

SUMMARY TABLE COMPARING BETWEEN VIETNAM LEGAL FRAMEWORK AND COMMITMENTS UNDER WTO, EVFTA AND TPP ON SERVICE MARKETS ACCESS FOR FOREIGN INVESTMENT

Resources:

<http://unstats.un.org/unsd/CR/Registry/regcs.asp?Cl=9&Lg=1&Co=633>

https://www.wto.org/gatt_docs/English/SULPDF/92120215.pdf

<http://www.trungtamwto.vn/sites/default/files/publications/Cam%20ket%20ve%20dich%20vu%20khi%20gia%20nhap%20WTO%20-%20binh%20luan%20cua%20nguoi%20trong%20cuoc.pdf>

<http://www.trungtamwto.vn/sites/default/files/publications/cam nang cam ket tm dich vu vietnam trong wto.pdf>

<https://dautunuocngoai.gov.vn/fdi/nganhnghedautu/6>

<https://dangkykinhdoanh.gov.vn/vi-vn/danhm%E1%BB%A5cng%C3%A0nhngh%E1%BB%81%C4%91%E1%BA%A7ut%C6%B0kinhdoanh.aspx>

Scope of reviewing:

With regard to General scope

This review covers only Vietnam's commitments on services markets access under the WTO, EVFTA and TPP for foreign investors, thus, excludes the following:

- The commitments on investments access in the areas of goods production and
- The commitments on services markets access for foreign services providers in the form of cross-border supplies which are not investment (Mode 1 - Cross border trade; Mode 2 - Consumption abroad; Mode 4 - Movement of natural persons).

Financial services

According to TPP, financial services are negotiated separately, with access mechanism is different from the general access mechanism for all other areas of Chapter: Investment in TPP and schedule of commitments is separate, individual with Annex I and Annex II of the TPP. Therefore, the financial services sector is at the same reviewing table with all other sectors, which is inappropriate and cannot be assessed, compared to the services markets access commitments under WTO and EVFTA.

Thus, this document does not include Vietnam's services market access commitments on the financial services sector.

Commitments under reviewing:

- Commitments under WTO: Including written commitments under TRIMS, GATS and commitments on Mode 3 (commercial presence) in its schedule of Vietnam's services market access commitments in the WTO; commitments which has process of implementation in this schedule, shall be determined according to process to time of reviewing (11/2016).
- Commitments under TPP: Including written commitments in Chapter Investment and 2 annexes (Annex I and Annex II) of the TPP on the list of incompatible measures.
- Commitments under EVFTA: Including written commitments in Chapter Investment and commitments on Mode 3 (commercial presence) in Annex 8d of EVFTA on schedule of services markets access commitment.

Common understanding for some content in the Review:

- Pursuant to commitments under WTO, TPP and EVFTA on branch (branches of foreign merchants cannot access, except specified sectors noted that access and respective access's conditions), this document implies that Vietnam still restrict on establishment of branches of foreign service providers in Vietnam in all sectors (except in cases specified is accessed). Thus, the assessment of the reviewing on "Viet Nam allows to access market completely" or "Viet Nam allows to access market completely except ..." means excluding forms of commercial presence as "branches".
- Pursuant to commitments under WTO, TPP and EVFTA on representative office (access completely to representative offices of foreign merchants with a conditions that representative office does not perform business activities), this document implies that Vietnam has accessed completely to the establishment of representative offices of foreign service providers in Vietnam in all sectors (except the case of restrictive conditions specified)
- More extensive commitments under Vietnam law: Unless there is recommendation on reviewing of the level of this broader access (with specified in the proposal), all other cases shall be understood as Group review concurred with the status of access market existed in Vietnam and has no proposal to adjust about level of access (though, there may be other technical proposals, for example: proposals to increase transparency of the regulations, or to create unity in the regulations ...).
- The assessment of the reviewing was based on the assumption that the TPP, EVFTA which both take into effect (but unspecified time to be valid of TPP and EVFTA)

Abbreviation

- WTO: World Trade Organization
- TPP: Trans – Pacific Partnership

- EVFTA: EU – Vietnam Free Trade Agreement
- MA: Marketing access
- NT: National Treatment
- MFN: Most Favored Nation

Unify approach views on some controversial issues:

- Application of international commitments

There are different opinions on how to apply international commitments in Vietnam. The first opinion is that according to the law on investment and many other legal documents, if there is any difference between the relevant laws and international treaties, international treaties prevail, thus, Vietnam law is compatible with commitments in any case. The second opinion is that despite such provisions, under Article 6 of the Law on International Treaties (cited below) stipulated: international treaties are more valuable than domestic law (except Constitution) but treaties cannot be directly applied, international treaties are applied directly only if it is stipulated like this by the competent authority when deciding to ratify / approve such international treaties.

“Article 6. Treaties and provisions of domestic laws

1. In cases where a legal document and a treaty to which the Socialist Republic of Vietnam is a party, contains different provisions on the same matter, the provisions of the treaty shall prevail, except the Constitution.

2. On the basis of the requirements, contents and nature of a treaty, the National Assembly, the State President or the Government, when deciding to consent to be bound by the treaty, shall also decide on the direct application of the whole or part of the treaty to natural, judicial or other entities in case the provisions of the treaty are express and specific enough for implementation; or decide or propose to amend, supplement, cancel or promulgate legal documents for the implementation of the treaty.”

