

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Group of Negotiations on Services

COMMUNICATION FROM MALAYSIA

Draft Schedule of Malaysia Concerning
Initial Commitments on Trade in Services

The following communication is circulated at the request of Malaysia to members of the Group of Negotiations on Services.

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1. Malaysia hereby submits a revised draft schedule on initial commitments, as indicated in the attached schedule, revising its offer dated 20 September 1993 (MTN.GNS/W/122/Rev.2). Malaysia maintains the right to modify, refine, make technical changes to, and to correct errors, omissions or inaccuracies in, this offer.
 2. Except where specifically noted, the scope of the commitments in this offer is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office.
 3. All sections in this submission form an integral part of this revised offer.
 4. This offer will only enter into force at the time of the entry into force of the General Agreement on Trade in Services.

**SCHEDULE OF CONDITIONAL OFFERS OF MALAYSIA UNDER
THE GENERAL AGREEMENT ON TRADE IN SERVICES**

HORIZONTAL COMMITMENTS APPLICABLE TO ALL SECTORS OR SUB-SECTORS UNLESS OTHERWISE INDICATED

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
All sectors	3	1. Entry is permitted through the types of business or professional establishment which will be specified under each sector or sub-sector. 2. Entry is also permitted through an operational headquarters company (OHQ) which is limited to the following sector or sub-sector: (a) Legal;	1. Acquisition, disposal or dealing in land by foreign companies requires approval which is normally granted for legitimate business and productive purposes. However, approval may be denied if such acquisition, disposal or dealing is undertaken for speculative purposes or purposes which may conflict with the interest of the State.	

- KEY:1)** Cross-border supply
 2) Consumption Abroad
 3) Commercial Presence
 4) Presence of Natural Persons

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

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>(b) Taxation;</p> <p>(c) Architectural;</p> <p>(d) Engineering;</p> <p>(e) Consultancy relating to installation of computer hardware and software implementation; and</p> <p>(f) Transportation relating to international trade.</p> <p>- OHQ activities are limited to general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion and planning or training and personnel management for its offices and related companies outside Malaysia.</p> <p>- To qualify as an OHQ a foreign-owned company must operate in Malaysia and carry out a minimum of three service activities listed above.</p>	<p>2. Any proposed acquisition of immovable properties requires approval.</p> <p>3. Incentives are limited to eligible Malaysian-owned corporations engaged in service sectors promoted by the Government.</p> <p>4. Any measure and special preference granted to Bumiputera, Bumiputera status companies, trust companies and institutions set up to meet the objectives of the New Economic Policy (NEP) and the National Development Policy (NDP) shall be unbound.</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<ul style="list-style-type: none"> - The establishment of an OHQ is subject to meeting the criteria as specified under Malaysia's Guidelines on Operational Headquarters Company. - Fiscal and non-fiscal incentives may be made available to an OHQ. <p>3. All types of establishment specified under each sector or sub-sector shall be incorporated or registered in Malaysia.</p> <p>4. Investment in Malaysia requires approval which is normally granted, upon fulfillment of the criteria specified under Malaysia's Guidelines For Regulations of Acquisition of Assets, Mergers and Takeovers. However, approval may be denied only in circumstances where the proposed investment conflicts with the interest of the State. (Subject to further amendments)</p>	<p>5. Corporations in which the Government has an interest shall, in acquiring services, give first consideration to service suppliers in which the Government has an interest. This requirement does not prevent the acquisition of services from other service suppliers where their services are competitive in terms of price, quality and delivery.</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p>Unbound except for measures affecting the entry and temporary stay of natural persons defined below:</p> <p>1. Intra-corporate Transferees</p> <p>(a) senior managers being persons within an organisation having proprietary information of the organisation and who exercise wide latitude in decision making relating to the establishment, control and operation of the organisation being directly responsible to the CEO and receive only general supervision or direction from the board of directors or partners of the organisation; and</p> <p>(b) two specialists or experts per organisation being persons within the organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's new service products and technology, research equipment and</p>	<p>1. Acquisition, disposal or dealing in land by non-citizens requires approval which is normally granted for legitimate business and productive purposes. However, approval may be denied if such acquisition, disposal or dealing is undertaken for speculative purposes or purposes which may conflict with the interest of the State.</p> <p>2. The issuance of a work permit is subject to fees which vary according to category of employment and duration of stay.</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>techniques or management. Additional specialists or experts may be allowed subject to market test and the training of Malaysians through an acceptable training programme in the relevant services sector or sub-sector:</p> <p>Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date of their application for a work permit and he is to serve in at least a similar capacity.</p> <p>2. Others</p> <p>(a) specialists or experts being persons who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organisation's products and services subject to market test and the employment of</p>		

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or sub-sector;</p> <p>(b) professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies; and</p> <p>(c) business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia, who have been employed for at least one year by a foreign service supplier, whose entry and temporary stay is for the purposes of negotiating for the sale of services or entering into agreements to sell services for that service supplier and who will not engage in direct sales to the general public.</p>		

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>3. Entry and stay of natural persons defined in categories 1(a) and (b) and 2(a) and (b) shall not exceed a total of five years. For category 2(c), the period of stay shall not exceed a total of 90 days.</p> <p>4. Work permits issued to natural persons are job specific and employer specific and any change in any condition of entry requires a new application.</p>		

