

ANNEX 8B
NON-CONFORMING MEASURES

ANNEX 8B:I

Explanatory Note

1. The Schedule of a Party to Annex 8B:I sets out, pursuant to paragraph 1 of Article 8.6 (Non-Conforming Measures) and paragraph 1 of Article 9.11 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 8.3 (National Treatment) and Article 9.5 (National Treatment);
- (b) Article 8.4 (Market Access);
- (c) Article 8.5 (Local Presence);
- (d) Article 9.9 (Performance Requirements); or
- (e) Article 9.10 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Sub-Sector**, where referenced, refers to the specific sub-sector for which the entry is made;
- (c) **Industry Classification**, where referenced, refers to the activity covered by the non-conforming measure, according to the provisional CPC codes as used in the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (d) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to subparagraph 1(a) and 1(b) of Article 8.6 (Non-Conforming Measures) and subparagraph 1(a) and 1(b) of Article 9.11 (Non-Conforming Measures), do not apply to the listed measure(s), as set out in paragraph 4;
- (e) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:

- (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (f) **Description** sets out the non-conforming measures for which the entry is made.

3. In the interpretation of a Schedule entry, all elements of the entry shall be considered in their totality.

4. In accordance with subparagraphs 1(a) and 1(b) of Article 8.6 (Non-Conforming Measures) and subparagraphs 1(a) and 1(b) of Article 9.11 (Non-Conforming Measures), the obligations set out in this Agreement specified in the Obligations Concerned element of an entry do not apply to the non-conforming measures identified in the Description element of that entry.

5. Article 8.5 (Local Presence) and Article 8.3 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 8.5 (Local Presence) need not be reserved against Article 8.3 (National Treatment).

SCHEDULE OF SINGAPORE (ANNEX 8B:I)

1.

Sector	All
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment
Measures	This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of PSA Corporation.
Description	<p><u>Investment:</u></p> <p>The aggregate of foreign shareholdings in PSA Corporation and/or its successor bodies is subject to a 49% limit.</p> <p>The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:</p> <ul style="list-style-type: none">(a) any individual who is not a Singapore citizen;(b) any corporation which is not more than 50% owned by Singapore citizens or by the Government of Singapore; and/or(c) any other enterprise which is not owned or controlled by the Government of Singapore.

2.

Sector	All
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment
Measures	This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of the relevant enterprises below.
Description	<p><u>Investment:</u></p> <p>All individual investors, apart from the Government of Singapore, will be subject to the following equity ownership limits in the enterprises and/or its successor bodies, as listed below:</p> <ul style="list-style-type: none">(a) Singapore Technologies Engineering – 15%;(b) PSA Corporation – 5%;(c) Singapore Airlines – 5%;(d) Singapore Power, Power Grid, Power Supply, Power Gas – 10%;

For the purposes of this reservation, ownership of equity by an investor in these enterprises and/or its successor bodies includes both direct and indirect ownership of equity.

3.

Sector	All
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment Local Presence
Measures	Business Registration Act, Cap. 32, 2004 Rev Ed Business Registration Regulations, Cap. 32, Regulation 1 Companies Act, Cap. 50, 2006 Rev Ed Limited Liability Partnerships Act, Cap. 163A, 2006 Rev Ed Limited Liability Partnerships Regulations, Cap. 163A, Regulation 1 Limited Partnerships Act, Cap. 163B, 2010 Rev Ed Limited Partnerships Regulations, Cap. 163B, Regulation 1
Description	<u>Cross-Border Trade in Services and Investment:</u> <u>Business Registration Act, Cap. 32, 2004 Rev Ed</u> Where a person required to be registered under this Act is, or, in the case of any corporation, the directors are, or the secretary of the corporation is, not ordinarily resident in Singapore, a local manager* must be appointed. <u>Companies Act, Cap. 50, 2006 Rev Ed</u> (a) All locally incorporated companies shall have at least 1 director of the company who shall be ordinarily resident* in Singapore. (b) All branches of foreign companies registered in Singapore shall have at least 2 agents resident* in Singapore.

Limited Liability Partnerships Act, Cap. 163A, 2006 Rev Ed

Every limited liability partnership shall ensure that it has at least 1 manager who is ordinarily resident* in Singapore.

Limited Partnerships Act, Cap. 163B, 2010 Rev Ed

Where every general partner of a limited partnership registered or to be registered under this Act is ordinarily resident outside Singapore, a local manager* must be appointed.

* Persons who qualify to be appointed in such capacities are primarily Singapore citizens, Singapore permanent residents and EntrePass holders (all with local addresses).

4.

Sector	All
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment
Measures	Banking Act, Cap. 19, MAS Notice 757 Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105 Finance Companies Act, Cap. 108, MAS Notice 816 Insurance Act, Cap. 142, MAS Notice 109 Securities and Futures Act, Cap. 289, MAS Notice SFA 04-N04
Description	<u>Cross-Border Trade in Services and Investment:</u> Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad ¹ . Financial institutions shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

¹ Owing to these restrictions placed on financial institutions lending of the Singapore dollar to non-resident financial institutions, a non-resident financial institution may in certain circumstances be unable to borrow in Singapore dollars more than S\$5 million per entity from resident financial institutions. Entities that borrow in Singapore dollars from non-resident financial institutions may face constraints as a result.

5.

Sector	Business Services
Sub-Sector	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Industry Classification	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator (CPC 83101, 83102 and 83105)
Obligations Concerned	National Treatment Market Access
Measures	Road Traffic Act, Cap. 276, 2004 Rev Ed
Description	<u>Cross-Border Trade in Services:</u> The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.

6.

Sector	Business Services
Sub-Sector	Patent agent services
Industry Classification	-
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Patents Act, Cap. 221, 2005 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Only service suppliers registered with the Intellectual Property Office of Singapore and/or its successor bodies and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore. Only service suppliers which have at least 1 Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.