The second opinion is more reasonable because (i) this opinion is correct in perspective of law, consistent with law on international treaties, the original legislation on the issue of international treaties (while the first opinion only applies a part of the regulations, which applies incompletely international treaty law), and (ii) this opinion is proper in perspective of reality, because in fact there is no agency or court directly cited international commitments to organization of enforcement or application of the law for organizations and individuals; (iii) the opinion is consistent with commitments set out in the EVFTA (Annex 8d, whereby the access market commitments in Appendix 8d on Schedule of access services, investments market commitments of Vietnam for EU are not implemented naturally - " The rights and obligations arising from the list below

shall have no self-executing effect and thus confer no rights directly on natural or juridical persons.”).

Therefore, in this document, analysis, assessment of compatibility issues are based on the second opinion - the international commitments are applied indirectly, thus, only consider the compatibility of the specific provisions in domestic law.

- *With respect to the provisions of Vietnam law*

In case Vietnam law stipulates clearly on investment conditions, there is no contested issues.

However, in many cases that Vietnam law stipulates only general provisions for entities, irrespective of domestic or foreign investors, in terms of applicable objects, can specify domestic or foreign organizations or individuals, or collectively referred only organizations and individuals operating in the field of xyz in Vietnam (VN). The problem is the current status of such a law is deemed to be (i) the law has stipulated general regulations for all entities, and therefore it seems that there is no restriction for investors foreign; or (ii) there are no legal provisions, and for foreign investment, the international commitments shall be applied? From the perspective of law, the interpretation (i) is more accurate, because on the one hand, if the terms of the applicable objects include these entities, certainly written regulations must be available for them, and the other hand international commitments is applied indirectly (reasons as mentioned above).

Therefore, in this Review, analysis and assessment of compatibility are based on the first opinion - unless investment conditions for foreign investors are specified, the other cases, it seems that the general regulations are for both domestic and foreign investors.

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
BUSINESS SERVICES				
A. Professional Services				
Sub-Sector: Printing (CPC 88442), Public opinion polling (CPC 864), Investigation and security, excluding security system services (part of CPC 873), Technical testing and analysis services (CPC 8676): conformity testing of means of transport and certification of transport vehicles Arbitration and conciliation services (CPC 86602), excluding arbitration and conciliation services for commercial disputes between businesses Placement and supply services of personnel (CPC 872) Services incidental to fishing (CPC 882), excluding specialised consultancy services related to marine or freshwater fisheries, fish hatchery services	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access, therefore, all Vietnam's measures are compatible
a) Legal services (CPC 861, excluding: - participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam; - legal documentation and certification services of the laws of Viet Nam)	Incompatible	Incompatible	Incompatible	Vietnam commits to totally enable market access in this sector (except listed performances) However, Vietnam legal framework has restrictions on the conditions of residence and experience.
(b) Accounting and auditing and bookkeeping services (CPC 862)	Incompatible	Incompatible	Incompatible	Vietnam commits to totally enable market access in this sector under

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				WTO, TPP, EVFTA However, Vietnam legal framework does not allow to establish 100% foreign-invested accounting and auditing enterprise.
(c) Taxation services (CPC 863)	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access in this sector
(d) Architectural services (CPC 8671)	Incompatible	Incompatible	Incompatible	Vietnam commits to totally enable market access in this sector. However, Vietnam legal framework requires to establish joint-venture with Vietnam contractor in this sector.
(e) Engineering services (CPC 8672) <i>CPC 8672 includes::</i> <i>86721 - Advisory and consultative engineering services</i> <i>86722 - Engineering design services for the construction of foundations and building structures</i> <i>86723 - Engineering design services for mechanical and electrical installations for buildings</i> <i>86724 - Engineering design services for the construction of civil engineering works</i> <i>86725 - Engineering design services for industrial processes and production</i> <i>86726 - Engineering design</i>	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access in this sector under TPP; enable market access with some restriction under WTO and EVFTA (on planning, geological and environmental research) Vietnam legal framework does not have any restriction for foreign investor in this sector; therefore, market access is larger than

