entertainment services	Partial	Low	Partial
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	Partial	Low	---
11. Transport services			
A. Maritime Transport Services	Partial	Low	Partial
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	---	Similar	---
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	New	Partial
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	---	Similar	---
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Low: Lower coverage (as compared to GATS), including in cases a whole sector or subsector is excluded.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/MYS), prepared by the Secretariat (in 2003) and Malaysia's Schedule annexed to the Agreement.

3.4.2.6 Myanmar

3.4.2.6.1 Horizontal commitments

3.45. The horizontal section in Myanmar's schedule, under the Agreement, makes references to limitations on the establishment of commercial presence and temporary presence of persons. Under the GATS, Myanmar does not have any horizontal commitments though sector specific commitments were limited to three subsectors.

3.4.2.6.2 Sector-specific commitments

3.46. Under the GATS, Myanmar only made partial commitments in some subsectors under tourism and travel related services (hotels, and travel agencies and tour operator services) and services auxiliary to all modes of transport. However, only part of these commitments is reiterated under the Agreement. Moreover, the coverage of specific commitments is considerably expanded under the Agreement, as compared to Myanmar's GATS commitments. In particular, partial commitments are made for some professional services (accounting, auditing and bookkeeping services and engineering services); computer and related services; some rental and leasing services without operators; and some other business services (including dental services, deliveries and related services, nursing services, physiotherapist and paramedical personnel). Partial commitments, particularly in relation to modes 1 and two, are also made for communication services; some audiovisual services; construction work for civil engineering services; most education services that are regulated by the Ministry of education; hotel and restaurant, in particular hotel and other lodging services; entertainment services, in particular cinema theatre services and motion picture projection services; and some transport services (certain maritime transport services, and some air transport services).

3.47. Table 3.7 summarizes Myanmar's commitments under the GATS and the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.7 Myanmar: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	---	New	Partial
B. Computer and Related Services	---	New	Partial
C. Research and Development Services	---	Similar	---
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	---	New	Partial
F. Other Business Services	---	New	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	---	Similar	---
C. Telecommunication services	---	New	Partial
D. Audiovisual services	---	New	Partial
3. Construction and related engineering services			
A. General construction work for buildings	---	Similar	---
B. General construction work for civil Engineering	---	New	Partial
C. Installation and assembly work	---	Similar	---
D. Building completion and finishing work	---	Similar	---
E. Other	---	Similar	---
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	---	New	Partial
B. Secondary education services	---	New	Partial
C. Higher education services	---	New	Partial
D. Adult education	---	New	Partial
E. Other education services	---	New	Partial
6. Environmental services			
A. Sewage services	---	Similar	---
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	Similar	---
D. Other	---	Similar	---
7. Financial services			
A. All insurance and insurance-related services	---	Similar	---
B. Banking and other financial services	---	Similar	---
8. Health related and social services			
A. Hospital services	---	Similar	---
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Improved	Partial
B. Travel agencies and tour operators services	Partial	Low	---
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	Similar	---
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	---	New	Partial
11. Transport services			
A. Maritime Transport Services	---	New	Partial
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	---	New	Partial
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	Similar	---
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	Partial	Low	---
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Low: Lower coverage (as compared to GATS), including in cases a whole sector or subsector is excluded.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/MMR), prepared by the Secretariat (in 2003) and Myanmar's Schedule annexed to the Agreement.

3.4.2.7 The Philippines

3.4.2.7.1 Horizontal commitments

3.48. Under the GATS, horizontal limitations for mode 3 relate to activities expressly reserved by law to citizens of the Philippines, acquisition of land, and access to domestic credit. Under mode 4, entry requires a determination of the non-availability of a person in the Philippines. To a large extent, under the Agreement, the Philippines' horizontal commitments are similar as under the GATS, with the specification that all measures taken by local government units, all measures governing permanent residents, and all measures relating to taxation are unbound.

3.4.2.7.2 Sector-specific commitments

3.49. The Philippines' commitments under the Agreement encompass sub-sectors not found in its GATS schedule, namely services incidental to energy distribution; pipeline transport services; sewage services; and some tourism and travel related services (travel agencies, and professional congress organizing services). Moreover, most commitments made under the GATS are reiterated under the Agreement. In a few instances, the commitments under the Agreement are different than under the GATS. In some cases more limitations are introduced under the Agreement (some banking services), while in other sectors, partial commitments are made when the services are unbound under the GATS (sewage services in particular). While it has partial commitments under the GATS for courier services and some telecommunication services, these sub-sectors are unbound under the Agreement.