7.

Sector	Business Services
Sub-Sector	Placement and supply services of personnel
Industry Classification	-
Obligations Concerned	Market Access Local Presence
Measures	Employment Agencies Act, Cap. 92, 2012 Rev Ed
Description	<u>Cross-Border Trade in Services:</u> Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.

8.

Sector	Business Services
Sub-Sector	Real estate services
Industry Classification	Non-residential property management services on a fee or contract basis (CPC 82202)
Obligations Concerned	National Treatment Market Access
Measures	Sentosa Development Corporation Act, Cap. 291, 1998 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Only the Sentosa Development Corporation and/or its successor bodies shall be allowed to develop and manage the resort island of Sentosa and its waterways. However, subject to approval, private developers are allowed to develop specific plots of land on Sentosa for commercial, residential, and recreational purposes.

9.

Sector	Business Services
Sub-Sector	Technical testing and analysis services
Industry Classification	Other technical testing and analysis services (CPC 86769)
Obligations Concerned	Local Presence
Measures	Agri-Food and Veterinary Authority Act, Cap. 5, 2012 Rev Ed Animals and Birds Act, Cap. 7, 2002 Rev Ed Control of Plants Act, Cap. 57A, 2000 Rev Ed
Description	<u>Cross-Border Trade in Services:</u> Only service suppliers with local presence shall be allowed to provide testing, analytical and certification services on animals, plants, and products derived from animals and plants which are physically present in Singapore, including but not limited to, where such items are intended for import, export and import for the purposes of re-export. Singapore reserves the right and flexibility to modify and/or increase the items as defined and/or listed in the Animals and Birds Act and the Control of Plants Act.

10.

Sector	Business Services
Sub-Sector	Private investigation services Unarmed guard services
Industry Classification	Investigation services (CPC 87301) Security consultation services (CPC 87302) Guard services (only applies to unarmed security guard services) (CPC 87305)
Obligations Concerned	National Treatment Market Access Local Presence Senior Management and Boards of Directors
Measures	Private Security Industry Act, Cap. 250A, 2008 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Foreigners are permitted to set up security agencies to provide unarmed guards for hire but must register a company with local participation. At least 2 of the directors must be a Singapore citizen or Singapore permanent resident. Foreigners, with the exception of Malaysians, shall not be allowed to work as guards, but can be involved in the administration of the company. The foreign directors shall produce a certificate of no criminal conviction from their country of origin, or a statutory declaration made before a Singapore commissioner of oaths, to the effect that they have never been convicted in any court of law for any criminal offence.

11.

Sector	Education Services
Sub-Sector	Higher education services in relation to the training of doctors
Industry Classification	Other higher education services (Only applies to higher education services in relation to the training of doctors) (CPC 92390)
Obligations Concerned	National Treatment Market Access
Measures	Medical Registration Act, Cap. 174, 2004 Rev Ed, Sections 2, 3, 5, 34 and 35 Private Education Act, Cap. 247A, 2011 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Only local tertiary institutions shall be allowed to operate undergraduate or graduate programmes for the training of doctors in Singapore. Local tertiary institutions are tertiary institutions which are established pursuant to an Act of Parliament, or as designated by the Ministry of Education.

12.

Sector	Health and Social Services
Sub-Sector	Medical services Dental services Pharmacy services Deliveries and related services, nursing services, physiotherapeutic and para-medical services and allied health services Optometry and opticianry
Industry Classification	-
Obligations Concerned	Local Presence
Measures	Medical Registration Act, Cap. 174, 2004 Rev Ed Dental Registration Act, Cap. 76, 2009 Rev Ed Pharmacists Registration Act, Cap. 230, 2008 Rev Ed Medicines Act, Cap. 176, 1985 Rev Ed Medicines (Registration of Pharmacies) Regulations, Cap. 176, Regulation 4 Nurses and Midwives Act, Cap. 209, 2012 Rev Ed Allied Health Professions Act 2011, Act 1 of 2011 Optometrists and Opticians Act, Cap. 213A, 2008 Rev Ed
Description	<u>Cross-Border Trade in Services:</u> Only persons who are resident in Singapore are allowed to provide the following services: medical services, dental services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services, and optometry and opticianry services.

13.

Sector	Import, Export and Trading Services
Sub-Sector	-
Industry Classification	-
Obligations Concerned	Local Presence
Measures	Regulation of Imports and Exports Act, Cap. 272A, 1996 Rev Ed Regulation of Imports and Exports Regulations, Cap. 272A, Regulation 1
Description	<u>Cross-Border Trade in Services:</u> Only services suppliers with local presence shall be allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

14.

Sector	Telecommunications Services
Sub-Sector	Telecommunications services
Industry Classification	-
Obligations Concerned	Market Access Local Presence
Measures	Info-communications Development Authority of Singapore Act, Cap. 137A, 2000 Rev Ed Telecommunications Act, Cap. 323, 2000 Rev Ed
Description	<p><u>Cross-Border Trade in Services:</u></p> <ol style="list-style-type: none">1. Facilities-based operators and service-based operators must be locally incorporated under the Companies Act, Cap. 50, 2006 Rev Ed. “Facilities-based operators” are operators who deploy any form of telecommunication networks, systems and facilities, outside of their own property boundaries, to offer telecommunication services to third parties, which may include other licensed telecommunication operators, business customers, or the general public. “Services-based operators” are operators who lease telecommunication network elements (such as transmission capacity and switching services) from any Facilities-Based Operator (FBO) licensed by Info-communications Development Authority of Singapore so as to provide their own telecommunication services, or to resell the telecommunication services of FBOs to third parties.2. The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.

15.