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>BUSINESS SERVICES</u></p> <p><u>PROFESSIONAL SERVICES</u></p> <p>Legal services covering advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia.</p> <p>(8619)</p>	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <p>1. Only through a corporation established in the Federal Territory of Labuan; and</p> <p>2. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	
<p>Accounting, auditing and bookkeeping services</p> <p>(862)</p>	<p>1, 2</p> <p>3</p>	<p>Only a licensed auditor may provide auditing services to any person in Malaysia.</p> <p>Only through a partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests shall not exceed 30%.</p>	<p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in the horizontal section and, in respect of 2(b), the principal or only place of residence is within Malaysia.	None	The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Taxation services (863)	1, 2 3	Only a licensed auditor may provide auditing services to any person in Malaysia. Only through a partnership with Malaysian accountants or Malaysian accounting firms and aggregate foreign interests in the partnership shall not exceed 30%.	None None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in the horizontal section and, in respect of 2(b), the principal or only place of residence is within Malaysia.	None	The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Architectural services (8671)	1, 2 3	Only a registered architect may submit plans, drawings, etc. to any person or authority in Malaysia. Architectural services may be supplied only by a natural person.	None None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in the horizontal section and, in respect of 2(b), only an architect who is a consultant to a project wholly financed by a foreign government or implemented under a bilateral arrangements subject to temporary registration for a period of one year per temporary registration.	None	The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Engineering services (8672)	1, 2 3	Only a registered professional engineer may submit plans, drawings, etc. to any person or authority in Malaysia. Engineering services may be supplied only by a natural person.	None None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in the horizontal section and, in respect of 2(b), subject to temporary registration for a period of one year per temporary registration.	None	The qualifying examination to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
Integrated engineering services (8673)	1, 2 3	Only the respective registered professionals may submit plans, drawings, etc. to any person or authority in Malaysia. 1. Only through a representative office; or 2. Only through a regional office; or 3. Only for the purpose of services contract awarded in Malaysia, implemented through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or	None None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p>both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%; and</p> <p>4. Establishment of such joint-venture corporation is only for a duration necessary to complete the services contract.</p> <p>Unbound except as indicated in the horizontal section and, in respect of 2(b), for a period of up to one year or the duration necessary to complete the services contract.</p>	None	The qualification to determine the competence and ability to supply the service for the purposes of registration with the professional bodies will be conducted in the English language.
<p>Medical speciality services covering forensic medicine, nuclear medicine, geriatrics, microvascular surgery, neurosurgery, cardiothoracic surgery,</p>	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <p>Medical speciality services may be supplied only by a natural person.</p> <p>Unbound except as indicated in 2(a) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None other than –</p> <p>1. practice only in private hospitals of at least 100 beds;</p>	The qualification to determine the