3.50. Table 3.8 summarizes the Philippines' commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.8 Philippines: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	---	Similar	---
B. Computer and Related Services	---	Similar	---
C. Research and Development Services	---	Similar	---
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	---	Similar	---
F. Other Business Services	---	New	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	Partial	Low	---
C. Telecommunication services	Partial	Low	---
D. Audiovisual services	---	Similar	---
3. Construction and related engineering services			
A. General construction work for buildings	---	Similar	---
B. General construction work for civil Engineering	---	Similar	---
C. Installation and assembly work	---	Similar	---
D. Building completion and finishing work	---	Similar	---
E. Other	---	Similar	---

Sectors	GATS	As compared to GATS	FTA
4. Distribution services			
A. Commission agents' services	---	Similar	---
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	---	Similar	---
B. Secondary education services	---	Similar	---
C. Higher education services	---	Similar	---
D. Adult education	---	Similar	---
E. Other education services	---	Similar	---
6. Environmental services			
A. Sewage services	---	New	Partial
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	Similar	---
D. Other	---	Similar	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Low	---
B. Banking and other financial services	Partial	Limited	Partial
8. Health related and social services			
A. Hospital services	---	Similar	---
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Limited	Partial
B. Travel agencies and tour operators services	Partial	Improved	Partial
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	Similar	---
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	---	Similar	---
11. Transport services			
A. Maritime Transport Services	Partial	Similar	Partial
B. Internal Waterways Transport	---		---
C. Air Transport Services	Partial	Similar	Partial
D. Space Transport	---		---
E. Rail Transport Services	Partial	Similar	Partial
F. Road Transport Services	Partial	Similar	Partial
G. Pipeline Transport	---		Partial
H. Services auxiliary to all modes of transport	Partial	Similar	Partial
I. Other Transport Services	---		---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Low: Lower coverage (as compared to GATS), including in cases a whole sector or subsector is excluded.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/PHL), prepared by the Secretariat (in 2003) and Philippine's Schedule annexed to the Agreement.

3.4.2.8 Singapore

3.4.2.8.1 Horizontal commitments

3.51. Horizontal commitments under the Agreement, listed with respect to modes 3 and 4, are completely in line with Singapore's commitments under the GATS, where mode 4 commitments cover intra-corporate transferees. The only difference with the GATS schedule is that a maximum

period of stay of two years is specified, which can be extended up to eight years (compared to five years in the GATS).

3.4.2.8.2 Sector-specific commitments

3.52. Under the Agreement, Singapore's services schedule builds on its commitments under the GATS. Improvements are made in particular through the improvement of the coverage, though, in some cases, with limitations.

3.53. With respect to sectors for which Singapore has commitments under the GATS, it registers under the Agreement improvements in relation to some business services (research and development services and other business services) that are covered more extensively. Improvements are also made in maritime transport services, which are already partially bound under the GATS.

3.54. In a number of other sectors, partial specific commitments are made with respect in sectors and/or sub-sectors for which there are no GATS commitments. This is in particular the case for some business services (real estate and rental/leasing services); all distribution services; adult education and some other education services; some environmental services (sanitation and similar services and some other environment services); some human health services as well as some social services; some recreational and cultural and sporting services (including entertainment services, certain archive services, services related to some parks, sports and recreational services – with the exception of gambling and betting services -, and libraries, archives, museums and other cultural services); and some road transport services.

3.55. Other new services not covered elsewhere are washing, cleaning and dyeing services; hairdressing and other beauty services; funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards, with no limitations under modes 2 and 3.

3.56. Table 3.9 summarizes Singapore's commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.9 Singapore: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Similar	Partial
B. Computer and Related Services	Partial	Similar	Partial
C. Research and Development Services	Partial	improved	Partial
D. Real Estate Services	---	New	Partial
E. Rental/Leasing Services without Operators	---	New	Partial
F. Other Business Services	Partial	Improved	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	Partial	Similar	Partial
C. Telecommunication services	Partial	Similar	Partial
D. Audiovisual services	Partial	Similar	Partial
3. Construction and related engineering services			
A. General construction work for buildings	Full	Similar	Full
B. General construction work for civil Engineering	Full	Similar	Full
C. Installation and assembly work	Full	Similar	Full
D. Building completion and finishing work	Full	Similar	Full
E. Other	Full	Similar	Full
4. Distribution services			
A. Commission agents' services	---	New	Partial
B. Wholesale trade services	---	New	Partial
C. Retailing services	---	New	Partial
D. Franchising	---	New	Partial
5. Education services			
A. Primary education services	---	Similar	---
B. Secondary education services	---	Similar	---
C. Higher education services	---	Similar	---