Sector	Telecommunications Services
Sub-Sector	Telecommunications services Domain name allocation policies in Internet “country code top level domains” (ccTLDs) designated by the Internet Corporation for Assigned Names and Numbers (ICANN)/Internet Assigned Numbers Authority (IANA) corresponding to the territory of Singapore.
Industry Classification	-
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Info-communications Development Authority of Singapore Act, Cap. 137A, 2000 Rev Ed Telecommunications Act, Cap. 323, 2000 Rev Ed The Internet Corporation for Assigned Names and Numbers (ICANN)/Internet Assigned Numbers Authority (IANA), which delegates full authority to the “country code top level domains” (ccTLDs) manager in Singapore to administer the domain names and operate the domain name system.
Description	<u>Cross-Border Trade in Services:</u> A registrar must be a company incorporated or a foreign company registered under the Companies Act, Cap. 50, 2006 Rev Ed.

16.

Sector	Power Supply
Sub-Sector	-
Industry Classification	-
Obligations Concerned	Market Access
Measures	Electricity Act, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)
Description	<p><u>Cross-Border Trade in Services:</u></p> <p>Power producers shall only sell power through the Singapore electricity wholesale market and shall not be allowed to sell directly to consumers.</p> <p>The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.</p>

17.

Sector	Power Supply
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment Market Access
Measures	Electricity Act, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)
Description	<u>Cross-Border Trade in Services and Investment:</u> Only SP Services Ltd and/or its successor bodies shall be allowed to supply electricity to: <ul style="list-style-type: none">(a) all household consumers of electricity;(b) non-household consumers of electricity whose average monthly consumption is below 10,000kWh; and(c) consumers whose electricity is supplied at single-phase low voltage.

18.

Sector	Power Transmission and Distribution
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment Market Access
Measures	Electricity Act, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)
Description	<u>Cross-Border Trade in Services and Investment:</u> Only PowerAssets Ltd and/or its successor bodies shall be the transmission licensee as defined in the Electricity Act. PowerAssets Ltd and/or its successor bodies shall be the sole owner and operator of the electricity transmission and distribution network in Singapore.

19.

Sector	Tourism and Travel Related Services
Sub-Sector	Food and/or beverage serving services in eating facilities run by the government Food and/or beverage catering services
Industry Classification	-
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Environmental Public Health Act, Cap. 95, 2002 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Only a Singapore citizen or permanent resident can apply for a licence to operate a stall in government-run markets or hawker centres, in their personal capacity. To provide food and/or beverage catering services in Singapore, a foreign service supplier must incorporate as a limited company in Singapore, and apply for the food establishment licence in the name of the limited company.

20.

Sector	Trade Services
Sub-Sector	Distribution and sale of hazardous substances
Industry Classification	-
Obligations Concerned	Local Presence
Measures	Environmental Protection and Management Act, Cap. 94A, 2002 Rev Ed, Section 22
Description	<p><u>Cross-Border Trade in Services:</u></p> <p>Only service suppliers with local presence shall be allowed to distribute and sell hazardous substances as defined in the Environmental Protection and Management Act.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of hazardous substances as defined and/or listed in the Environmental Protection and Management Act.</p>

21.

Sector	Trade Services
Sub-Sector	Distribution services Retailing services Wholesale trade services
Industry Classification	-
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Medicines Act, Cap. 176, 1985 Rev Ed Health Products Act, Cap. 122D, 2008 Rev Ed
Description	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Only service suppliers who appoint a local agent shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the Medicines Act and Health Products Act, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.</p> <p>Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of medical and health-related products and materials as defined and/or listed in the Medicines Act and Health Products Act.</p>

22.

Sector	Transport Services
Sub-Sector	Air transport services Passengers transportation by air Freight transportation by air
Industry Classification	Passenger transportation by air (CPC 731) Freight transportation by air (CPC 732)
Obligations Concerned	National Treatment Senior Management and Boards of Directors
Measures	-
Description	<p><u>Investment:</u></p> <p>Services suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the “effective control” and/or “substantial ownership” requirements of Singapore’s bilateral and multilateral air services agreements, which may require these service suppliers to comply with conditions on effective control and limits on foreign ownership, as stipulated in the relevant agreement.</p> <p>Compliance with the requirements of these agreements may require such enterprises to impose a 49% limit on the foreign ownership of their shares.</p>

23.

Sector	Transport Services
Sub-Sector	Maritime transport services Cargo handling services Pilotage services Supply of desalinated water to ships berthed at Singapore ports or in Singapore territorial waters
Industry Classification	Cargo Handling Services (CPC 741) Pilotage and Berthing Services (only applies to Pilotage Services) (CPC 74520) Other Supporting Services for Water Transport (CPC 74590)
Obligations Concerned	National Treatment Market Access
Measures	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 81
Description	<u>Cross-Border Trade in Services and Investment:</u> Only PSA Corporation Ltd and Jurong Port Pte Ltd and/or their respective successor bodies shall be allowed to provide cargo handling services. Only PSA Marine (Pte) Ltd and/or its successor bodies shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

24.

Sector	Transport Services
Sub-Sector	Maritime transport services
Industry Classification	-
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 81
Description	<u>Cross-Border Trade in Services and Investment:</u> Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals. Local service suppliers are either Singapore citizens or enterprises which are more than 50% owned by Singapore citizens.

25.