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Consultancy services related to software implementation covering advisory and implementation services for customised software. (842)</p>	<p>1, 2 3</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	
<p>Database services (8440)</p>	<p>1, 2 3</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%.</p>	<p>None None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.	None	
<p>Computer software development services</p> <p>covering development of new software for general application, including, ready-made software packaged for general application.</p> <p>(842*)</p>	<p>1, 2, 3</p> <p>4</p>	<p>None</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p>	
<p>RESEARCH AND DEVELOPMENT SERVICES</p> <p>R e s e a r c h a n d e x p e r i m e n t a l d e v e l o p m e n t s e r v i c e s o n s o c i a l s c i e n c e s a n d h u m a n i t i e s</p> <p>(8520 except 85203 and 85204)</p>	<p>1, 2</p> <p>3</p>	<p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%.</p>	<p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.	None	
<p><u>RENTAL/LEASING SERVICES WITHOUT OPERATORS</u></p> <p>Relating to ships exclude cabotage and offshore trades. (83103*)</p>	<p>1, 2 3</p>	<p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p> <p>3. Only through a Malaysian-controlled corporation acting as an agent.</p>	<p>None</p> <p>None</p>	
<p>Relating to aircraft (83104)</p>	<p>1, 2 3</p>	<p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p> <p>3. Only through a Malaysian-controlled corporation acting as an agent.</p>	<p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	Unbound except as indicated in the horizontal section.	None	
<p>Relating to construction and mining equipment and industrial plant and equipment (83107*)</p>	<p>1,2 3</p>	<p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p> <p>3. Only through a Malaysian-controlled corporation acting as an agent.</p>	<p>None</p> <p>None</p>	
<p><u>OTHER BUSINESS SERVICES</u></p> <p>Advertising services (8711, 8712, 8719)</p>	<p>1 2 3</p>	<p>Commercial presence is required.</p> <p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both</p>	<p>Unbound</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%.</p> <p>A d v e r t i s e m e n t t h r o u g h e l e c t r o n i c m e d i a</p> <p>Advertisement must have at least 80% local content and be made in Malaysia.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	None	
<p>M a n a g e m e n t c o n s u l t i n g s e r v i c e s covering advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy. (8650*)</p>	<p>1.2 3 4</p>	<p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>M a n a g e m e n t consulting services covering advisory, guidance and operational assistance on environmental management services including risk assessment services. (8650*)</p>	<p>1, 2 3 4</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	
<p>M a n a g e m e n t consulting services covering advisory and guidance in the field of pharmacy as follows: 1. basic material manufacturing consultancy in the manufacture of drugs in raw material form; new systems of drug delivery; 2.</p>	<p>1, 2 3 4</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>3. biotechnology – new techniques for influencing the process and products of living cells;</p> <p>4. new techniques in drug development and methods of producing drugs and vaccine; and</p> <p>5. vaccine production.</p> <p>(8650*)</p>				
<p>M a n a g e m e n t consulting services</p> <p>covering advisory and guidance on International Value – Added Network Services, rural telecom development and human resource development in telecommunications.</p> <p>(8650*)</p>	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Services incidental to agriculture and fishing covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc.</p> <p>(881*, 882*)</p>	<p>1, 2 3 4</p>	<p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	
<p>Services incidental to manufacturing</p> <p>(884, 885 except 88442)</p>	<p>1, 2 3 4</p>	<p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Technical testing and analysis services (8676 except 86764)</p>	<p>1, 2 3 4</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	
<p>Student placement services covering promoting, recruiting and facilitating students for studies outside Malaysia. (87909)</p>	<p>1, 2, 3 4</p>	<p>None Unbound except as indicated in the horizontal section.</p>	<p>None None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Market research and public opinion polling services (864)	1, 2 3 4	None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation is at least 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.	None None None	
Translation and interpretation services (87905)	1, 2 3 4	None Translation and interpretation services may be supplied only by a natural person. Unbound except as indicated in 2(a) in the horizontal section.	None None Translation and/or interpretation from the English language to the Malay language or vice-versa is not permitted.	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Convention and exhibition management services covering the provision of planning, organizational, management and marketing services for conventions and other similar events. (87909)</p>	<p>1, 2 3 4</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign share-holding in the joint-venture corporation shall not exceed 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	
<p>Landscaping services covering the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks. (86742*)</p>	<p>1, 2 3 4</p>	<p>None Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign share-holding in the joint-venture corporation shall not exceed 30%. Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>None None None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>COMMUNICATION SERVICES</p> <p>TELECOMMUNICATION SERVICES of which enhanced value-added services must be provided from channels or lines obtained only from licensed network operators.</p> <p>D a t a a n d transmission services covering electronic mail, voice mail, on-line information and database retrieval, enhanced facsimile, code and protocol conversion.</p> <p>(7523)</p>	<p>1,2 3 4</p>	<p>None</p> <p>1. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or</p> <p>2. Only through acquisition of shares of an existing licensed VAS operator/corporation;</p> <p>3. Aggregate foreign share-holding shall not exceed 30% for 3(1) and 3(2);</p> <p>4. The licence shall specify the type of services to be provided; and</p> <p>5. Simple resale is not permitted.</p> <p>Unbound except as indicated in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mobile data services (7523*)	1, 2 3	None 1. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or 2. Only through acquisition of shares of an existing licensed VAS operator/corporation; and 3. Aggregate foreign share-holding shall not exceed 30% for 3(1) and 3(2).	None None	
Telex and telegraph services (7523*)	1, 2 3	None 1. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations; or 2. Only through acquisition of shares of an existing licensed telex and telegraph operator/corporation; and	None None	
		Unbound except as indicated in the horizontal section.	None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>3. Aggregate foreign shareholding shall not exceed 30% for 3(1) and 3(2).</p>	None	
<p><u>AUDIOVISUAL SERVICES</u> Motion picture, video tape and audio recording distribution services (96113)</p>	<p>1 2 3 4</p>	<p>Commercial presence is required.</p> <p>None</p> <p>Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding shall not exceed 30%.</p> <p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p>	<p>Unbound</p> <p>None</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Broadcasting services covering transmission from foreign broadcast station of foreign broadcast matter from foreign territory through television or radio.</p> <p>(7524*)</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>1. 20% of total screening time; and</p> <p>2. Dubbing into the national language may be required.</p> <p>None</p> <p>Unbound due to lack of technical feasibility.</p> <p>Unbound due to lack of technical feasibility.</p>	<p>Unbound for government channel.</p> <p>None</p> <p>Unbound due to lack of technical feasibility.</p> <p>Unbound due to lack of technical feasibility.</p>	
<p>CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>Construction work</p> <p>(511, 512, 513, 514, 515, 516, 517)</p>	<p>1</p> <p>2</p> <p>3</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p> <p>3. Only through a joint-venture corporation with Malaysian individuals or</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>Malaysian-controlled corporations or both and aggregate foreign share-holding in the joint-venture corporation shall not exceed 30%.</p>		
<p>HEALTH RELATED AND SOCIAL SERVICES HOSPITAL SERVICES Private hospital services (93110*)</p>	<p>4</p>	<p>Unbound except as indicated in the horizontal section.</p>	<p>None</p>	
			<p>None</p> <p>Establishment of feeder outpatient clinics is not permitted.</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p>3. The joint-venture corporation shall operate a hospital with a minimum of 100 beds.</p> <p>Unbound except as indicated in the horizontal section.</p>	None	
<p><u>TOURISM AND TRAVEL RELATED SERVICES</u></p> <p>Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including, outlets which may not necessarily include ownership of such properties.</p> <p>1. (641, 642, 643) 2. (87909)</p>	<p>1</p> <p>2</p> <p>3</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>1. Entry for service activities under CPC 641, 642, 643 is permitted only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%; or</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<p>2. Entry for service activity under CPC 87909 is permitted only for the purposes of services contract awarded in Malaysia and implemented through a branch.</p>	None	
Travel agency and tour operator services (7471)	<p>4</p> <p>1</p> <p>2</p> <p>3</p>	<p>Unbound except as indicated in 1(a) and (b) and 2(a) and (c) in the horizontal section.</p> <p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>1. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%; and</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p>2. Establishment of another office requires additional licence.</p> <p>Unbound except as indicated in 1(a) in the horizontal section.</p>	None	
<p><u>RECREATIONAL, CULTURAL AND SPORTING SERVICES</u></p> <p>Other entertainment services (96191, 96192, 96194)</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>Entertainment services may be supplied only by a natural person.</p> <p>Unbound except as indicated in 2(a) in the horizontal section.</p>	<p>Unbound due to lack of technical feasibility.</p> <p>None</p> <p>None</p> <p>Participation of Malaysian entertainers/artistes may be required based on the guidelines of the Ministry of Culture, Arts and Tourism.</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Sports events management services (96411, 96412)</p>	<p>1 2 3 4</p>	<p>Unbound due to lack of technical feasibility. None Only through a Malaysian-controlled corporation acting as the local sponsor. Unbound except as indicated in 2(a) in the horizontal section.</p>	<p>Unbound due to lack of technical feasibility. None None None</p>	
<p>TRANSPORTATION SERVICES International maritime transportation services excludes cabotage (7211, 7212)</p>	<p>1, 2 3</p>	<p>None 1. Only through a representative office; or 2. Only through a regional office; or 3. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%.</p>	<p>None None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> 1. Pilotage. 2. Towing and tug assistance. 3. Provisioning, fuelling and watering. 4. Garbage collection and ballast waste disposal.