Sectors	GATS	As compared to GATS	FTA
D. Adult education	---	New	Partial
E. Other education services	---	New	Partial
6. Environmental services			
A. Sewage services	---	Similar	---
B. Refuse disposal services	---	Similar	---
C. Sanitation and similar services	---	New	Full
D. Other	---	New	Partial
7. Financial services			
A. All insurance and insurance-related services	Partial	Similar	Partial
B. Banking and other financial services	Partial	Similar	Partial
8. Health related and social services			
A. Hospital services	---	Similar	---
B. Other Human Health Services	---	New	Partial
C. Social Services	---	New	Partial
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Similar	Partial
C. Tourist guides services	Partial	Similar	Partial
10. Recreational and cultural and sporting services			
A. Entertainment services	---	New	Full
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	Partial	Similar	Partial
D. Sporting and other recreational services	---	New	Partial
11. Transport services			
A. Maritime Transport Services	Partial	Improved	Partial
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	---	Similar	---
D. Space Transport	---	Similar	---
E. Rail Transport Services	---	Similar	---
F. Road Transport Services	---	New	Partial
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	---	Similar	---
I. Other Transport Services	---	Similar	---
12. Other services not included elsewhere	---	New	Partial

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

Full: Specific commitments not subject to limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/SGP), prepared by the Secretariat (in 2003) and Singapore's Schedule annexed to the Agreement.

3.4.2.9 Thailand

3.4.2.9.1 Horizontal commitments

3.57. In the horizontal section of the schedule, under the Agreement, Thailand indicates that, for mode 3, suppliers must be juridical persons of another Party that are owned and controlled by persons of any Party in order to benefit from the commitments made. As in the GATS, Thailand limits foreign equity participation to 49%. For all sectors included in Thailand's Schedule under the Agreement, all modes of supply, for a service supplier of another Party who is a natural person of that Party but is not a national of that Party are unbound. The horizontal section of Thailand's Schedule under the Agreement also contains commitments related to the temporary presence of natural persons in Thailand for business visitors, and intra-corporate transferees. As under the GATS, Thailand also registers a horizontal limitation related to the acquisition and usage of land.

3.4.2.9.2 Sector-specific commitments

3.58. Under the Agreement, Thailand's services schedule builds on its commitments under the GATS. While it expands the coverage of its specific commitments and/or improves market access and/or national treatment by withdrawing some limitations, it also chose not to reproduce, under the Agreement, certain GATS commitments (indicated as "low" in the following Table). Improvements are made in particular through the improvement of coverage, though, in most cases, with limitations.

3.59. With respect to sectors for which it has GATS commitments, Thailand makes improvements, under the Agreement, in professional services, rental/leasing services without operators and other business services (for the latter two Thailand's Schedule under the Agreement does not reiterate some of its GATS commitments); and some air transport services (in relation to modes 2 and 3 for aircraft repair and maintenance services and selling and marketing of air transport services). Partial commitments are also made in computer reservations system services.

3.60. Under the Agreement, Thailand does not reproduce some of its specific GATS commitments. This is in particular the case for telecommunication services; some education services (primary and secondary education as well as adult education); environmental services; financial services; and some transport services (maritime transport services, and transport by rail, as well as services auxiliary to all modes of transport).

3.61. In a number of other sectors, partial specific commitments are made with respect to sectors and/or sub-sectors for which there are no GATS commitments. This is the case in relation to research and development services; hospital services; and entertainment services.

3.62. Table 3.10 summarizes Thailand's commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.10 Thailand: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Improved	Partial
B. Computer and Related Services	Full	Similar	Full
C. Research and Development Services	---	New	Partial
D. Real Estate Services	---	Similar	---
E. Rental/Leasing Services without Operators	Partial	Low / Improved	Partial
F. Other Business Services	Partial	Low / Improved	Partial
2. Communication services			
A. Postal services	---	Similar	---
B. Courier services	---	Similar	---
C. Telecommunication services	Partial	Low	---
D. Audiovisual services	Partial	Similar	Partial
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Similar	Partial
B. General construction work for civil Engineering	Partial	Similar	Partial
C. Installation and assembly work	Partial	Low	---
D. Building completion and finishing work	---	Similar	---
E. Other	---	Similar	---
4. Distribution services			
A. Commission agents' services	Partial	Similar	Partial
B. Wholesale trade services	---	Similar	---
C. Retailing services	---	Similar	---
D. Franchising	---	Similar	---
5. Education services			
A. Primary education services	Partial	Low	---
B. Secondary education services	Partial	Low	---
C. Higher education services	---	Similar	---
D. Adult education	Partial	Low	---
E. Other education services	---	Similar	---
6. Environmental services			
A. Sewage services	Partial	Low	---
B. Refuse disposal services	Partial	Low	---