Sector	Transport Services
Sub-Sector	Maritime transport services – Registration of ships under Singapore flag
Industry Classification	Other supporting services for water transport (CPC 74590)
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Merchant Shipping Act, Cap. 179, 1996 Rev Ed Merchant Shipping (Registration of Ships) (Amendment) Regulations, Cap. 179, Regulation 7
Description	<p><u>Cross-Border Trade in Services and Investment:</u></p> <p>Only a Singapore citizen or permanent resident or Singapore legal person may register a ship under the Singapore flag.</p> <p>To register a ship, other than tugs and barges, in Singapore, the company shall have a minimum paid-up capital of S\$50,000. To register a tug or barge in Singapore, the company and its holding company shall have a paid-up capital pegged to 10% of the value of the first tug or barge registered or S\$50,000 whichever is the lesser, subject to a minimum of S\$10,000.</p> <p>All Singapore legal persons seeking to register ships under the Singapore flag shall appoint a ship manager who is resident in Singapore.</p> <p>Vessels or ships owned by Singapore legal persons that are not majority owned by Singapore citizens or Singapore permanent residents shall be of at least 1,600 Gross Tonnage and be self-propelled before they can be registered under the Singapore flag.</p> <p>For the purposes of this reservation, a Singapore legal person is a locally incorporated company.</p>

26.

Sector	Transport Services
Sub-Sector	Maritime transport services – Seaman services
Industry Classification	-
Obligations Concerned	National Treatment
Measures	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 40 Maritime and Port Authority of Singapore (Registration and Employment of Seamen) Regulations, Cap. 170A, Regulation 8
Description	<u>Cross-Border Trade in Services:</u> Only Singapore citizens and permanent residents can register as Singapore seamen as defined in the Maritime and Port Authority of Singapore Act.

27.

Sector	Transport Services
Sub-Sector	Transportation services via pipeline
Industry Classification	Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products
Obligations Concerned	National Treatment Market Access Local Presence
Measures	Administrative
Description	<u>Cross-Border Trade in Services:</u> Only service suppliers with local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products. Singapore reserves the right and flexibility to modify and/or increase the list of the chemical and petroleum products, and other related products that are subject to this reservation.

28.

Sector	Production, Retail, Transportation and Distribution of Manufactured Gas and Natural Gas
Sub-Sector	-
Industry Classification	-
Obligations Concerned	National Treatment Market Access
Measures	Gas Act, Cap. 116A, 2002 Rev Ed
Description	<u>Cross-Border Trade in Services and Investment:</u> Only City Gas Ltd and/or its successor bodies shall be allowed to produce and retail manufactured gas. Only Power Gas Ltd and/or its successor bodies shall be allowed to transport and distribute manufactured and natural gas. Power Gas Ltd and/or its successor bodies shall be the sole owner and operator of the gas pipeline in Singapore.

SCHEDULE OF CHINESE TAIPEI (ANNEX 8B:I)

1

Sector: All Sectors

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: Land Law of June 15, 2011

Description: **Investment**

Land used for forest reserves, fisheries and aquaculture, hunting reserves, desalination fields, mineral deposits areas, water resources, military purposes, or land adjacent to frontiers shall not be leased or transferred to foreigners, or used as collateral to foreigners.

Foreigners are allowed to acquire land in Chinese Taipei to the extent that citizens of Chinese Taipei are allowed to acquire land in the country of that foreigner.

Foreigners are allowed to acquire land in Chinese Taipei for self-use, investment or public welfare purposes, provided that such acquisition is consistent with the following land use: residences, business operations, churches, hospitals, foreign schools, embassies or consulates, public welfare institutions offices, cemeteries, or other uses approved by the competent authorities of Chinese Taipei.

Sector: Mining

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: Mining Law of December 31, 2003

Description: **Investment**

Mining concessions are granted only to natural persons having citizenship of Chinese Taipei or juridical persons incorporated and registered with the competent authorities of Chinese Taipei.

Sector: Water

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: Water Act of June 1, 2011

Description: **Investment**

Foreigners are not allowed to acquire water rights, unless otherwise granted by the government upon request by the competent authorities of Chinese Taipei.

The following waters are exempt from water rights registration:

1. domestic use and livestock water consumption;
2. pond digging on private land;
3. well drilled on private land, provided that its water output yield is less than one hundred litres per minute; and
4. water drawn by means of human power, animal power, or other simple means.

The competent authorities of Chinese Taipei may impose restrictions upon, or order a registration of, the exempted use of the above waters if such use has interfered with public water business or benefits from water use of others.

4

Sector: Water Supply

Sub-Sector: Supply of Tap Water

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Market Access (Article 8.4)

Measures: Water Supply Act of January 16, 2013

Water Act of June 11, 2011

Regulations for Administrations of Franchised Tap Water
Business of June 29, 1999

Description:

Cross-Border Trade in Services and Investment

Tap water supply enterprises are public utilities, which should be operated by public entities in principle, but may be operated by juridical persons of Chinese Taipei upon approval by the competent authorities of Chinese Taipei.

5

Sector: Services Incidental to Energy Distribution

Sub-Sector: Natural Gas Supply

Industry Classification:

Obligations Concerned: Senior Management and Boards of Directors (Article 9.10)

Measures: Natural Gas Act of February 1, 2011

Description: **Investment**

Foreigners are not allowed to serve as founders and directors of the board of a natural gas company in Chinese Taipei.

Sector: Power Supply, Transmission and Distribution

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 8.4)

Measures: The Statute for Regulating Privately-Owned Utilities of April 26, 2000

The Electricity Act of August 8, 2012

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

Establishment of power plants is subject to approval by the government of Chinese Taipei according to economic needs tests.

Only the Taiwan Power Company is allowed to transmit and distribute electricity in Chinese Taipei.

Sector:	Education Services
Sub-Sector:	Primary and secondary education services (CPC 921 and 922)
Industry Classification:	Adult education and other education services (CPC 924 and 929)
Obligations Concerned:	National Treatment (Article 8.3 and Article 9.5)
Measures:	Private School Law of January 16, 2008 Supplementary and Continuing Education Law of June 23, 2004
Description:	<u>Cross-Border Trade in Services and Investment</u> <u>Schools Established by Foreigners</u> Primary and secondary schools established by foreigners must not enrol students without foreign citizenship. <u>Adult and Other Education</u> Foreign persons may not serve as a local manager for institutions providing adult education and/or other education services in Chinese Taipei.