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p><u>Malaysian registered vessels</u></p> <p>To register a vessel in Malaysia, the following conditions must be met:</p> <ol style="list-style-type: none"> 1. Owner of that vessel must be a Malaysian citizen or corporation incorporated in Malaysia; 2. Majority shareholding to be held by Malaysians; 3. Majority of the board of directors to be Malaysians; and 4. Principal place of business to be in Malaysia. <p>Unbound except as indicated in 1(a) and (b) and 2(c) in the horizontal section. For manning vessels, ratings is permitted up to 25%. Ship crew is permitted to disembark only for duration of berth.</p>	None	<ol style="list-style-type: none"> 5. Port Captain's services. 6. Navigation aids. 7. Shore-based operational services essential to ship operations, including, water communications, water and electrical supplies. 8. Emergency repair facilities. 9. Anchorage, berth and berthing services.

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>M a r i t i m e a g e n c y s e r v i c e s</p> <p>covering marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required.</p> <p>(7454*)</p>	<p>1, 2 3</p>	<p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p> <p>3. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30%.</p>	<p>None</p> <p>None</p>	
<p>V e s s e l s a l v a g e a n d r e f l o a t i n g s e r v i c e s e x c e p t o n i n l a n d w a t e r s</p> <p>(74540)</p>	<p>1, 2 3</p>	<p>None</p> <p>1. Only through a representative office; or</p> <p>2. Only through a regional office; or</p>	<p>None</p> <p>None</p>	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	4	<p>3. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and Bumiputera shareholding in the joint-venture corporation of at least 30%.</p> <p>Unbound except as indicated in 1(a) and 2(a) in the horizontal section.</p>	None	
Air transport services (731, 732)	1, 2 3 4	<p>None</p> <p>1. Only through a branch; and</p> <p>2. Establishment of another office requires additional licence.</p> <p>Unbound except as indicated in 1(a) in the horizontal section.</p>	None None None	

Sector or Sub-sector	Mode of Delivery	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p><u>OTHER SERVICES</u></p> <p>Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows:</p> <ol style="list-style-type: none"> 1. automated manufacturing technology; 2. advanced materials technology; 3. biotechnology; 4. electronics; 5. information technology; and 6. avionics/aviation technology. <p>(97090)</p>	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <ol style="list-style-type: none"> 1. Only through a joint-venture corporation with Malaysian individuals or Malaysian-controlled corporations or both and aggregate foreign shareholding in the joint-venture corporation shall not exceed 30%; and 2. Establishment of branches in respect of 3(1) requires additional licences. <p>Unbound except as indicated in the horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p>	

OFFER1.WK1

MALAYSIA: FINANCIAL SERVICES, INCLUDING INSURANCE

Horizontal Commitments Applicable to the Financial Services Sector

1. The offers in the financial services sector are in accordance with the Framework Agreement on Services and the Annex on Financial Services.
2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated.
3. These general conditions and qualifications are an integral part of the offers in the financial services sector and are applicable only to services supplied through the mode of commercial presence and movement of natural persons.
4. In respect of offshore banks, commercial banks, merchant banks, offshore insurance and offshore reinsurance companies, insurance companies and representative offices of commercial banks and merchant banks, the following conditions and limitations on market access and movement of natural persons shall apply in addition to specific limitations to the activity of each financial service as specified in each offer.

