

Schedule of the Kingdom of Cambodia

Explanatory Notes

1. The classification of service sectors in this schedule is based on the services sectoral classification list as used in the GATS document MTN.GNS/W/120 dated 10 July 1991 and is in accordance with the definition in the UN Provisional Central Product Classification (CPC), unless otherwise specified.
2. The entry "Unbound*" means unbound due to lack of technical feasibility.
3. The use of "***" against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code.

SCHEDULE OF THE KINGDOM OF CAMBODIA

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
HORIZONTAL COMMITMENTS			
Subsidies		3), 4) Unbound for subsidies, including for research and development	
Tax measures		1), 2), 3) None with respect to taxes	
Land		3) Non-Cambodian natural and juridical persons may lease but not own land	
Acquired rights	The conditions of ownership, management, operation, juridical form and scope of activities as set out in a license or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier, will not be made more restrictive than those in existence as of the date of Cambodia's accession to the WTO.		

SCHEDULE OF THE KINGDOM OF CAMBODIA

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Investment incentives	3) Investors, seeking incentives under the provisions of the Law on Investment, shall have the obligation to provide adequate and consistent training to Cambodian staff, including for promotion to senior positions	3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal services (CPC 861)	1) None 2) None 3) In commercial association with Cambodia law firms ¹ , and may not directly represent clients in courts 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
Foreign legal consultancy on law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

1 If legal services provided in foreign law (including home country and third country law) and international law, the commercial association with Cambodian law firms is not required. Commercial association is understood to include any commercial arrangement and does not imply a specific juridical form.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Accounting, auditing and bookkeeping (CPC 86211, 86212, 86220)	1) None, except must have commercial presence in Cambodia for auditing services 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
c) Taxation services (CPC 8630)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Architectural services (consulting, planning or design services) (CPC 8671)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Commitments	Commitments	
e) Engineering services (CPC 8672)	1) None	1) None	
f) Integrated engineering services (CPC 8673)	2) None	2) None	
g) Urban planning and landscape architectural services (CPC 8674)	3) None	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
h) Specialized medical services (CPC 93122)	1) Unbound	1) Unbound	
Dental services (CPC 93123**)	2) None	2) None	
These services are limited only to orthodontic services, oral surgery, and other specialized dental services	3) Provision of services is permitted through a joint venture with Cambodian juridical persons	3) None	
	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Computer and Related Services			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Software implementation services (CPC 842)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
c) Data processing services (CPC 843)			
d) Data base services (CPC 844)			
e) Other (CPC 845 + 849)			
E. Rental / Leasing Services without Operators			
d) Renting and leasing of studio recording equipment (CPC 83109**)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. Other Business Services			
a) Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
b) Market research services (CPC 86401) c) Management consulting services (CPC 865) d) Services related to man. consulting (CPC 866) e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>h) Services incidental to mining (CPC 883**)</p> <p>j) Services incidental to energy distribution (CPC 887**)</p> <p>Exclusively covers only consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	
<p>k) Placement and supply services of Personnel (CPC 872)</p> <p>m) Engineering related scientific and technical consulting services (CPC 8675)</p> <p>q) Packaging services (CPC 876)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services			
Courier services (CPC 7512)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
C. <u>Telecommunication Services</u>			
Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
a) Voice telephone services (CPC 7521)	1) None 2) None	1) None 2) None	Cambodia undertakes obligations contained in the Reference Paper attached.
b) Packet-switched data transmission services (CPC 7523**)	3) None, except subject to requirement for local shareholding of up to 49%	3) None	
c) Circuit-switched data transmission services (CPC 7523**)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Telex services (CPC 7523**)			
e) Telegraph services (CPC 7522)			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Facsimile services (CPC 7521** + 7529**) g) Private leased circuit services (CPC 7522** + 7523**)			
h) E-mail (CPC 7523**) i) Voice-mail (CPC 7523**) j) On-line information and data base-retrieval (CPC 7523**) k) Electronic data interchange (CPC 7523**) l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) m) Code and protocol conversion n) On-line information and/or data processing (including transaction processing)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector (CPC 843**)	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Other services: - Mobile services	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	Cambodia commits to permit licensed suppliers of mobile telecommunications services choice of technology used in the supply of such services.
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512)	1) Unbound* 2) None	1) Unbound* 2) None	
B. General construction work for civil engineering (CPC 513)	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
C. Installation and assembly work (CPC 514; CPC 516)			
D. Building completion and finishing work (CPC 517)			
E. Other (CPC 511, 515, 518)			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 621)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
B. Wholesale Trade Services Wholesale trade services of motor vehicles (CPC 61111) Sales of parts of motor vehicles (CPC 6113) Sales of motorcycles and related parts (CPC 6121) Wholesale trade services of radio and television equipment, musical instruments and records, music scores and tapes (CPC 62244)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. Retailing Services</p> <ul style="list-style-type: none"> - Retail sales of motor vehicles (CPC 61112) - Sales of parts of motor vehicles (CPC 6113) - Sales of motorcycles and related parts (CPC 6121) <p>For supermarkets and large department stores only²:</p> <ul style="list-style-type: none"> - Food and non-food retailing services (CPC 631 + 632), excluding sales of pharmaceutical goods, medical and orthopaedic goods (CPC 63211) - Retailing services of radio and television equipment, music instruments, music scores, and audio and video records 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments 	

175

² Large supermarkets and department stores are those of floor space no less than 2,000 m².