Sectors	GATS	As compared to GATS	FTA
C. Sanitation and similar services	Partial	Low	---
D. Other	Partial	Low	---
7. Financial services			
A. All insurance and insurance-related services	Partial	Low	---
B. Banking and other financial services	Partial	Low	---
8. Health related and social services			
A. Hospital services	---	New	Partial
B. Other Human Health Services	---	Similar	---
C. Social Services	---	Similar	---
D. Other	---	Similar	---
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Similar	Partial
B. Travel agencies and tour operators services	Partial	Similar	Partial
C. Tourist guides services	---	Similar	---
10. Recreational and cultural and sporting services			
A. Entertainment services	---	New	Partial
B. News agency services	---	Similar	---
C. Libraries, archives, museums and other cultural services	---	Similar	---
D. Sporting and other recreational services	Partial	Similar	Partial
11. Transport services			
A. Maritime Transport Services	Partial	Low	---
B. Internal Waterways Transport	---	Similar	---
C. Air Transport Services	Partial	Improved	Partial
D. Space Transport	---	Similar	---
E. Rail Transport Services	Partial	Low	---
F. Road Transport Services	Partial	Similar	Partial
G. Pipeline Transport	---	Similar	---
H. Services auxiliary to all modes of transport	Partial	Low	---
I. Other Transport Services	---	Similar	---

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

Full: Specific commitments not subject to limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Low: Lower coverage (as compared to GATS), including in cases a whole sector or subsector is excluded.

New: New commitments under the Agreement (as compared to GATS); full or partial, with or without limitations, which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement (as compared to GATS).

Similar: Similar commitments (as compared to GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Source: Draft Consolidated GATS Schedule of Specific Commitments (S/DCS/W/THA/Rev.1), prepared by the Secretariat (in 2003) and Thailand's Schedule annexed to the Agreement.

3.4.2.10 Viet Nam

3.4.2.10.1 Horizontal commitments

3.63. As under the GATS, Viet Nam has inscribed, in the horizontal section of its Schedule of specific commitments under the Agreement, certain restrictions under mode 3, including *inter alia* unbound for the establishment of a branch unless otherwise indicated in each specific sector or sub-sector. Horizontal commitments under mode 4 cover intra-corporate transferees, service sales persons, persons responsible for setting up a commercial presence, contractual service suppliers, and other personnel. While the entry of contractual service suppliers was allowed, under the GATS, specifically for computer and related services and engineering services only, under the Agreement, the entry of architectural service suppliers is also liberalized.

3.4.2.10.2 Sector-specific commitments

3.64. Viet Nam's schedule under the Agreement reproduces its GATS schedule. It includes specific commitments in the 11 sector groups of the Services Sectoral Classification List, and covers about 100 of the 160 sub-sectors identified in the list.

3.65. Table 3.11 summarizes Viet Nam's commitments under the GATS and under the Agreement. It should also be read in conjunction with its Schedule of specific commitments.

Table 3.11 Viet Nam: comparison between the GATS and the Agreement specific commitments in trade in services (excluding mode 4)