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p><i>services n.e.c.</i></p> <p><i>86727 - Other engineering services during the construction and installation phase</i></p> <p><i>86729 - Other engineering services</i></p> <p>(f) Integrated engineering services (CPC 8673)</p> <p><i>CPC 8673 includes:</i></p> <p><i>86731 - Integrated engineering services for transportation infrastructure turnkey projects</i></p> <p><i>86732 - Integrated engineering and project management services for water supply and sanitation works turnkey projects</i></p> <p><i>86733 - Integrated engineering services for the construction of manufacturing turnkey projects</i></p> <p><i>86739 - Integrated engineering services for other turnkey projects</i></p>				<p>commitments under WTO, EVFTA.</p>
<p>(j) Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)</p>	<p>Compatible</p>	<p>Compatible</p>	<p>Compatible</p>	<p>Vietnam does not commit to enable market access under WTO; commits to totally enable market access under TPP, EVFTA</p> <p>Vietnam legal framework does not have any restriction for foreign investor in this sector, therefore, market access is larger than commitments</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				under WTO, and equal to that under TPP and EVFTA
(g) Urban planning and urban landscape architectural services (CPC 8674)	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access in this sector(except the conditions on certificate of foreign architect)</p> <p>Vietnam legal framework does not have any restriction for foreign investor (Vietnam legal framework only has specific regulations on conditions and permission procedure on cross-border supply and joint-venture contract)</p>
(i) Veterinary services (CPC 932) Excluding keeping micro-organism strain for veterinary	Compatible	Compatible	Compatible	<p>Vietnam commits to similarly enable market access and at a very limited level underWTO, EVFTA; more widely commits to enable market access and still at very limited level (only allow individual to independently supply this service)</p> <p>Vietnam legal framework has no specific investment conditions for foreign investor</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>B. Computer and Related Services (CPC 841-845, CPC 849)</p> <p>841 - Consultancy services related to the installation of computer hardware</p> <p>842 - Software implementation services</p> <p>843 - Data processing services</p> <p>844 - Data base services</p> <p>845 - Maintenance and repair services of office machinery and equipment including computers</p> <p>849 - Other computer services</p> <p>84910 - Data preparation services</p> <p>84990 - Other computer services n.e.c.</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access in this sector</p> <p>Vietnam legal framework does not have any restriction for foreign investor</p>
<p>C. Research and Development Services</p>				
<p>R&D services on social science and humanity (CPC 852)</p>	Compatible	Incompatible	Compatible	<p>Vietnam does not commit to enable market access in this sector under WTO, EVFTA; commits to totally enable market access under TPP</p> <p>Vietnam legal framework enables market access for foreign science-technology organization in each specific cases (by the permit of the minister of the Ministry of Science and Technology)</p>
<p>R&D services on natural sciences (CPC 851)</p>	Unable to determine	Unable to determine	Unable to determine	<p>Vietnam commits to totally enable market access in</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				<p>this sector under WTO, TPP, EVFTA enables market access for foreign science-technology organization in each specific cases (by the permit of the minister of the Ministry of Science and Technology), therefore, is unable to determine compatibility (depending on the factual circumstance of the Minister's establishment permit)</p>
<p>E. Rental/Leasing Services without Operators (CPC 83) (b) Relating to aircraft (CPC 83104) Renting, hiring or leasing services concerning aircraft (e.g. helicopters, aeroplanes) without operator.</p> <p>Exclusions: Renting or hiring services of aircraft with operator are classified in subclass 73400 (Rental services of aircraft with operator).</p> <p>Renting, hiring or leasing services of balloons, dirigibles, gliders and hang gliders are classified in subclass 83204 (Leasing or rental services concerning pleasure and leisure</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access in this sector under WTO, TPP, EVFTA Vietnam legal framework does not have business-investment condition in this sector.</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
equipment).				
<p>Relating to ships (CPC 83103)</p> <p>Renting, hiring or leasing services concerning boats, ships and hovercraft without operator, primarily designed for the conveyance of passengers and freight.</p> <p>Exclusions: Renting, hiring or leasing services of seagoing vessels with operator are classified in subclass 72130 (Rental services of seagoing vessels with operator).</p> <p>Renting, hiring or leasing services of non-seagoing vessels with operator are classified in subclass 72230 (Rental services of non-seagoing vessels with operator).</p> <p>Renting, hiring or leasing services concerning pleasure craft are classified in subclass 83204 (Leasing or rental services concerning pleasure and leisure equipment).</p>	Compatible	Unable to determine	Unable to determine	<p>Vietnam does not commit to enable market access in this sector under WTO, commits to partially enable market access under EVFTA and totally enable market access under TPP.</p> <p>Vietnam legal framework does not provide this issue (Vietnam legal framework only provides on contract of leasing ship (excluding seagoing ship) and does not provide on business-investment conditions for ship owners)</p>
<p>(d) Relating to other machinery and equipment (CPC 83109)</p> <p>83109 Renting, hiring or leasing services concerning other machinery and equipment without operator. Included are rental services concerning all kinds of machinery, electrical or not, which is generally used as investment goods by industries, such as engines</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit to enable market access in this sector under WTO and TPP; and narrowly commits under EVFTA.</p> <p>Vietnam legal framework does not provide business-investment conditions in this sector.</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
and turbines, machine tools, mining and oil field equipment; commercial radio, television and communication equipment; professional, scientific measuring and controlling apparatus; and other commercial and industrial machinery.				
F. Other Business Services				
(a) Advertising services (CPC 871, excluding advertising for cigarettes)	Compatible	Incompatible	Compatible	Vietnam commits to enable similar market access and in a limited level under WTO, EVFTA; and totally enable market access under TPP Vietnam legal framework currently enables market access in a limited level according to commitments of WTO and EVFTA.
(b) Market research services (CPC 864 ¹ , excluding 86402) CPC 864 Market research and public opinion polling service includes 8640 - Market research and public opinion polling services: -86401 - Market research services -86402 - Public opinion polling services	CPC 864 Compatible	Compatible	Compatible	Vietnam commits to similarly and totally enable market access under WTO, TPP and EVFTA (but does not enable market access on public opinion polling services) Vietnam legal framework does not provide business-investment
	CPC 86402 Compatible	Compatible	Compatible	

¹ CPC 864 Market research and public opinion polling service includes 8640 - Market research and public opinion polling services:

- 86401 - Market research services
- 86402 - Public opinion polling services

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				conditions of these business lines (even for all CPC 864 or for CPC 86402)
<p>© Management consultant services (CPC 865) CPC 865 includes: 86501 - General management consulting services (Advisory, guidance and operational assistance services concerning business policy and strategy and the overall planning, structuring and control of an organization. More specifically, general management consulting assignments may deal with one or a combination of the following: policy formulation, determination of the organizational structure (decision-making system) that will most effectively meet the objectives of the organization, legal organization, strategic business plans, defining a management information system, development of management reports and controls, business turnaround plans, management audits, development of profit improvement programmes and other matters which are of particular interest to the higher management of an organization.) 86502 - Financial management consulting services (except business tax) 86503 - Marketing</p>	Management consultant services on construction Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access in this sector (including branch) under WTO, TPP and EVFTA (particularly under WTO, there is still some restriction on the residence of director of brand of foreign investor in Vietnam) In the sector of management consultant services, Vietnam legal framework provides that foreign contractor shall establish joint-venture with Vietnam contractor or use Vietnam contractor. Vietnam legal framework does not have business-investment conditions on other management consultant services.</p>
	Other management consultant services Compatible	Compatible	Compatible	