SCHEDULE OF THE KINGDOM OF CAMBODIA

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and tapes (CPC 63234)			
D. Franchising Services (CPC 8929)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
E. Other - Retail sales of motor fuel (CPC 613)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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5. EDUCATIONAL SERVICES			
C. Higher education Services (CPC 923)	1) None 2) None	1) None 2) None	Cambodia will Seek to establish an independent national accrediting process for market purposes in education and professional services which is in keeping with global practice.
D. Adult education (CPC 924)	3) None	3) None	
E. Other education services (CPC 929)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
6. ENVIRONMENTAL SERVICES			
A. Sewage services (CPC 9401)	1) None 2) None	1) None 2) None	
B. Refuse disposal services (CPC 9402)	3) None	3) None	
C. Sanitation and similar services (CPC 9403)	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
D. Other services - Cleaning of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
landscape protection services (CPC 9406) - Other environmental services not included elsewhere (CPC 9409)			
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-related Services			
a) Life insurance services (CPC 81211)	1) Natural or juridical person can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b) Non-life insurance services (CPC 8129)</p>	<p>1) None for marine, aviation, and transport insurance</p> <p>Marine, aviation and transport insurance services may be supplied by insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>For all other non-life insurance services, natural or juridical persons can enter into contract only with the insurance companies licensed to carry out insurance business in the Kingdom of Cambodia.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Reinsurance and retrocession (CPC 81299)	1) None 2) None 3) None, except companies must reinsure 20% of their risk in Cambodia Re 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Banking and Other Financial Services			
<p>The commitments for sub-sectors a), b) and d) refer to commercial banking only.</p> <p>a) Acceptance of deposits and other repayable funds from the public (CPC 81115 - 81119)</p> <p>b) Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction (CPC 8113)</p> <p>d) All payment and money transmission service, including credit, charge and debit cards, traveller cheques and bankers drafts (CPC 81339³)</p>	<p>1) None, except deposits from the public must be reinvested in Cambodia</p> <p>2) None</p> <p>3) None, except only permitted through authorized financial institutions as banks</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	

181

3 According to Services sectoral classification list, this refers to only part of the total range of activities covered by the CPC concordance.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>The commitments for sub-sectors c) and e) refer to commercial banking only.</p> <p>c) Financial leasing</p> <p>e) Guarantees and commitments</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound until related laws and regulations are established</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	
<p>f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> - money market instruments (including cheques, bills, certificates of deposits); - foreign exchange; - derivative products including, but not limited to, futures and options; - exchange rate and 	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound for sub-sectors f) - 1) until the Government of Cambodia determines what types of entities can conduct these services, the related laws and regulation are established, and such business is authorized by the government or other relevant designated authority</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>interest rate instruments, including products such as swaps, forward rate agreements;</p> <ul style="list-style-type: none"> - transferable securities; - other negotiable instruments and financial assets, including bullion. <p>g) Participation in issues of all kinds of securities, including underwriting and placement as agency (whether publicly or privately) and provision of services related to such issues</p> <p>h) Money broking</p> <p>i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust</p>			

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<p>services</p> <p>j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>k) Provision of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs 2(a)(i)(E) through (O) of Article A.1 of Annex A to Chapter 6, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p>			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services Ownership and management of private hospitals and clinics only	1) None 2) None 3) None, except at least one director for technical matters must be Cambodian 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (CPC 64110)	1) None 2) None 3) None for hotel three (3) stars or higher ⁴ 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

185

4 Three (3) stars hotel is defined in Cambodia's Hotel Rating Classification.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Restaurants (CPC 642, 643)	1) Unbound* 2) None 3) Permit is granted taking into account characteristics of the area ⁵ 4) Unbound ⁵	1) Unbound* 2) None 3) Unbound 4) Unbound	
B. Travel agencies and tour operators services (CPC 7471)	1) None 2) None 3) None, except foreign equity participation limited to 51% for travel agencies 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

⁵ The main criteria are: the number of and impact on existing restaurants, historical and artistic characteristics of the location, geographic spread, impact on traffic conditions and creation of new employment.

SCHEDULE OF THE KINGDOM OF CAMBODIA

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C. Tourist guides services (CPC 7472)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments. Cambodia nationality requirement for tourist guides.	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
E. Other entertainment services n.e.c. (CPC 96199): - Cinema theatre services, including cinema projection services	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

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11. TRANSPORT SERVICES			
A. Maritime Services			
International transport (freight and passengers) (CPC 7211 and 7212) excluding cabotage	1) Unbound 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	Where not otherwise made available to the international maritime transport suppliers pursuant to subparagraph (k) (ii) of Article 50.1, no measures shall be applied which deny reasonable and non-discriminatory access to the following services: <ol style="list-style-type: none"> 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; and 9. Surveying and

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			classification services.
C. Air Transport Services			
d) Aircraft repair and maintenance services (CPC 8868)	1) None 2) None	1) None 2) None	
e) Selling and marketing of air transport services	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
e) Computer reservation system services (CRS)			
F. Road Transport Services			
a) Passenger transportation (CPC 7121 + 7122)	1) None 2) None	1) None 2) None	
b) Freight transportation (CPC 7123)	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
c) Rental of commercial vehicles with operator (CPC 7124)			

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d) Maintenance and repair of road transport equipment (CPC 6112 + 8867) e) Supporting services for road transport services (CPC 744)	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	
G. Pipeline Transport Services			
a) Transport of fuels (CPC 7131) b) Transport of other goods (CPC 7139)	1) Services must be provided through a contract of concession granted by the State on case-by-case basis 2) None 3) Services must be provided through a contract of concession granted by the State on case-by-case basis 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	1) None 2) None 3) None 4) Unbound, except as indicated in Cambodia's Schedule of MNP Commitments	

Reference Paper

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2. Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;

- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1. This section applies to linking with suppliers, providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4. Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5. Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Party has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Party.

4. Public availability of licencing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.