Sector or Sub-Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
All financial services	3	<p>Limitations on investments as contained in the all-sector horizontal section.</p> <p>Limitations in the all-sector horizontal section will apply when indicated in each activity.</p>	<p>1. Limitations on land and other immovable property as contained in the all-sector horizontal section.</p> <p>2. Unbound for current and future measures affecting financial services accorded, to any Bumiputera or to assist development of any Bumiputera financial institution to achieve objectives of the National Development Policy (NDP).</p> <p>3. Incentives are limited to eligible Malaysian-owned financial institutions.</p> <p>Limitations in the all-sector horizontal section will apply when indicated in each activity.</p>

Sector or Sub –Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
Offshore banks, offshore insurance and offshore reinsurance companies.	3	<ol style="list-style-type: none"> 1. Entry is confined to the Federal Territory of Labuan. 2. Entry is limited to establishment of a branch or a subsidiary incorporated in Malaysia. 	None
Commercial banks and Merchant banks	4	None	None
	3	<ol style="list-style-type: none"> 1. Existing foreign bank branches of commercial banks, after local incorporation, are permitted to be wholly – owned by the existing banks. 2. Unbound for new licences. 3. New entry is limited to equity participation in existing locally incorporated institutions and the setting up of representative offices. Aggregate foreign shareholding in a commercial bank or a merchant bank shall not exceed 30%. 4. Acquisition of an aggregate of 5% or more of shareholding in a locally incorporated commercial bank or merchant bank requires approval. Acquisition of such shares is limited to foreign banks and subject to fulfillment of entry requirements, which would include ability to facilitate trade and contribute to financial and economic development in Malaysia, the country of the foreign bank has significant trade and investment interests in Malaysia and does not already have a significant representation in the Malaysian banking industry. 	<ol style="list-style-type: none"> 1. None except as indicated in the all financial services offer and in the respective activity listed below.

Sector or Sub-Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	4	<p>5. An institution owned or controlled by a foreign Government or an agency of such a Government is not allowed to control a commercial bank or a merchant bank in Malaysia.</p> <p>6. A licensed financial institution in Malaysia is not allowed to acquire a commercial bank or a merchant bank, but a commercial bank may acquire a merchant bank. A person holding 5% or more of the shares of a licensed financial institution in Malaysia is not allowed to acquire 5% or more of the shares of another commercial bank and merchant bank.</p> <p>7. Representative offices can only undertake research, exchange of information and liaison services. They are not permitted to carry on commercial banking or merchant banking business.</p> <p>8. Unbound for new service products of commercial and merchant banks.</p> <p>1. Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p>	<p>None except as indicated in the all-sector horizontal section and the respective activity below.</p>

Sector or Sub-Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
		<p>(b) For banks, one senior manager for each institution. Specialists or experts are subject to an acceptable training programme for Malaysians to be conducted by these persons, market test and eligibility criteria. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial services supplier. Specialists are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service suppliers.</p> <p>(c) For a representative office, one foreign national for a management post.</p> <p>(d) Movement of a manager or specialist can be through intra-corporate transfers or otherwise.</p> <p>(e) Entry shall be limited to a maximum period of five years.</p>	
Insurance companies	3	<ol style="list-style-type: none"> 1. Local incorporation of existing foreign branches is required. Aggregate foreign shareholding of the parent company shall not exceed 30%. 2. Unbound for new licences. 3. New entry is limited to equity participation in existing locally incorporated insurance companies. Aggregate foreign shareholding in an existing locally incorporated insurance company shall not exceed 30%. 	None, except as indicated in the all financial services offer and the respective activity below.

Sector or Sub –Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
		<p>4. Acquisition of 5% or more of shareholding in a locally incorporated company requires approval. Acquisition of such shares is limited to foreign insurance companies upon fulfillment of entry requirements. These would include ability to contribute to financial and economic development in Malaysia, the country of the insurance company has significant trade and investment interests in Malaysia and does not already have a significant presence in the Malaysian insurance industry.</p> <p>5. An insurance company is not allowed to acquire a licensed insurance broking company or another insurance company that carries on the same class of insurance business as that carried on by it. A person holding 5% or more of the shares of an insurance company is not allowed to acquire 5% or more of the shares of another insurance company carrying on the same class of insurance business as that carried on by the insurance company or a licensed insurance broking company of which he is a shareholder.</p>	<p>None except as indicated in the all–sector horizontal section and the respective activity below.</p>
	4	<p>1. Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence.</p>	

Sector or Sub-Sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
		<p>(b) For insurance companies, one senior manager for each institution. Specialists or experts are subject to an acceptable training programme for Malaysians to be conducted by these persons, market test and eligibility criteria. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial services supplier. Specialists are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service providers.</p> <p>(c) Movement of a manager or specialists can be through intra-corporate transfers or otherwise.</p> <p>(d) Entry shall be limited to a maximum period of five years.</p>	

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
<p>A. <u>BANKING AND OTHER FINANCIAL SERVICES, EXCLUDING INSURANCE</u></p> <p>Acceptance of deposits, and other repayable funds from the public, wholesale and retail.</p>	<p>1, 2</p> <p>3</p>	<p>Soliciting, advertising and acceptance of deposits in Malaysia are not allowed.</p> <p>1. Only permitted through existing institutions licensed as a commercial bank, a merchant bank or an offshore bank.</p> <p>2. Offshore banks in Labuan are permitted to accept foreign currency deposits only.</p> <p>3. Merchant banks are only permitted to accept term deposits from non-individuals. The minimum amount of each term deposit shall be as specified by the Central Bank from time to time.</p> <p>Unbound except as indicated in the finance sector horizontal section.</p>	<p>None</p> <p>For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. For merchant banks, branching is permitted when foreign equity does not exceed 30%.</p> <p>None except as indicated in the all-sector horizontal section.</p>
<p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.</p>	<p>1, 2</p>	<p>Financial services associated with lending to residents in any currency must be undertaken with banks incorporated in Malaysia.</p>	<p>None</p>