Sectors	GATS	As compared to GATS	FTA
1. Business services			
A. Professional Services	Partial	Same	Partial
B. Computer and Related Services	Partial	Same	Partial
C. Research and Development Services	Partial	Same	Partial
D. Real Estate Services	---	Same	---
E. Rental/Leasing Services without Operators	Partial	Same	Partial
F. Other Business Services	Partial	Same	Partial
2. Communication services			
A. Postal services	---	Same	---
B. Courier services	Partial	Same	Partial
C. Telecommunication services	Partial	Same	Partial
D. Audiovisual services	Partial	Same	Partial
3. Construction and related engineering services			
A. General construction work for buildings	Partial	Same	Partial
B. General construction work for civil Engineering	Partial	Same	Partial
C. Installation and assembly work	Partial	Same	Partial
D. Building completion and finishing work	Partial	Same	Partial
E. Other	Partial	Same	Partial
4. Distribution services			
A. Commission agents' services	Partial	Same	Partial
B. Wholesale trade services	Partial	Same	Partial
C. Retailing services	Partial	Same	Partial
D. Franchising	Partial	Same	Partial
5. Education services			
A. Primary education services	-	Same	-
B. Secondary education services	Partial	Same	Partial
C. Higher education services	Partial	Same	Partial
D. Adult education	Partial	Same	Partial
E. Other education services	Partial	Same	Partial
6. Environmental services			
A. Sewage services	Partial	Same	Partial
B. Refuse disposal services	Partial	Same	Partial
C. Sanitation and similar services	-	Same	-
D. Other	Partial	Same	Partial
7. Financial services			
A. All insurance and insurance-related services	Partial	Same	Partial
B. Banking and other financial services	Partial	Same	Partial
8. Health related and social services			
A. Hospital services	Partial	Same	Partial
B. Other Human Health Services	-	Same	-
C. Social Services	-	Same	-
D. Other	-	Same	-
9. Tourism and travel related services			
A. Hotels and restaurants (including catering)	Partial	Same	Partial
B. Travel agencies and tour operators services	Partial	Same	Partial
C. Tourist guides services	-	Same	-
10. Recreational and cultural and sporting services			
A. Entertainment services	Partial	Same	Partial
B. News agency services	-	Same	-
C. Libraries, archives, museums and other cultural services	-	Same	-
D. Sporting and other recreational services	Partial	Same	Partial

Sectors	GATS	As compared to GATS	FTA
11. Transport services			
A. Maritime Transport Services	Partial	Same	Partial
B. Internal Waterways Transport	Partial	Same	Partial
C. Air Transport Services	Partial	Same	Partial
D. Space Transport	-	Same	-
E. Rail Transport Services	Partial	Same	Partial
F. Road Transport Services	Partial	Same	Partial
G. Pipeline Transport	-	Same	-
H. Services auxiliary to all modes of transport	Partial	Same	Partial
I. Other Transport Services	-	Same	-

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment.

Same: Same commitments as under the GATS.

Source: Viet Nam's Schedule of specific commitments under the GATS (document GATS/SC/142 of 19 March 2007), and Viet Nam's Schedule annexed to the Agreement.

3.5 Regulatory Provisions

3.5.1 Domestic regulation

3.66. Article 5 largely replicates the disciplines contained in Article VI of the GATS. It also binds the Parties to bring the results of the negotiations related to Article VI.4 of GATS into effect under the Agreement, as appropriate.

3.5.2 Recognition

3.67. Under Article 6, the Agreement mirrors the provisions in paragraphs 1 through 3 of Article VII of the GATS.

3.68. Upon request by a Party, the Parties shall also encourage their respective professional bodies or professional regulatory authorities, to negotiate arrangements for mutual recognition of education or experience obtained, requirements met, or licences or certifications granted in that service sector, with a view to the achievement of "early outcomes". Progress in this regard will be reviewed by the Parties in the course of the review of the Agreement pursuant to Article 27.

3.69. The provisions of the DSM Agreement shall not apply to disputes arising out of, or under, the provisions of agreement or arrangements for mutual recognition that may be concluded by the Parties' respective professional bodies or professional regulatory authorities.

3.5.3 Subsidies

3.70. While excluding subsidies or grants by a Party or any conditions attached to the receipt or continued receipt of such subsidies or grants from the scope of the Agreement, Article 14 allows a Party to request consultations if such subsidies or grants significantly affect trade in services in which commitments were taken under the Agreement. To reach an amicable resolution of the matter, the Parties shall provide information on subsidies related to trade in services in which commitments were made to any requesting Party; and review the subsidies when relevant disciplines are developed by the WTO. The provision of the DSM Agreement shall not apply to any request made or consultation held under Article 14 or to any dispute that may arise between the Parties under Article 14.

3.5.4 Safeguards

3.71. Upon the conclusion of the WTO negotiations on GATS Article X (emergency safeguard measures), the Parties shall discuss appropriate amendments to incorporate the results of the WTO negotiations into the Agreement (Article 9). Until such time, no Party shall take safeguard actions against services and service suppliers of the other Party (or Parties). The Agreement

however foresees exceptional circumstances under which a safeguard measure may be taken by Party in the event that the implementation of this Agreement causes substantial adverse impact to a service sector of another Party (before the conclusion of the multilateral negotiations under Article X of the GATS). In such a case, the Parties shall however first consult for the purposes of discussing any such safeguard measure. Any measure taken pursuant to the Agreement (in particular paragraph 2 of Article 9), including the duration for which the measure shall apply, shall be mutually agreed by the Parties concerned, applicable based on the principle of non-discrimination, and limited to the specific service sector concerned. The circumstances of the particular case shall be taken into account, and sympathetic consideration shall be given to the Party seeking to take a measure.