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>management consulting services 86504 - Human resources management consulting services 86505 - Production management consulting services 86506 - Public relations services 86509 - Other management consulting services (Advisory, guidance and operational assistance services concerning other matters. These services include industrial development consulting services, tourism development consulting services, etc.)</p>				
<p>(d) Services related to management consulting CPC 866, except CPC 86602 CPC 866 includes: 86601 - Project management services other than for construction 86602 - Arbitration and conciliation services 86609 - Other management services n.e.c.</p>	General Compatible	General Compatible	General Compatible	<p>Vietnam commits to enable market access under WTO, TPP and EVFTA. Vietnam legal framework does not have any business-investment condition of this business lines. About branch, Vietnam legal framework refers to commitment without any specific commitment.</p>
	About branch: Unable to determine	About branch: Unable to determine	About branch: Unable to determine	
<p>(d) Services related to management consulting - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602**)</p>	Incompatible	Incompatible	Incompatible	<p>Vietnam commits to similarly enable market access under WTO EVFTA and TPP, accordingly, totally enable market access in</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				<p>this sector (particularly WTO and EVFTA have commitment to reserve the right to require branch's director under Vietnam). Vietnam legal framework does not consider commercial mediation and arbitration is business service (for profit), therefore, there is no business-investment condition of this business lines.</p>
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	Compatible	Compatible	Compatible	<p>Vietnam commits to totally and similarly enable market access under WTO, EVFTA and TPP Vietnam legal framework does not have any business-investment condition of this business lines</p>
(f) Services incidental to agriculture, hunting and forestry (CPC 881) CPC 881: Services incidental to agriculture, hunting, forestry and fishing: services rendered on a fee or contract basis, mostly performed at the site where the agricultural production is done, e.g. services providing agricultural machinery with drivers and crew; harvesting and related	Compatible	Compatible	Compatible	<p>Vietnam commits to similarly enable market access and at limited level under WTO, TPP and EVFTA Vietnam legal framework does not have any business-investment condition of this business lines</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>services; services of farm labour contractors; animal boarding, care and breeding services; services to promote propagation, growth and output of animals; services to promote commercial hunting and trapping; timber evaluation, firefighting, forest management including forest damage assessment services; logging related services; services related to fishery and operational services of fish hatcheries or fish farms.</p> <p>Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bail plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment</p>				
<p>(h) Services incidental to mining (CPC 883) CPC 883: Services incidental to mining: services rendered on a fee or contract basis at oil and gas fields, e.g. drilling services, derrick building, repair and dismantling services, oil and gas well casings cementing services. Exclusion: Mineral</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to similarly enable market access and at limited level under WTO, TPP and EVFTA, at the same time excludes many related services. Vietnam legal framework does not have any business-</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
prospecting services, oil and gas field exploration and geophysical (e.g. seismic) and geological surveying services are classified in class 8675 (Engineering related scientific and technical consulting services)				investment condition of this business lines (excluding services related to petroleum)
(i) Services incidental to manufacturing (CPC 884 and 885) Services incidental to manufacturing: these include manufacturing on a fee or contract basis, i.e. manufacturing services rendered to others where the raw materials processed, treated or finished are not owned by the manufacturer. Assembly, installation other than construction work, fitting of articles, maintenance and repair services are also classified here CPC 884: Services incidental to manufacturing, except to the manufacture of metal products, machinery and equipment CPC 885: Services incidental to the manufacture of metal products, machinery and equipment				Vietnam commits to considerably enable market access under WTO, EVFTA; totally enable market access under TPP Vietnam legal framework allows foreign investor to supply at unlimited level.
(m) Related scientific and technical consulting services ² (CPC 86751, 86752 and 86753 only) 86751 - Geological, geophysical and other scientific prospecting	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access and at limited level under WTO and EVFTA; commits to totally enable