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<p>1. Entry as a non-bank for scheduled businesses is limited to establishment of a locally incorporated joint-venture company or a representative office. Aggregate foreign shareholding in such a company shall not exceed 30% and confined to foreign financial institutions.</p> <p>2. Representative offices can only undertake research and liaison services and cannot carry on any scheduled business.</p> <p>3. Provision of factoring services by a commercial bank requires the setting up of a separate entity. Shareholding by a foreign-controlled commercial bank shall not exceed 30%.</p> <p>4. For merchant banks, consumer credit and home mortgages are not permitted.</p> <p>5. Overdraft facilities are not permitted, except when supplied by a commercial bank.</p> <p>6. Offshore banks are permitted to lend in foreign currencies only.</p>	<p>1. Non-resident controlled companies are permitted to obtain up to a maximum of 40% of their total credit facilities (including factoring and leasing) from foreign-controlled banks in Malaysia. (60% must be sourced from Malaysian controlled institutions).</p> <p>2. For commercial banks, unbound for branching (including off-premises ATMs) and networking with ATMs in Malaysia. For merchant banks, branching is permitted when foreign equity does not exceed 30%.</p>
	4	<p>1. For banks, unbound except as indicated in the finance sector horizontal section.</p> <p>2. For non-banks, unbound except one foreign national for a management post other than the CEO, for each establishment. For representative offices of scheduled businesses, one foreign national for a management post.</p>	<p>1. None except as indicated in the all-sector horizontal section.</p> <p>2. Residency requirements are required for lending of money.</p>

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
Financial leasing.	1, 2 3	<p>Leasing services to residents in any currency must be undertaken with banks incorporated in Malaysia.</p> <p>1. Entry as a non-bank is limited to establishment of a locally incorporated joint-venture company or a representative office. Aggregate foreign shareholding in such a company shall not exceed 30% and confined to foreign financial institutions.</p> <p>2. Leasing operations by a commercial bank require setting up a separate entity. Shareholding by a foreign-controlled commercial bank shall not exceed 30%.</p> <p>3. Representative offices can only undertake research and liaison services and cannot carry on any form of leasing business.</p>	None None
All payment and money transmission services, namely credit and debit cards, travellers cheques and bankers drafts.	4 1, 2	<p>Unbound except one foreign national for a management post other than the CEO, for each establishment. For representative offices, one foreign national for a management post.</p> <p>Electronic fund transfer system requires approval.</p>	None except as indicated in the all-sector horizontal section. None

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<ol style="list-style-type: none"> 1. Offshore banks are permitted to extend payment and money transmission services to non-residents only. 2. Issue of credit cards and debit cards are not allowed, other than by commercial banks. 3. Issue, sale and purchase of ringgit travellers cheques is confined to Malaysian controlled banks. 4. Sale and purchase of foreign currency travellers cheques other than by commercial banks require a money changer's licence. Entry is limited to establishment of a locally incorporated joint-venture company. Aggregate foreign shareholding in such a company shall not exceed 30%. 5. Checking account services are not permitted, except when provided by a commercial bank in Malaysia. 	<ol style="list-style-type: none"> 1. For commercial banks, unbound for branches (including off-premises ATMs) and networking with ATMs in Malaysia. For merchant banks, branching is permitted when foreign equity does not exceed 30%. 2. Sale and purchase of travellers cheques by individuals require citizenship status. 3. Branches (including dispensers) of travellers cheques companies are permitted when foreign equity does not exceed 30%.
	4	<ol style="list-style-type: none"> 1. For banks, unbound except as indicated in the finance sector horizontal section. 2. For non-banks, one foreign national for a management post other than the CEO post, for each establishment. 	None except as indicated in the all-sector horizontal section.

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
Charge cards.	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None</p> <p>Entry is limited to establishment of a company incorporated in Malaysia. (There is no limit on foreign equity.)</p> <p>Unbound except one manager for each establishment.</p>	<p>None</p> <p>None</p> <p>None except as indicated in the all-sector horizontal section.</p>
<p>Guarantees and commitments (Guarantees and commitments undertaken by non-residents are governed by rules relating to foreign exchange.)</p>	<p>1, 2</p> <p>3</p> <p>4</p>	<p>None except banks established in Malaysia may be given the right of first refusal.</p> <p>None</p> <p>Unbound except as indicated in the finance sector and all-sector horizontal section.</p>	<p>None</p> <p>None</p> <p>None except as indicated in the all-sector horizontal section.</p>

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
Money and foreign exchange broking services.	1, 2	Broking services, involving Ringgit Malaysia and financial instruments issued in Malaysia must be effected through authorised dealers and money and foreign exchange brokers incorporated in Malaysia.	None
	3	Entry other than through equity participation in existing institutions is not permitted. Aggregate foreign shareholding in each company shall not exceed 30%.	None
	4	Unbound	Unbound
Trading for own account or account of customers in the following: <ul style="list-style-type: none"> - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion 	1	Dealing is limited to contracts traded on specified exchanges abroad.	None
	2	None.	None
	3	<ol style="list-style-type: none"> 1. Transactions by offshore banks in Labuan must be conducted in foreign currencies, except for the sale and purchase of currencies with authorised banks in Malaysia. Transactions for own account are limited to instruments created and issued abroad. 2. Trading for accounts of customers by offshore banks and offshore companies in Labuan is confined to non-resident customers and in instruments created and issued abroad. Trading in shares of Malaysian companies is confined to non-resident customers who are not offshore companies registered or incorporated in Labuan. 	None