3.72. Under Article 11, where a Party is in serious balance of payments and external financial difficulties or threat thereof, it may adopt or maintain restrictions on trade in services in accordance with paragraphs 1, 2, and 3 of Article XII of the GATS.

3.5.5 Other

3.5.5.1 Monopolies and exclusive service suppliers

3.73. Article 7 (on monopolies and exclusive service suppliers) essentially reproduces Articles VIII 1-3, and 5 of the GATS. For example, if a Party has reason to believe that another Party's monopoly service supplier is acting contrary to Article 7 (paragraphs 1 and 2), the Party may request the other Party that has established, maintained or authorized such supplier to provide specific information concerning the relevant operation.

3.74. Under Article 8, the Parties also recognize that certain business practices of services suppliers (other than monopolies and exclusive service suppliers) may restrain competition and therefore restrict trade in services. If requested by a Party, the other Party shall enter into consultations with a view to eliminating such practices. With full and sympathetic consideration the affecting Party shall cooperate in supplying publicly available information on the matter.

3.5.5.2 Investment

3.75. As mentioned above, the Agreement on Investment contains a provision affecting the supply of a service by a Party's service supplier through commercial presence in the territory of another Party. The Agreement on Investment shall however not apply to measures adopted or maintained by a Party to the extent that they are covered by the Agreement (on services).

4 GENERAL PROVISIONS OF THE AGREEMENT

4.1 Transparency

4.1. Article 3 contains general transparency disciplines. In particular, it foresees prompt publication of all relevant measures of general application which pertain to or affect the operation of the Agreement. International agreements pertaining to or affecting trade in services to which a Party is a signatory shall also be published. Each Party shall respond promptly to all requests by any other Party for specific information on any of the notified measures. Moreover, each Party shall establish one or more enquiry points to provide specific information to any other party, upon request, on all related matters.

4.2. Article III *bis* of the GATS (disclosure of confidential information) is, *mutatis mutandis*, incorporated into and forms part of the Agreement.

4.2 Payments, transfers and capital movements

4.3. Articles 10 prohibits that Parties apply restrictions on international transfers and payments for current transactions relating to their specific commitments. The Parties' rights to apply restrictions to safeguard the balance of payments, as disciplined under Article 11, remain reserved. The rights and obligations of any Party who is a member of the IMF are unaffected, provided that a restriction on any capital transaction is not imposed inconsistently with that Party's specific commitments.

4.4. With respect to a Party's market access commitment in relation to the supply of a service through mode 1, that Party is committed to allow such movement of capital. Moreover, with respect to a Party's market access commitment in relation to the supply of a service through commercial presence, that Party is committed to allow related transfers of capital into its territory.

4.3 Exceptions

4.5. Exceptions are contained in Articles 12 and 13. The Agreement does not contain any provision on taxation.

4.3.1 General exceptions

4.6. Article XIV of GATS, including its footnotes, is mirrored in Article 13.

4.3.2 Security exceptions

4.7. Article 13 builds on the provisions of Article XIV***bis*** of GATS for measures related to security. Actions taken so as to protect critical public infrastructures including communication, power and water infrastructures from deliberate attempts intended to disable or degrade such infrastructure are covered by the security exception. Article 13 also provides that nothing in the Agreement shall be construed to require a party to accord the benefits of the Agreement to a service supplier of another Party where a Party adopts or maintains measures in any legislation or regulation which it considers necessary for the protection of its essential security interest with respect to a third-Party or a service supplier of a third-Party that would be violated or circumvented if the benefits of the Agreement were accorded to such service supplier.

4.4 Accession and termination

4.8. The Agreement does not contain any accession provisions. Termination is, however, governed by Article 34 and foresees that the Agreement shall terminate if India withdraws or if the Agreement is in force for less than four ASEAN Member States.

4.5 Institutional framework

4.9. A Joint Committee is established, *inter alia*, to review the implementation and operation of the Agreement, and to supervise and coordinate the work of all Sub-Committees established under the Agreement or that it may establish (Article 26).

4.10. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by the Agreement (Article 25).

4.6 Dispute settlement

4.11. The DSM Agreement applies to the Agreement (Article 30). A full description of the DSM Agreement is contained in the factual presentation dedicated to the Trade in Goods Agreement between India and the ASEAN nations (see document WT/COMTD/RTA/7/1).