² The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>services (Geological, geophysical, geochemical and other scientific consulting services as they relate to the location of mineral deposits, oil and gas and groundwater by studying the properties of the earth and rock formations and structures. Included here are the services of analysing the results of subsurface surveys, the study of earth sample and core, and assistance and advice in developing and extracting mineral resources);</p> <p>86752 - Subsurface surveying services (Gathering services of information on subsurface earth formations by different methods, including seismographic, gravimetric, magnetometric and other subsurface surveying methods.)</p> <p>86753 - Surface surveying services (Gathering services of information on the shape, position and/or boundaries of a portion of the earth's surface by different methods, including transit, photogrammetric and hydrographic surveying, for the purpose of preparing maps)</p>				<p>market access under TPP.</p> <p>Vietnam legal framework totally enables market access for foreign investor in this sector (including branch).</p>
<p>(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)</p> <p>CPC 633: Repair services of personal and household goods</p>	Compatible	Compatible	Compatible	<p>Vietnam commit to similarly enable market access and at considerable level under WTO and EVFTA; totally enable market</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>Exclusions: Automotive repair services are classified in subclass 61120 (Maintenance and repair services of motor vehicles) and 61220 (Maintenance and repair services of motorcycles and snowmobiles). Maintenance and repair services of office and computing machinery are classified in subclass 84500.</p>				<p>access under TPP Vietnam legal framework does not have any business-investment condition of this business lines</p>
<p>(o) Building-cleaning services (CPC 874) - Disinfecting and exterminating services (CPC 87401) - Window cleaning services (CPC 87402)</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit to enable market access under WTO; commits to totally enable market access under EVFTA (only limited in services in industrial and manufacturing area); totally enable market access under TPP Vietnam legal framework does not have any business-investment condition of this business lines</p>
<p>(p) Special Photography services except aerial photography (CPC 87504) Services consisting in photographing persons, objects or scenery using special apparatus and techniques. Generally these services also include the development and printing of such pictures. Examples of such services are aerial photography, underwater photography, medical and</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit under WTO; commits to similarly enable market access and at limited level under EVFTA and TPP Vietnam legal framework does not have any business-investment condition of this</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
biological photography, and photomicrography.				business lines
<p>(q)) Packaging services (CPC 876)</p> <p>Services consisting in packaging goods for others on a fee or contract basis, such as food products, pharmaceuticals, household cleaners, toilet preparations and hardware using a variety of automated or manual packaging techniques including blister forming and packaging, shrink or skin wrapping, form filling and sealing, pouch filling, bottling and aerosol packaging. Parcel packing and gift wrapping are also included. This service may also include the labelling or imprinting of the package.</p> <p>Exclusions: If the services provided consist solely of printing information on packaging materials, it is classified in the appropriate subclass of group 325 or 326, i.e. printed matter or articles of paper or paperboard.</p> <p>Packing and crating services incidental to transport are classified in division 74 (Supporting and auxiliary transport services).</p> <p>Package design services are classified in subclass 87907 (Specialty design services).</p> <p>If the packaging services also include processing of client owned materials into a different product (e.g. mixing water and concentrate to produce</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit under WTO, commits to enable market access at limited level under EVFTA and at larger (but not totally) under TPP.</p> <p>Vietnam legal framework does not have any business-investment condition of this business lines</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
soft drinks, cooking fish prior to canning, blending creams and colouring materials into cosmetics), it is classified in the appropriate subclass of group 884 or 885 (Services incidental to manufacturing).				
Trade fairs and exhibitions services (CPC 87909**)	Compatible	Compatible	Compatible	<p>Vietnam does not commit under WTO, commits to enable market access at limited level under EVFTA and commits to totally enable market access under TPP</p> <p>Vietnam legal framework only regulates the establishment of trade fairs and exhibitions and controls each by each establishment, without any provisions on business - investment conditions for the supplier in this sector.</p>
2. COMMUNICATION SERVICES				
B. Postal Services (CPC 7511**) Exclude public services and reserved services CPC 7511: Postal services related to letters	Compatible	Compatible	Compatible	<p>Vietnam does not commit under WTO, commits to totally enable market access under TPP and EVFTA</p> <p>Vietnam legal framework does not have any investment conditions for</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				foreign investor in this sector.
<p>B. Courier Services (CPC 7512**)</p> <p>** Express delivery services³, i.e. services consisting of collection, sorting, transport and delivery, whether for domestic or foreign destination, of:</p> <p>(a) Written communication⁴, on any kind of physical medium, including:</p> <ul style="list-style-type: none"> - Hybrid mail service; - Direct mail. <p>Except for the handling of items of written communication the price of which is less than:</p> <ul style="list-style-type: none"> - 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments; - US\$9 for international shipments; <p>Provided that the gross weight of these items is less than 2,000 grams.</p> <p>(b) Parcels⁵ and other goods.</p> <p>* Handling of non-addressed items.</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to enable market access at limited level under WTO, totally enable market access under TPP and EVFTA</p> <p>Vietnam legal framework does not have any investment conditions for foreign investor in this sector.</p>
C. Telecommunication				

³ Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and address in transit, confirmation of receipt.

⁴ Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

⁵ Books, catalogues are included hereunder.

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
Services				
<p><u>Basic telecommunication services</u></p> <p>(a) Voice telephone services (CPC 7521)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521** + 7529**)</p> <p>(g) Private leased circuit services (CPC 7522** + 7523**)</p> <p>(o*) Other services</p> <ul style="list-style-type: none"> - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting⁶ - - Radio based services includes: <ul style="list-style-type: none"> + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking - Internet Exchange Service (IXP) <p>(o*) Other services</p>	Incompatible	Compatible	Incompatible	<p>Vietnam commits to enable market access at limited level under WTO, EVFTA and TPP, depending on each specific commitment (TPP is narrower than WTO and EVFTA). Vietnam legal framework enables market access as large as committed under TPP.</p>

⁶ Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>- Virtual Private Network (VPN)</p> <p>Value-added services</p> <p>(h) Electronic mail (CPC 7523 **)</p> <p>(i) Voice mail (CPC 7523 **)</p> <p>(j) On-line information and database retrieval (CPC 7523**)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**)</p> <p>(m) Code and protocol conversion</p> <p>(n) On-line information and data processing (incl. transaction processing) (CPC 843**)</p> <p>(o) Other</p> <p>- Internet Access Services IAS⁷</p>				
<p>D. Audiovisual Services</p> <p>(a) Motion picture production (CPC 96112, excl. video tape)</p> <p>(b) Motion picture distribution (CPC 96113, excl. video tape)</p> <p>(c) Motion picture projection service (CPC 96121)</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to similarly enable market access and at limited level under WTO, TPP and EVFTA</p> <p>Vietnam legal framework enables market access as large as committed under WTO</p>