Sector: Transport Services

Sub-Sector: Internal Waterway Transport, and Cabotage

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Measures: Shipping Law of January 30, 2013

Law of Ships of December 8, 2010

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

Foreign vessels may not navigate between ports to transport passengers or cargos unless an approval is granted by the competent authority of Chinese Taipei on an annual basis.

Docking at ports other than the designated international ports is not permitted for foreign vessels unless seeking shelter or approved by the competent authority of Chinese Taipei.

Sector:	Transport Services
Sub-Sector:	Maritime Transportation Services and the Operation of “vessels of Chinese Taipei”
Industry Classification:	
Obligations Concerned:	National Treatment (Article 8.3 and Article 9.5) Market Access (Article 8.4) Senior Management and Boards of Directors (Article 9.10)
Measures:	Shipping Law of January 30, 2013 Law of Ships of December 8, 2010 Seafarer Law of June 29, 2012 The Guidelines of Permission and Administration for Employing Foreign Seafarers of August 13, 2012
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Persons seeking to engage in maritime transportation services as a vessel carrier of Chinese Taipei shall own at least one vessel of Chinese Taipei.</p> <p>The term “vessels of Chinese Taipei” means ships which are registered with the competent authority of Chinese Taipei. A ship may apply for such registration if:</p> <ol style="list-style-type: none"> 1. the ship is owned by the government of Chinese Taipei; 2. the ship is owned by citizens of Chinese Taipei; or 3. the ship is owned by any of the following companies, which are incorporated under the laws of Chinese Taipei, with principal offices

situated in Chinese Taipei;

(i) an unlimited company, of which all shareholders are citizens of Chinese Taipei;

(ii) a limited company, of which at least half of the capital are owned by citizens of Chinese Taipei and that the director authorised to represent such company is a citizen of Chinese Taipei;

(iii) a joint company, of which all shareholders with unlimited liabilities are citizens of Chinese Taipei;

(iv) a company limited by shares, of which the chairman of the board and at least half of the directors are the citizens of Chinese Taipei, and at least half of the capital are owned by citizens of Chinese Taipei; or

4. the ship is owned by a juridical person, which is established under the laws of Chinese Taipei, with its main office situated in Chinese Taipei and at least two-thirds of the members and the statutory representative being citizens of Chinese Taipei.

Ship owners or operators shall employ eligible seafarers of Chinese Taipei in the first priority. The employment of foreign seafarers must be approved by the competent authority of Chinese Taipei and the approval is subject to an economic needs test.

Sector: Transport Services

Sub-Sector: Road Transport Services and Rail Transport Services

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: Highway Law of January 27, 2010

Railway Law of February 3, 2006

Description: **Investment**

Foreigners may not invest in the business of bus transportation, urban bus transportation, tour bus transportation and taxicab transportation in Chinese Taipei.

Foreigners may not invest in railways in Chinese Taipei.

Sector: Transport Services

Sub-Sector: Air Transportation

Industry Classification: Civil air transport enterprise, General aviation enterprise²

Obligations Concerned: National Treatment (Article 9.5)
Senior Management and Boards of Directors (Article 9.10)

Measures: Civil Aviation Act of January 4, 2012

Description: **Investment**

Foreign investment in civil air transport enterprise and general aviation enterprise shall be in the following juridical form and not exceed the following thresholds:

1. unlimited company with the entire body of its shareholders being citizens of Chinese Taipei;
2. limited company with over 50 percent of capital owned by citizens or juridical persons of Chinese Taipei and represented by directors who are citizens of Chinese Taipei;
3. company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of Chinese Taipei; and
4. company limited by shares with over 50 percent of its total shares owned by citizens or juridical persons of Chinese Taipei, whose chairman and over 50 percent of the directors are citizens of Chinese Taipei; and no single foreign citizen or

² means an enterprise engaging in the aviation business other than civil air transport enterprise for compensation, including aerial tourism, survey, photographing, fire-fighting, searching, paramedic, hauling and lifting, spraying and dusting, drone-hauling service, business charter, as well as other authorised aviation services.

juridical person may hold more than 25 percent of its total shares.

Sector:	Transport Services
Sub-Sector:	Air Transportation
Industry Classification:	Ground handling services Catering services
Obligations Concerned:	National Treatment (Article 9.5) Senior Management and Boards of Directors (Article 9.10)
Measures:	Civil Aviation Act of January 4, 2012
Description:	<p><u>Investment</u></p> <p>Foreign investment in an airport ground handling services or a catering service company shall be in the following juridical form and not exceed the following thresholds:</p> <ol style="list-style-type: none">1. unlimited company with the entire body of its shareholders being citizens of Chinese Taipei;2. limited company with over 50 percent of capital owned by citizens or juridical persons of Chinese Taipei and represented by directors who are citizens of Chinese Taipei;3. company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of Chinese Taipei; and4. company limited by shares with over 50 percent of its total shares owned by citizens or juridical persons of Chinese Taipei, whose chairman and over 50 percent of the directors are citizens of Chinese Taipei; and no single foreign citizen or juridical person may hold

more than 25 percent of its total shares.

Sector: Transport Services

Sub-Sector: Airport Operation and Management

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Senior Management and Boards of Directors (Article 9.10)

Measures: Civil Aviation Act of January 4, 2012

Description: **Investment**

Foreign investment in a private airport terminal company shall be subject to the following conditions:

Company limited by shares with over 50 percent of its total shares owned by citizens or juridical persons of Chinese Taipei, whose chairman and over 50 percent of the directors are citizens of Chinese Taipei; and no single foreign citizen or juridical person may hold more than 25 percent of its total shares.

