

**Agreement Establishing the ASEAN–Australia–New Zealand Free
Trade Area**

**BRUNEI DARUSSALAM'S SCHEDULE OF MOVEMENT OF
NATURAL PERSONS COMMITMENTS**

1. Brunei Darussalam's commitments under Chapter 9 (Movement of Natural Persons) and under Article 3 (National Treatment) and Article 4 (Market Access) of Chapter 8 (Trade in Services), in relation to the supply by a services supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.

2. In accordance with Articles 3, 4 and 8 (National Treatment, Market Access and Specific Commitments) of the Trade in Services Chapter, for the categories of persons set out in this Schedule, Brunei Darussalam specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Brunei Darussalam.

Entry in the following categories only	Conditions (including duration of stay)
Intra-corporate transferees <u>Definition:</u> An executive, manager or a specialist: (a) who is an employee of a firm that provides services within Brunei Darussalam through a branch, subsidiary or affiliate established in Brunei Darussalam and (b) who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year immediately preceding the date of their application for admission.	

Entry in the following categories only	Conditions (including duration of stay)
	Managers: <u>Definition:</u> Natural persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation), and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily form tasks necessary for the provision of the service. Executives: <u>Definition:</u> Natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or services of the organisation

Entry in the following categories only	Conditions (including duration of stay)
	Specialists <u>Definition:</u> Natural persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques or management. (Specialists may include but not limited to, members of licensed professions). In the case of architects the licensed practising architects should have recognised academic and professional qualifications and registered as "qualified person" with the Ministry of Development. Qualified persons or licensed architects are registered if they have been one year residence in Brunei and practising with a local licensed architect. Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not to exceed 5 years.

3. With respect to rental/leasing services relating to aircraft without operators (CPC 83104), this is subject to local availability test and designation of specified number of Brunei Darussalam trainees and in order to practise a licensed profession in Brunei Darussalam the following conditions must be met: (a) residency and (b) registration.

4. Notwithstanding the commitments set out above, Brunei Darussalam remains unbound with respect to "Banking and Other

Financial Services (provision and transfer of financial information, financial data processing and related software providers of other financial services" (CPC 8131) and in relation to national treatment for architectural services (CPC 8671).