4.7 Relationship with other agreements concluded by the Parties

4.12. Under Article 23 the Parties reaffirm their commitments under the WTO Agreements and other agreements to which these Parties are a Party. Nothing in the Agreement shall be construed to derogate from any right or obligation of a Party under the WTO Agreement and other agreements to which these Parties are a Party. Consultation with a view to finding a mutually satisfactory solution is foreseen in the event of any inconsistency between the Agreement and these other agreements.

4.13. Nothing in the Agreement shall prevent any individual ASEAN Member State from entering into any agreement with India and/or any one or more ASEAN Member State. Moreover, the Agreement shall not apply to any agreement among ASEAN Member States or to any agreement between India and any ASEAN Member State unless otherwise agreed by the parties to that agreement.

4.14. Except as otherwise provide in the Agreement, the Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party (Article 28).

4.15. Table 4.1 below shows the Parties' RTAs, notified and non-notified, other than the Agreement

Table 4.1 ASEAN and India: Participation in other RTAs (notified and non-notified in force), as of 24 March 2016

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
ASEAN Member States - Collectively				
ASEAN - Australia - New Zealand	01-Jan-10	Goods & Services	2010	GATT Art. XXIV & GATS Art. V
ASEAN - Republic of Korea	01-Jan-10	Goods	2010	Enabling Clause, GATT Art. XXIV & GATS Art. V
ASEAN - China	01-Jan-05	Goods	2005	Enabling Clause
	01-Jul-07	Services	2008	GATS Art. V
ASEAN - India	01-Jan-10	Goods	2010	Enabling Clause
ASEAN - Japan	01-Dec-08	Goods	2009	GATT Art. XXIV
ASEAN Free Trade Area (AFTA)	28-Jan-92	Goods	1992	Enabling Clause
ASEAN Framework Agreement on Services (AFAS)	12-Aug-98	Services	Not Notified	
Individual ASEAN Member States				
Republic of Korea - Viet Nam	20-Dec-15	Goods & Services	2016	GATT Art. XXIV & GATS Art. V
Singapore - Chinese Taipei	19-Apr-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
Chile - Viet Nam	01-Jan-14	Goods	2015	GATT Art. XXIV
Gulf Cooperation Council (GCC) - Singapore	01-Sep-13	Goods & Services	2015	Enabling Clause & GATS Art. V
Costa Rica - Singapore	01-Jul-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
Malaysia - Australia	01-Jan-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
Chile - Malaysia	25-Feb-12	Goods	2013	GATT Art. XXIV
India - Malaysia	01-Jul-11	Goods & Services	2011	Enabling Clause & GATS Art. V
New Zealand - Malaysia	01-Aug-10	Goods & Services	2012	GATT Art. XXIV & GATS Art. V
Japan - Viet Nam	01-Oct-09	Goods & Services	2009	GATT Art. XXIV & GATS Art. V
Peru - Singapore	01-Aug-09	Goods & Services	2009	GATT Art. XXIV & GATS Art. V
China - Singapore	01-Jan-09	Goods & Services	2009	GATT Art. XXIV & GATS Art. V
Japan - Philippines	11-Dec-08	Goods & Services	2008	GATT Art. XXIV & GATS Art. V
Brunei Darussalam - Japan	31-Jul-08	Goods & Services	2008	GATT Art. XXIV & GATS Art. V
Japan - Indonesia	01-Jul-08	Goods & Services	2008	GATT Art. XXIV & GATS Art. V
Pakistan - Malaysia	01-Jan-08	Goods & Services	2008	Enabling Clause & GATS Art. V
Japan - Thailand	01-Nov-07	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
Panama - Singapore	24-Jul-06	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
Japan - Malaysia	13-Jul-06	Goods & Services	2006	GATT Art. XXIV & GATS Art. V
Trans-Pacific Strategic Economic Partnership ^a	28-May-06	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
Republic of Korea - Singapore	02-Mar-06	Goods & Services	2006	GATT Art. XXIV & GATS Art. V
Jordan - Singapore	22-Aug-05	Goods & Services	2006	GATT Art. XXIV & GATS Art. V
India - Singapore	01-Aug-05	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
Thailand - New Zealand	01-Jul-05	Goods & Services	2005	GATT Art. XXIV & GATS Art. V
Thailand - Australia	01-Jan-05	Goods & Services	2004	GATT Art. XXIV & GATS Art. V
United States - Singapore	01-Jan-04	Goods & Services	2003	GATT Art. XXIV & GATS Art. V
Singapore - Australia	28-Jul-03	Goods & Services	2003	GATT Art. XXIV & GATS Art. V