Sector:	Transport Services
Sub-Sector:	Air Transportation
Industry Classification:	Airfield operation and management
Obligations Concerned:	National Treatment (Article 9.5) Senior Management and Boards of Directors (Article 9.10)
Measures:	Civil Aviation Act of January 4, 2012
Description:	<p><u>Investment</u></p> <p>Foreign investment in an airfield shall be subject to the following conditions:</p> <ol style="list-style-type: none">1. unlimited company completely owned by citizens of Chinese Taipei;2. limited company with over 50 percent of capital owned by citizens or juridical persons of Chinese Taipei and represented by directors who are citizens of Chinese Taipei;3. company formed by shareholders of both limited and unlimited liabilities, whose unlimited liability shareholders are citizens of Chinese Taipei;4. company limited by shares with over 50 percent of its total shares owned by citizens or juridical persons of Chinese Taipei, whose chairman and over 50 percent of the directors are citizens of Chinese Taipei; and no single foreign citizen or juridical person may hold more than 25 percent of its total shares; and5. other juridical persons whose representatives are

citizens of Chinese Taipei.

Sector: Transport Services

Sub-Sector: Air Transportation

Industry Classification: Auxiliary

Obligations Concerned: National Treatment (Article 8.3)

Measures: Civil Aviation Act of January 4, 2012

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

Any aircraft pilot, flight engineer, mechanic, air traffic controller, repairman and aircraft dispatcher shall be a citizen of Chinese Taipei, unless otherwise approved by the Ministry of Transportation and Communications.

Sector:	Communications
Sub-Sector:	Telecommunications Services
Industry Classification:	Telecommunications services (CPC 752, other than CPC 7524 Programme transmission services)
Obligations Concerned:	National Treatment (Article 8.3 and Article 9.5) Market Access (Article 8.4) Local Presence (Article 8.5) Senior Management and Boards of Directors (Article 9.10)
Measures:	Telecommunications Act of July 11, 2007 Administrative Regulations on Satellite Communication Services of April 18, 2012 Promulgated Announcement of the Ministry of Transportation and Communications of December 28, 2007
Description:	<u>Cross-Border Trade in Services and Investment</u> The chairman of the Board of a Type I telecommunications enterprise shall be a citizen of Chinese Taipei. The total direct shareholding of a Type I telecommunications enterprise by foreigners may not exceed 49%, and the sum of direct and indirect shareholding by foreigners may not exceed 60%. The percentage of indirect shareholding by foreigners shall be calculated by multiplying the percentage of shareholding by domestic juridical persons in the Type I telecommunications enterprise by the percentage of shareholding or capital paid by foreigners in the said domestic juridical persons of Chinese Taipei. A Type I telecommunications enterprise shall be a company

limited by shares incorporated pursuant to the Company Law.

The total direct shareholding by foreigners in Chunghwa Telecom Co., Ltd. may not exceed 49%, and the sum of direct and indirect shareholding by foreigners in Chunghwa Telecom Co., Ltd. may not exceed 55%, which is subject to change by announcement promulgated by the competent authority of Chinese Taipei.

Foreign Mobile Satellite Service (MSS) operators shall be able to provide service by entering into a cooperative agreement with a domestic Satellite Communication Operator or International Network Business of Fixed Network Telecommunications Services. The domestic Satellite Communication Operator or International Network Business of Fixed Network Telecommunications Service that has entered into such agreement shall act as a representative to promote the MSS in Chinese Taipei.

Sector: Communications

Sub-Sector: Telecommunications Services

The registration policies for “country code top level domains (ccTLDs)” designated by the Internet Corporation for Assigned Names and Numbers (ICANN)/Internet Assigned Numbers Authority (IANA) corresponding to the territory of Chinese Taipei.

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3)

Market Access (Article 8.4)

Local Presence (Article 8.5)

Measures: Telecommunications Act of July 11, 2007

Regulations Supervising and Guidance Internet Protocol Address and Domain Name Registration Management Services of February 11, 2003

The Internet Corporation for Assigned Names and Numbers (ICANN) / Internet Assigned Numbers Authority (IANA), which delegates full authority to the “country code top level domains (ccTLDs)” manager in Chinese Taipei to administer the domain names and operate the domain name system

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

A Registrar shall be a juridical person who is engaged in registration services authorised by a Registry³ in Chinese Taipei.

³ A Registry means a non-profit juridical person who is engaged in the Internet Protocol Address or Domain Name Registration Management Service.

18

Sector:	Health Related and Social Services
Sub-Sector:	Medical Services
Industry Classification:	Hospital Services
Obligations Concerned:	National Treatment (Article 9.5) Senior Management and Boards of Directors (Article 9.10)
Measures:	Physicians Act of May 13, 2009 Pharmacists Act of January 26, 2011 Physical Therapists Act of January 29, 2007 Occupational Therapists Act of January 29, 2007 Medical Laboratory Technologists Act of January 29, 2007 Medical Radiology Technologists Act of January 29, 2007 Dietitians Act of May 5, 2004 Dental Technicians Act of January 23, 2009 Nursing Personnel Act of January 29, 2007 Midwives Act of July 2, 2003 Hearing Specialists Act of January 23, 2009 Speech Therapists Act of July 2, 2008 Psychologists Act of November 21, 2001 Medical Care Law of May 20, 2009 Administrative of December 26, 2011

Description:

Investment

Medical services

Foreigners are not allowed to set up clinics, pharmacy, physical therapy clinic, occupational therapy clinic, clinical laboratory, medical radiation clinic, dental laboratory, nursing institution, midwifery institution, hearing therapy clinic, speech therapy clinic, psychological therapy clinic, psychological counselling clinic, or other medical care institutions in Chinese Taipei.

Hospital services

No more than one-third of the total number of trustees or directors of the board of a medical care corporate or corporation shall be foreigners. Foreigners shall not be the chairperson of a medical care corporation.