⁷ Services providing internet access to the end users

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>Mass Communication Press and news-gathering agencies, publishing, radio and television broadcasting, in any form</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit to enable market access in WTO, TPP and EVFTA</p> <p>Vietnam legal framework does not enable this services for private organization and individual (both of domestic and foreign)</p> <p>Vietnam legal framework allows organizations and individuals to print, publish, export and import publications following strict conditions (general application for all entities without any discrimination)</p>
<p>Video records on whatever medium are excluded from the commitments (on distribution services)</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit to enable market access in WTO, TPP and EVFTA</p> <p>Vietnam legal framework does not have any business-investment condition of this business line (only regulates the condition of each specific performance)</p>
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p>	Compatible	Compatible	Compatible	<p>Vietnam commit to similarly enable market access and at a high level under WTO, TPP</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				and EVFTA (including establishment of branch, however, foreign entities shall legally established under foreign law) Vietnam legal framework has no specific investment conditions for foreign investor
A. General construction work for building (CPC 512) B. General construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514, 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515, 518)				
4. DISTRIBUTION SERVICES				
List of goods which Vietnam does not commit to enable market access foreign investor (on distribution)	Compatible	Incompatible	Compatible	Vietnam commits similar list under WTO and EVFTA, and commits shorter list under TPP Vietnam legal framework regulates as committed under WTO
A. Commission agents' services (CPC 621, 61111, 6113, 6121) B. Wholesale trade services (CPC 622, 61111, 6113, 6121) C. Retailing services (CPC	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access under WTO, EVFTA and TPP on the commercial presence.

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
631 + 632, 61112, 6113, 6121)				<p>With regard to the requirement of Economic Needs Test (ENT), Vietnam commits high ENT requirement under WTO, and lower requirement under TPP and EVFTA.</p> <p>Vietnam legal framework totally enables market access for foreign investor. With regard to ENT, Vietnam legal framework enables market access larger than committed under WTO and as large as committed under TPP, EVFTA (at the moment TPP and EVFTA take effect, not taking in consideration the commitment for market access as scheduled)</p>
D. Franchising services (CPC 8929)	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access in WTO, TPP and EVFTA, including branch(excluding reservation on the residence condition of the head of branch)</p> <p>Vietnam legal framework has no specific investment conditions for</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				foreign investor
Traditional Markets	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access in WTO, TPP and EVFTA Vietnam legal framework does not have any business-investment condition of this business lines
Commodity Exchange	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access in WTO, EVFTA and TPP. Vietnam legal framework does not have any condition for foreign investor in this sector
5. EDUCATIONAL SERVICES				
Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields. With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.	Unable to determine	Unable to determine	Unable to determine	1. With regard to education About content, Vietnam commits to enable market access at limited level under WTO and EVFTA, and at higher level under TPP. However, in fact, these levels of commitment are equivalent. Vietnam legal framework assigns Minister of the Ministry of education and training to issue the list of training business lines to enable foreign

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				investor to access which has not been adopted yet.
	Compatible	Compatible	Compatible	2. With regard to training curriculum Vietnam commits to similarly enable market access and at limited level under WTO and EVFTA. Vietnam totally enables market access under TPP. Vietnam legal framework has no restriction in this issue (only restriction on the compulsory curriculum for Vietnamese student)
B. Secondary education services (CPC 922)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO and EVFTA; commits to enable market access at limited level under TPP. Vietnam legal framework enables market access at high level (no restriction on foreign training curriculum, no limitation of Vietnam student's percentage...)
C. Higher education services (CPC 923)	Incompatible	Incompatible	Incompatible	Vietnam commits to totally enable market access in
D. Adult education (CPC				WTO, TPP and

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
924) E. Other education services (CPC 929 including foreign language training)				EVFTA (excluding the requirement of experience and qualification of foreign lecturer) Vietnam legal framework enables market access for all forms of commercial presence, and sets specific condition for foreign investor (facility, number of lecturers...
6. ENVIRONMENTAL SERVICES				
Access to certain geographic areas may be restricted for national security reasons.	Compatible	Compatible	Compatible	Vietnam similarly commits under WTO, EVFTA and TPP on the right to apply measure to forbid access with regard to geographical areas which are sensitive due to national security. Vietnam legal framework does not have any regulations on this restriction.
A. Sewage Services (CPC 9401)	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access under WTO, TPP and EVFTA (excluding public services performed according the state's authority)
B. Refuse disposal services (CPC 9402)*	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				under WTO, TPP and EVFTA Vietnam legal framework has no specific investment conditions for foreign investor
C. Sanitation and similar services (CPC 9403) CPC UN Explanatory Notes: CPC 9403 includes only CPC 94030: Other sanitation and similar services including outdoor sweeping services and snow- and ice-clearing services. Exclusion: Disinfecting and exterminating services for buildings and other non-agricultural structures are classified in subclass 87401. Pest control services in connection with agriculture are classified in subclass 88110 (Services incidental to agriculture)	Compatible	Compatible	Compatible	Vietnam does not commit anything in this sector under WTO, but commits to totally enable market access under EVFTA and TPP Vietnam legal framework does not have any business-investment condition of this business lines
D. Other services - Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	Compatible	Compatible	Compatible	Vietnam does not commit anything in this sector under WTO, but commits to totally enable market access under EVFTA and TPP Vietnam legal framework does not have any business-investment condition of this business lines
- Nature and landscape protection (CPC 9406) Ecological system protection services, e.g. of lakes, coastlines and	Compatible	Compatible	Compatible	Vietnam does not commit anything in this sector under WTO, but commits to totally