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
		<p>3. Trading in foreign currency is not permitted, except by commercial banks and offshore banks.</p> <p>4. Trading and dealing in securities and financial futures and derivative products other than by designated financial institutions requires establishment of a locally incorporated joint-venture company. Aggregate foreign shareholding in such company shall not exceed 30%.</p>	<p>None except as indicated in the all-sector horizontal section.</p>
<p>Services related to the issues of all kinds of securities and placement as agents (whether publicly or privately) (Excluding issuing and rating houses)</p>	<p>4</p>	<p>1. For banks, unbound except as indicated in the finance sector horizontal section.</p> <p>2. For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	<p>None</p>
	<p>1, 2</p> <p>3</p>	<p>Participation in issues and services related to such issues requires authorisation.</p> <p>1. Participation by offshore banks in Labuan is limited to non-resident customers and for issues of securities outside Malaysia.</p> <p>2. Submissions for new issues requiring approval of the Securities Commission must be made through licensed merchant banks.</p>	<p>None</p> <p>None</p>

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
		<p>3. Participation by non-banks requires establishment of a locally incorporated joint-venture company. Aggregate foreign shareholding in such company shall not exceed 30%.</p> <p>4. Unbound for appointment as principal dealers.</p>	
	4	<p>1. For banks, unbound except as indicated in the finance sector horizontal section.</p> <p>2. For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	None except as indicated in the all-sector horizontal section.
Underwriting.	1, 2	Commercial presence is required.	Unbound due to lack of technical feasibility.
	3	<p>1. Underwriting other than by a bank, requires a dealers licence. Entry is limited to establishment of a locally incorporated joint-venture company. Aggregate foreign shareholding shall not exceed 30%.</p>	None
	4	<p>1. For banks, unbound, except as indicated in the finance sector horizontal section.</p> <p>2. For non-banks, unbound except as indicated in the all-sector horizontal section.</p>	None, except as indicated in the all-sector horizontal section.

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
Asset management as follows: . cash or portfolio management . all forms of collective investment management . custodial and depository services.	1 2 3	Commercial presence is required. None 1. Asset management by offshore banks and offshore companies is confined to non-resident customers and foreign currency assets. Asset management by offshore banks and offshore companies in Malaysian equities or equity linked investments are confined to non-residents which are not offshore companies registered in Labuan. 2. Entry as a non-bank is limited to establishment of a locally incorporated joint-venture company. Aggregate foreign shareholding in such a company shall not exceed 30%. 3. Asset management by a commercial bank requires establishment of a separate entity. Shareholding by a foreign-controlled commercial bank shall not exceed 30%.	None None None
Advisory, intermediation and other auxiliary financial services including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy.	1, 2	1. For banks, unbound except as indicated in the finance sector horizontal section. 2. For non-banks, unbound except as indicated in the all-sector horizontal section.	None except as indicated in the all-sector horizontal section.
		Services to residents must be undertaken jointly with banks incorporated in Malaysia.	None

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<ol style="list-style-type: none"> 1. Entry as a non-bank is limited to establishment of a locally incorporated joint-venture company or a representative office. Aggregate foreign shareholding in each company shall not exceed 30%. 2. Representative offices (including those of commercial banks, merchant banks and securities companies) are permitted to undertake research, information and liaison services only. Representative offices of securities companies are permitted to publish and circulate research work outside Malaysia only. 3. Services by offshore banks and offshore companies in Labuan, are limited to non-resident customers. 	None
	4	<ol style="list-style-type: none"> 1. For banks, unbound except as indicated in the finance sector horizontal section. 2. For non-banks, unbound except as indicated in the all-sector horizontal section. 	None except as indicated in the all-sector horizontal section.
Operational HQ for financial sector (Provides services to commercial and investment banking institutions. Activities are as defined in the all-sector horizontal section).	1, 2	Not applicable	Not applicable

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<ol style="list-style-type: none"> 1. Entry is limited to the establishment of a branch or a locally incorporated joint-venture or wholly owned company. 2. Limited to support services rendered to commercial and investment banking institutions. 	None
	4	Unbound except as indicated in the all-sector horizontal section.	None except as indicated in the all-sector horizontal section.
Securities broking services comprising: (a) broking services; (b) credit reference and analysis; (c) investment portfolio management and advice; and (d) market research.	1	<ol style="list-style-type: none"> 1. Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are members of the exchange. 2. Promotion in Malaysia of Malaysian stocks requires approval. 3. Provision of investment advisory services and credit reference services to residents requires commercial presence. 	None
	2	Trades on Malaysian stock exchanges must be transacted through companies incorporated in Malaysia which are members of the exchange.	None