Sector: Fisheries and Aquaculture

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Measures: Fisheries Law of January 9, 2008

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

Only citizens of Chinese Taipei may serve as fishery operators (including those engaging in aquaculture businesses). However, a foreign national may obtain the approval from the competent authority to operate fisheries in cooperation with any fishery operator of Chinese Taipei.

Sector: Agriculture, Animal Husbandry and Forestry

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: Statute for Investment by Foreign Nationals of November 19, 1997

Negative List for Investment by Overseas Chinese and Foreign Nationals of December 21, 2010

Description:

Investment

Foreign investment is not allowed in forestry, wood logging and hunting industries.

Other industries in which foreign investment is conditionally restricted are listed below. Applications will be subject to approval by the Council of Agriculture, and be determined on a case-by-case basis:

1. Agriculture: cultivation of rice, dry land food crops, special crops, vegetables, fruits, mushrooms, flowers, and other agricultural and horticultural products;
2. Animal husbandry: raising of cattle, hogs, chickens, ducks, and other animal husbandry.

Sector: Public Welfare Lottery

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Measures: Public Welfare Lottery Issue Act of May 28, 2008

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

The public welfare lottery shall be issued by a local bank appointed by the competent authority of Chinese Taipei. The term “bank” shall mean an organisation formed and registered in accordance with the provisions of the Banking Act of Chinese Taipei.

Sector:	Sporting and other Recreational Services
Sub-Sector:	Sporting Services
Industry Classification:	Sports Facility operation services
Obligations Concerned:	National Treatment (Article 9.5)
Measures:	Regulations Governing Management of Golf Course of August 25, 1999
Description:	<u>Investment</u> Foreign investment is not allowed in golf courses.

Sector: Sports and other Recreational Services

Sub-Sector: Sports Lottery

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Market Access (Article 8.4)

Measures: Act for Issuance of Sports Lottery of July 1, 2009

Administrative of July 26, 2012

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

Sports lottery operators shall be companies with limited shares registered under Chinese Taipei's Company Act, with more than 50% of the shares owned by Chinese Taipei's citizens or juridical persons.

Foreign banks are not allowed to provide services related to the management of cash flow from sports lotteries.

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Library, Archive, Museum and Other Cultural Services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 8.3)
Measures:	Cultural Heritage Preservation Act of February 5, 2005 <i>Regulation Governing the Excavation Requirements of Historic Site of December 30, 2005</i>
Description:	<u>Cross-Border Trade in Services</u> Foreigners may not investigate and excavate historical sites within the territory of Chinese Taipei. Provided that with the prior approval of the competent authority of Chinese Taipei, foreigners may cooperate with domestic scientific research organisations or professional institutions to conduct such investigation and excavation. Upon conducting joint excavation project carried out by foreigners and domestic scientific research organizations or professional institutions, the representative of the domestic counterpart will invariably be the director of the project. All original data thereby accumulated, such as the unearthed artefacts, must be well preserved. Carrying or transporting those data abroad is strictly forbidden, provided that with the prior approval of the competent authority of Chinese Taipei, they can be carried abroad to conduct the necessary scientific analyses.

Sector:	Business Services
Sub-Sector:	Professional Services
Industry Classification:	Professional engineers services (CPC 8672 and 8673) Engineering related scientific and technical consulting services (CPC 86754)
Obligations Concerned:	Local Presence (Article 8.5)
Measures:	Professional Engineers Act of June 22, 2011 Act Governing the Administration of Professional Engineering Consulting Firms of July 2, 2003 Land Surveying and Mapping Act of March 21, 2007
Description:	<p><u>Cross-Border Trade in Services</u></p> <p><u>Professional engineering services</u></p> <p>Local presence is required for the services related to Professional Engineer certification practice in Chinese Taipei.</p> <p><u>Land Surveying and Mapping Services</u></p> <p>Local presence is required for the services related to land surveying and mapping services in Chinese Taipei.</p>

Sector:	Business Services
Sub-Sector:	Professional Services
Industry Classification:	Certified Public Accountant services (CPC 86211) Taxation services (CPC 8630) Certified Public Bookkeeper services (CPC 86213, 86219, 8622, and 8630) Architectural services (CPC 8671) Veterinary services (CPC 93201* and 93209* ⁴) Real estate services (CPC 82203** and 82205**)
Obligations Concerned:	Market Access (Article 8.4) Local Presence (Article 8.5)
Measures:	Certified Public Accountant Law, June 10, 2009 Income Tax Act of December 5, 2012 Certified Public Bookkeepers Act of December 5, 2012 Building Act of January 5, 2011 Architects Act of December 30, 2009 Veterinarian Act, May 27, 2009 Real Estate Broking Management Act of December 30, 2011 Real Estate Appraiser Act of June 15, 2011
Description:	<u>Cross-Border Trade in Services</u>

⁴ Laboratory and technical services, food (including special diets), and other facilities and resources are excluded.

Certified Public Accountant (CPA) Attestation Services and Income Tax Certification Services

The CPA services related to accountant attestation practice or tax agent services related to income tax certification can be provided only by a CPA or tax agent of Chinese Taipei, who has established or joined a CPA firm in Chinese Taipei.

Local presence is required.

Certified Public Bookkeeper Services

Local presence is required. Such presence shall not be in the form of company.

Architectural Services

Local presence is required for the services related to architect certification practice in Chinese Taipei. Such presence shall not be in the form of company.

Veterinary Services

Local presence is required. Such presence shall not be in the form of company.

Real Estate Brokering Agency Services

Local presence is required.

Real estate broking services dealing with the broking business and sale of foreign real estates shall be registered in the form of company under the Company Act of Chinese Taipei.

Real Estate Appraisal Services

Local presence is required for the services related to real estate appraisal certification practice in Chinese Taipei. Such presence shall not be in the form of company.