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>coastal waters, dryland, etc., including their respective fauna, flora and habitats. Services consisting in studies on the interrelationship between environment and climate (e.g. greenhouse effect), including natural disaster assessment and abatement services. Landscape protection services not elsewhere classified.</p> <p>Exclusion: Forest and damage assessment and abatement services are classified in group 881 (Services incidental to agriculture, hunting and forestry).</p>				<p>enable market access under EVFTA and TPP</p> <p>Vietnam legal framework does not have any business-investment condition of this business lines</p>
<p>- Environmental impact assessment services (CPC 94090*)</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access under WTO, TPP and EVFTA.</p> <p>Vietnam legal framework has no specific investment conditions for foreign investor</p>
<p>7. FINANCIAL SERVICES</p>	<p>Not fall in the scope of this Review, because financial services are separately committed under TPP (including market access principle and non-conforming measures), not provide with other services in general.</p>			
<p>8. HEALTH RELATED AND SOCIAL SERVICES</p>				
<p>A. Hospital services (CPC 9311)</p> <p>B. Medical and dental services (CPC 9312)</p>	Compatible	Compatible	Compatible	<p>Vietnam commits to totally enable market access under WTO, TPP and EVFTA (excluding requirements under WTO on minimum FDI capital in this</p>

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				sector, depending on form of health facilities). Vietnam legal framework has no specific investment conditions for foreign investor (including minimum capital)
Residential health facilities services other than hospital services (CPC 93193) Other human health services (CPC 93199) ⁸	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access in WTO, TPP and EVFTA Vietnam legal framework has no specific provisions on conditions for foreign investor
C. Dịch vụ xã hội and dịch vụ liên quan tới sức khỏe (CPC 933): CPC 9331 - Social services with accommodation (Welfare services delivered through residential institutions to old persons and the handicapped; Welfare services delivered through residential institutions to children and other clients; Other social services with accommodation) CPC 9332: Social services without accommodation (Child day-care services incl. day-care services for the handicapped; Guidance and counseling services n.e.c. related to children; Welfare services not delivered through residential institutions; Vocational rehabilitation	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, TPP; commits enables market access at limited level under EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor

⁸ Only with respect to the obligations of Chapter 10 (Cross-Border Trade in Services).

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
services; Other social services without accommodation)				
9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotel and restaurant including - Lodging services (CPC 64110) - Catering food (CPC 642) and drink services (CPC 643)	Compatible	Compatible	Compatible	Vietnam totally enables market access under WTO, TPP and EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
B. Travel agencies and tour operator services (CPC 7471)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access at limited level under WTO, EVFTA; commits to totally enable market access under TPP (excluding performing restriction) Vietnam legal framework does not have any specific provisions on conditions for foreign investor, even allow to establish branch
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES				
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access and at limited level under WTO, TPP and EVFTA Vietnam legal framework does

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				not have specific provisions on investment conditions of foreign investor
D. Other - Electronic games business (CPC 964**)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access and at limited level under WTO, TPP and EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
Performing Arts and Fine Arts (photography, art exhibitions, fashion shows, beauty and model contests, karaoke and discotheque business, and festival organisation.)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA, TPP Vietnam legal framework does not regulate this business line, only provides some different regulations in the direction to prefer and create more conditions for Vietnam organizations and individuals to perform these services.
Cultural Heritage	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA, TPP Vietnam legal framework only has business conditions on museum service (which does not

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				include specific provisions on conditions for foreign investor); does not have any business-investment condition with other services
Martial art clubs and extreme sports	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA, TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor
Lottery, Betting and Gambling Services	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA, TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor With regard to lottery: Vietnam legal framework only allows state-owned enterprises operate this sector. With regard to betting: Vietnam does not allow to operate.
Services related to the hosting of a sporting event (including promotion, organisation and facilities management)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA; commits to enable market

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				access at limited TPP level Vietnam legal framework does not have any specific provisions on conditions for foreign investor
11. TRANSPORT SERVICES				
A. Maritime Transport Services (a) Passenger transportation less cabotage (CPC 7211) (b) Freight transportation less cabotage (CPC 7212)	Compatible	Compatible	Compatible	With regard to maritime transport Vietnam commit to similarly enable market access and at limited level under WTO, TPP; has larger commitment under EVFTA. Vietnam legal framework enables market access at limited level
	Compatible	Compatible	Compatible	With regard to internal sea transport Vietnam does not commit to enable market access under WTO, TPP and EVFTA Vietnam legal framework enables market access at limited level
	Compatible	Incompatible	Compatible	With regard to serviced related to maritime transport of ship owner Vietnam commit to similarly enable market access and

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				at limited level (about performance) under WTO, EVFTA; commits to totally enable market access under TPP Vietnam legal framework enables market access as large as committed under WTO
(d) Maintenance and repair of vessels (CPC 8868*)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, enables market access at limited level under EVFTA and totally enable market access under TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor
Maritime Auxiliary Services - Container handling services (CPC 7411)	Incompatible	Compatible	Incompatible	Vietnam commits to similarly enable market access and at limited level under WTO, EVFTA; and more limited under TPP. Vietnam legal framework enables market access as large as committed under TPP
- Customs Clearance Services "Customs clearance services" (alternatively "customs house brokers")	Incompatible	Incompatible	Incompatible	Vietnam commits to totally enable market access under WTO, TPP and EVFTA

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity. * A commitment on this mode of delivery is not feasible				Vietnam legal framework enables market access at limited level
- Maritime Agency Services (CPC 748*)	Compatible	Incompatible	Compatible	Vietnam does not commit to enable market access under WTO, enables market access at limited level under EVFTA and totally enable market access under TPP Vietnam legal framework enables market access as large as committed under EVFTA
- Container Station and Depot Services "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access under WTO, TPP and EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
B. Internal Waterways Transport (a) Passenger transport (CPC 7221) (b) Freight transport (CPC 7222)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access and at limited level under WTO, TPP, EVFTA. Vietnam legal framework