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
EFTA - Singapore	01-Jan-03	Goods & Services	2003	GATT Art. XXIV & GATS Art. V
Japan - Singapore	30-Nov-02	Goods	2002	GATT Art. XXIV & GATS Art. V
	02-Sep-07	Services		
Asia Pacific Trade Agreement (APTA) - Accession of China	01-Jan-02	Goods	2004	Enabling Clause
New Zealand - Singapore	01-Jan-01	Goods & Services	2001	GATT Art. XXIV & GATS Art. V
Lao People's Democratic Republic - Thailand	20-Jun-91	Goods	1991	Enabling Clause
Global System of Trade Preferences among Developing Countries (GSTP) ^b	19-Apr-89	Goods	1989	Enabling Clause
Asia Pacific Trade Agreement (APTA) ^c	17-Jun-76	Goods	1976	Enabling Clause
Protocol on Trade Negotiations (PTN) ^d	11-Feb-73	Goods	1971	Enabling Clause
Chile - Thailand	05-Nov-15	Goods	Not Notified	
Malaysia - Turkey	01-Aug-15	Goods	Not Notified	
Peru - Thailand (<i>Early Harvest</i>)	31-Dec-11	Goods	Not Notified	
India - Thailand Early Harvest	01-Sep-04	Goods	Not Notified	
Pakistan - Indonesia	n.a.	Goods	Not Notified	
APTA - Accession of Mongolia ^d	26-Oct-13	Goods	Not Notified	
India				
India - Japan	01-Aug-11	Goods & Services	2011	GATT Art. XXIV & GATS Art. V
India - Malaysia	01-Jul-11	Goods & Services	2011	Enabling Clause & GATS Art. V
Republic of Korea - India	01-Jan-10	Goods & Services	2010	Enabling Clause, GATT Art. XXIV & GATS Art. V
ASEAN - India	01-Jan-10	Goods	2010	Enabling Clause
India - Nepal	27-Oct-09	Goods	2010	Enabling Clause
MERCOSUR - India	01-Jun-09	Goods	2010	Enabling Clause
Chile - India	17-Aug-07	Goods	2009	Enabling Clause
India - Bhutan	29-Jul-06	Goods	2008	Enabling Clause
South Asian Free Trade Agreement (SAFTA)	01-Jan-06	Goods	2008	Enabling Clause
India - Singapore	01-Aug-05	Goods & Services	2007	GATT Art. XXIV & GATS Art. V
India - Afghanistan	13-May-03	Goods	2010	Enabling Clause
Asia Pacific Trade Agreement (APTA) - Accession of China	01-Jan-02	Goods	2004	Enabling Clause
India - Sri Lanka	15-Dec-01	Goods	2002	Enabling Clause
South Asian Preferential Trade Arrangement (SAPTA)	07-Dec-95	Goods	1997	Enabling Clause
Global System of Trade Preferences among Developing Countries (GSTP)	19-Apr-89	Goods	1989	Enabling Clause
Asia Pacific Trade Agreement (APTA)	17-Jun-76	Goods	1976	Enabling Clause
India - Thailand Early Harvest	01-Sep-04	Goods	Not Notified	

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
SAARC Agreement on Trade in Services (SATIS)	29-Nov-12	Services	Not Notified	
APTA - Accession of Mongolia ^d	26-Oct-13	Goods	Not Notified	

- a Members are: Brunei Darussalam, Chile, New Zealand and Singapore.
- b ASEAN States which are parties to the GSTP: Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam.
- c ASEAN State which is a party to APTA: Lao People's Democratic Republic.
- d ASEAN State which is a party to the PTN: Philippines.
- e The Standing Committee of the APTA reached a consensus officially welcoming Mongolia as the 7th member of the Agreement. This was done on the occasion of its 42nd session, which was held from 25 to 26 October 2013
- n.a. Not available.

Source: WTO Secretariat.

4.8 Other

4.8.1 Cooperation

4.16. The Parties shall strengthen cooperation in services sectors including those which are not covered by existing cooperation arrangements.¹³ The Parties shall discuss and mutually agree on the sectors for cooperation and develop cooperation programmes in these sectors in order to improve their domestic capacities, efficiency and competitiveness (Article 16).

¹³ The Parties indicate that such cooperation has not taken place to date.