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<ol style="list-style-type: none"> 1. Entry is limited to equity participation in existing stockbroking companies or establishment of joint-venture companies with Malaysian stockbroking companies and incorporated in Malaysia or setting up of representative offices. Aggregate foreign shareholding in each company shall not exceed 30%. Foreign entry is limited to recognised foreign stockbroking companies. A foreign stockbroking company is permitted to hold shares in one stockbroking company. 2. New licences subject to economic needs test and/or geographical location. 3. Representative offices are permitted to undertake research, information and liaison services only. They are permitted to publish and circulate research work outside Malaysia only. 	None
	4	<ol style="list-style-type: none"> 1. Unbound for a stockbroking company, except as indicated in the all-sector horizontal section. 2. One foreign national for a senior management post per representative office. 	None except as indicated in the all-sector horizontal section.
Commodity futures broking services.	1, 2	Trades on any Malaysian commodity futures exchange must be conducted through companies incorporated in Malaysia which are members of the exchange.	None

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<p>1. Entry is limited to establishment of a representative office or a locally incorporated joint-venture company. Aggregate foreign shareholding in a such company is limited to 30% or any higher percentage as determined by the relevant authorities.</p> <p>2. Representative offices are permitted to undertake research, information and liaison services only.</p> <p>3. Total membership of the exchange will be based on economic needs.</p>	None
	4	Unbound except one foreign national for a management post per establishment, subject to market test.	None except as indicated in the all-sector horizontal section.

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
<p>B. <u>INSURANCE SERVICES</u> Direct insurance (non-life).</p>	<p>1</p>	<p>1. Soliciting and advertising in Malaysia is not allowed.</p> <p>2. Other than marine and aviation insurance associated with goods in international transit, direct insurance abroad requires approval.</p>	<p>None</p>
	<p>2</p>	<p>Other than marine and aviation insurance associated with goods in international transit, direct insurance abroad requires approval.</p>	<p>None</p>
	<p>3</p>	<p>1. Offshore insurance companies in Labuan are not permitted to accept direct insurance of Malaysian risks.</p> <p>2. Direct insurance in Malaysia is permitted only through existing licensed insurance companies.</p>	<p>1. Branching is only permitted for insurance companies with foreign equity not exceeding 30%.</p> <p>2. Unbound for special assistance to Malaysian-owned insurance companies to promote their development.</p>
	<p>4</p>	<p>Unbound except as indicated in the finance sector horizontal section.</p>	<p>None except as indicated in the all-sector horizontal section.</p>
<p>Direct Insurance (life).</p>	<p>1, 2</p>	<p>Unbound</p>	<p>Unbound</p>

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	3	<ol style="list-style-type: none"> 1. Investment-linked insurance business and new life insurance products provided by offshore insurance companies require approval. 2. Underwriting of life insurance of Malaysian residents by offshore insurance companies in Labuan is not allowed. 3. Life insurance in Malaysia is only permitted through existing licensed insurance companies. <p>Unbound except as indicated in the finance sector horizontal section.</p>	<ol style="list-style-type: none"> 1. Branching is only permitted for insurance companies that have foreign equity not exceeding 30%. 2. Unbound for special assistance to Malaysian-owned insurance companies to promote their development. <p>None except as indicated in the all-sector horizontal section.</p>
Reinsurance and retrocession (life and non-life).	1, 2 3	<p>Outward reinsurance is permitted only if local capacity is not available.</p> <ol style="list-style-type: none"> 1. Unbound for new licences. 2. Entry is limited to acquisition of existing companies. Aggregate foreign equity in each company shall not exceed 30%. 3. Entry as an offshore reinsurance company is confined to Labuan only. 	<ol style="list-style-type: none"> 1. Voluntary cession up to 30% of each class of non-life reinsurance business to the Malaysian National Reinsurance Bhd. 2. Unbound for fiscal incentives to promote reinsurance in Malaysia. <ol style="list-style-type: none"> 1. Obligation on all registered insurers to maximise national capacity before any outward reinsurance. 2. Measures granting special position to Malaysian National Reinsurance Berhad shall not apply.

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
	4	Unbound except as indicated in the finance sector horizontal section.	None except as indicated in the all-sector horizontal section.
Insurance intermediation as follows: <ul style="list-style-type: none"> . offshore broking; . offshore underwriting; and . offshore insurance management services 	1, 2	Insurance intermediation is not allowed except for reinsurance broking. Insurance broking services are further limited to offshore companies in Labuan. <ol style="list-style-type: none"> 1. Establishment is confined to the Federal Territory of Labuan. 2. Broking for direct insurance of Malaysian risk is not permitted. 3. Insurance brokers shall only broke direct insurance product of licensed offshore insurance companies in Malaysia. 4. Underwriting manager shall only provide services to licensed offshore insurance companies in Malaysia. 	None
	3		None
	4	Unbound except as indicated in the finance sector horizontal section.	None except as indicated in the all-sector horizontal section.

Sector or Sub-sector	Mode of Delivery	Limitations on Market Access	Limitations on National Treatment
<p>Services auxiliary to insurance, as follows:</p> <ul style="list-style-type: none"> (a) Consultancy (excludes insurance agency services to insurance industry); (b) Actuarial risk assessment; (c) Risk management; and (d) Maritime loss adjusting. 	<p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>Provision of actuarial services is only permitted for offshore insurance and reinsurance companies in Labuan.</p> <p>None</p> <p>Offshore companies in Labuan are not allowed to provide services to Malaysian residents.</p> <p>Unbound except as indicated in the finance sector horizontal section.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None except as indicated in the all-sector horizontal section.</p>