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				enables market access as large as committed under WTO
Maintenance and repair of vessels (CPC 8868*)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, enables market access at limited level under EVFTA and totally enable market access under TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor
C. Air Transport Services				
(a) Sales and marketing air products services	Compatible	Compatible	Compatible	Vietnam commit to similarly enable market access and at limited level under WTO, EVFTA; totally enable market access under TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor
(b) Computer reservation services	Compatible	Compatible	Compatible	Vietnam commits to totally enable market access under WTO, EVFTA and TPP (particularly WTO and EVFTA have requirement to use the information internet under the management of Vietnam

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				competent authority) Vietnam legal framework does not have any specific provisions on conditions for foreign investor
(c) Maintenance and repair of aircraft (CPC 8868**)	Compatible	Compatible	Compatible	Vietnam commits to narrowly enable market access under WTO, larger than committed under EVFTA and totally enable market access under TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor
(e) Ground-handling services, excluding aircraft servicing and cleaning, surface transport, airport management and air service navigation	Compatible	Compatible	Incompatible	Vietnam does not commit to enable market access under WTO, TPP; commits to narrowly enable market access under EVFTA Vietnam legal framework enables market access larger than committed under WTO, TPP; but does not meet EVFTA commitments.
specialty air services Airport operation services. (excluding ground handling)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, TPP and EVFTA Vietnam legal framework enables market

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				access in different level depending on specific circumstances.
In-flight meal serving services	Compatible	Compatible	Compatible	If this service is not included in ground handling; specialty air services and airport operation services Vietnam does not commit to enable market access under WTO, TPP; commits to enable market access with restriction under EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
Air Transportation, including domestic and international air transportation services	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, EVFTA; enables market access at limited level under TPP Vietnam legal framework enables market access as large as committed under TPP
River Ports, Sea Ports and Airports Construction, operation and management	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access under WTO, TPP and EVFTA Vietnam legal framework enables market access at limited

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				level
E. Rail Transport Services (a) Passenger transportation (CPC 7111)	Compatible	Compatible	Compatible	Vietnam does not commit to enable market access in WTO, TPP and EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
(b) Freight transportation (CPC 7112)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access at limited level under WTO, TPP and EVFTA Vietnam legal framework does not have any specific provisions on conditions for foreign investor
F. Road Transport Services (a) Passenger transportation (CPC 7121+7122) (b) Freight transportation (CPC 7123)	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access and in limited level under WTO, TPP and EVFTA Vietnam legal framework on freight transportation provided as committed under WTO (even larger in some conditions, such as not require market demand assessment) Vietnam legal framework on passenger transport does not have specific provisions on

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
				conditions for foreign investor
<p>Internal Waterways Transport : cabotage services, rental of vessels with crew (CPC 7223)</p> <p>Space transport</p> <p>Pipeline transport</p> <p>Rail transport (cabotage services, infrastructure business services)</p> <p>Road cabotage services</p> <p>Pushing and towing services</p>	Compatible	Compatible	Compatible	<p>Vietnam does not commit to enable market access under WTO, TPP and EVFTA</p> <p>Vietnam legal framework does not have specific provisions on investment conditions for foreign investor in internal waterway transport, rail transport, road transport or maritime transport (excluding analyzed sectors as above)</p> <p>Vietnam legal framework does not allow foreign investor to supply pipeline transport</p> <p>Vietnam legal framework does not provide business-investment conditions in space transport.</p> <p>Vietnam legal framework enables market access at limited level in pushing and towing services, and towage service</p>
H. Services Auxiliary to all Modes of Transport				
(a) Container handling services, except services provided at airports (part	Compatible	Compatible	Compatible	Vietnam commits to similarly enable market access at

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
of CPC 7411)				limited level under WTO, TPP and EVFTA Vietnam legal framework enables market access as large as committed under WTO
(a) Maritime cargo handling services (CPC 741)	Compatible	Incompatible	Compatible	Vietnam does not commit under WTO, commits to enable market access with restriction under EVFTA and commits to totally enable market access under TPP Vietnam legal framework enables market access as large as committed under EVFTA
(b) Storage and warehouse services (CPC 742) (c) Freight transport agency services (CPC 748)	Incompatible (on shipping agency services) Compatible (on other services)	Incompatible (on shipping agency services) Compatible (on other services)	Incompatible (on shipping agency services) Compatible (on other services)	Vietnam commits to totally enable market access under WTO, TPP and EVFTA According to Decree 140/2007/NĐ-CP, Vietnam totally enables market access in these sectors. According to Decree 30/2014/NĐ-CP, with regard to shipping agency particularly, Vietnam enables market access at limited level
(d) Other (part of CPC 749) Include the following	Incompatible (on other transport)	Incompatible (on other transport)	Incompatible (on other transport)	Vietnam commits to enable market access with

Services Sector	Compatibility with WTO	Compatibility with TPP	Compatibility with EVFTA	Summary
<p>activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.</p>	<p>assistance services) Compatible (on other supporting services)</p>	<p>assistance services) Compatible (on other supporting services)</p>	<p>assistance services) Compatible (on other supporting services)</p>	<p>restriction under WTO; commits to totally enable market access under TPP and EVFTA Vietnam legal framework totally enables market access for foreign investor in “other supporting services”, however, does not enable market access in “other transport assistance services”</p>
<p>Dredging services</p>	<p>Compatible</p>	<p>Compatible</p>	<p>Compatible</p>	<p>Vietnam does not commit to enable market access under WTO, commits to narrowly enable market access under EVFTA and commits to totally enable market access under TPP Vietnam legal framework does not have any specific provisions on conditions for foreign investor</p>