Sector: Business Services

Sub-Sector: Professional Services

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3)

Measures: Notary Act of December 30, 2009

Land Administration Agent Act of December 30, 2011

Enforcement Rules of Examination Act for Professional and
Technical Staff of July 25, 2011

Pilotage Law of January 30, 2002

Fire Services Act of December 21, 2011

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

A foreign national is not allowed to serve as a notary, land administration agent, pilot, and fire protection equipment engineer or technician.

Sector: Business Services

Sub-Sector: Legal Services

Industry Classification:

Obligations Concerned: Market Access (Article 8.4)

Local Presence (Article 8.5)

Measures: Attorney Regulation Act of January 27, 2010 and accompanying regulations

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

Local presence is required for practising law by a licensed lawyer of Chinese Taipei and attorney of foreign legal affairs (AFLA). Such presence shall be in the form of sole proprietorship or partnership.

For transparency purposes, AFLA may provide services subject to the following terms:

1. Scope of the services:
 - (i) AFLA practising the law of his/her home jurisdiction(s) or international law independently.
 - (ii) AFLA cooperating with the licensed lawyer of Chinese Taipei or acquiring the latter's written opinions in the matters concerning marriage, parental or inheritance cases in which a citizen of Chinese Taipei is a party or the estate is located in Chinese Taipei.
2. The following qualifications are required for the recognition of AFLA by the competent authority of Chinese Taipei:
 - (i) the service provider is qualified as a

lawyer in his/her home jurisdiction(s), and

(ii) the service provider has practised as a qualified lawyer for at least five years in his/her home jurisdiction(s). However, should a foreign lawyer be employed by a licensed lawyer of Chinese Taipei as an assistant or consultant or have practised his/her home jurisdiction laws elsewhere, the term, up to a maximum of two years of employment or practice may be accredited to the said five year term; or

(iii) any foreign lawyer who is already employed by a licensed lawyer of Chinese Taipei by 1 January 2002 in accordance with the Regulation Concerning Chinese Taipei's Lawyers' Employment of Foreigners and Administration thereof, may apply to become an AFLA after the completion of the two years' employment period.

3. AFLAs who obtain permission from the Ministry of Justice may establish partnership with or employ licensed lawyer of Chinese Taipei.
4. Registration shall be made with the Bar Association in the locality in Chinese Taipei where the law office is located after the person is recognised by Chinese Taipei as AFLA.

Foreigners who are college graduates majoring in law-related subjects or have law-related working experience for at least two years, or who have passed the lawyer's examination in any foreign country may be employed by licensed lawyers of Chinese Taipei or AFLAs to work as assistants or consultants, but may not conduct litigation or provide other legal services under the assistant/consultant's own name.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Recreational Services

Industry Classification:

Obligations Concerned: National Treatment (Article 9.5)

Measures: The Statute for Investment by Foreign Nationals of November 19, 1997

Negative List for Investment by Overseas Chinese and Foreign Nationals of June 17, 2013

Description:

Investment

Foreigners are not allowed to invest in entertainment establishments which offer personalised attention by a host or hostess of a sexually arousing or seductive nature. Host/hostess services in Chinese Taipei are offered in venues such as coffee/tea shops, ballrooms, dance halls, wine shops, bars and karaoke rooms.

Sector:	Business Services
Sub-Sector:	Placement and Supply Services of Personnel
Industry Classification:	
Obligations Concerned:	National Treatment (Article 8.3 and Article 9.5) Market Access (Article 8.4) Local Presence (Article 8.5)
Measures:	Employment Service Act of January 30, 2012 Regulations for Authorization and Administration of Private Employment Service Agencies of March 2, 2010
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Foreign employment service agencies have to apply for recognition from the competent authorities of Chinese Taipei to refer foreign nationals to work in Chinese Taipei, or citizens of Hong Kong, Macau, and mainland China to work in Chinese Taipei, provided such employment services agencies shall not engage in employment services in Chinese Taipei. Limitations in the form of country of origin, numerical quota and types of services may apply to such recognition by competent authorities.</p> <p>Any employment service agency that provides full employment service in Chinese Taipei must be a company incorporated or a foreign company registered under Chinese Taipei's Company Act. The competent authorities may authorise foreign employment service agencies to set up commercial presence to provide full employment services in Chinese Taipei according to the situation of the domestic economy and employment market.</p>

Sector: Postal and Courier Services

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 8.4)

Measures: Postal Act of April 27, 2011

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

Business of delivering letters, postcards or other correspondence is reserved to the Chunghwa Post Co. Ltd. Apart from Chunghwa Post Co. Ltd., no others may engage in the business of delivering letters, postcards or other correspondence.

Sector: All Sectors

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 8.3 and Article 9.5)

Market Access (Article 8.4)

Local Presence (Article 8.5)

Performance Requirements (Article 9.9)

Senior Management and Boards of Directors (Article 9.10)

Measures: Relevant laws and regulations which provide for prohibitions and restrictions against investments of an investor and cross-border trade in services by a service supplier, which is a permanent resident of the other Party or an enterprise of the other Party and owned or controlled by persons of a non-Party.

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

Chinese Taipei reserves the right to maintain any existing measure with respect to investments of an investor and cross-border trade in services by a service supplier, which is a permanent resident of the other Party or an enterprise of the other Party and owned or controlled by persons of a non-Party, that is made pursuant to the relevant laws and regulations which provide for prohibitions and restrictions against such investments of an investor and cross-border trade in services by a service supplier which is a permanent resident of the other Party or an enterprise of the other Party and owned or controlled by persons of a non-Party specified in the relevant laws and regulations, provided that any treatment accorded to investments of such an investor and cross-border trade in services by such a service supplier of the other Party pursuant to such measure shall be no less favourable than that it accords, in like circumstances, to investments of investors and cross-border trade in services by service suppliers of any other non-

Party.