

BRUNEI DARUSSALAM TRANSPARENCY LIST

BRUNEI – JAPAN ECONOMIC PARTNERSHIP AGREEMENT (BJEPA) TRADE IN SERVICES

Sector:	All sectors
Sub-Sector or Matter:	
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Companies Act (Chapter 39) Business Names Act (Chapter 92) Miscellaneous Licenses Act (Chapter 127)
Succinct Description of the Measure:	<u>Partnership</u> Applications by foreign individuals are subject to written approval of relevant departments, including Departments of Immigration, Department of Labour and Department of Economic Planning and Development before they are registered. <u>Sole Proprietorship</u> Sole proprietorships are only open for Bruneians or permanent residents of Brunei Darussalam.

Sector:	Telecommunication Services
Sub-Sector or Matter:	
Type of Inconsistency:	National Treatment (Article 76)
Legal Source or Authority of the Measure:	Telecommunications Order 2001
Succinct Description of the Measure:	<p>They have to be established in Brunei Darussalam.</p> <p>Service supplier who wish to own and provide infrastructure systems, networks, facilities, and other equipment (except for customer premises, also known as CPE) for the purposes of enabling telecommunication services to be provided have to apply for the Infrastructure Provider for Telecommunication Industry (InTi) Licenses.</p> <p>Service supplier who sells services to consumers or corporate customers must apply for Service Provider for the Telecommunications Industry (SeTi) license. A SeTi Licensee does not own its own infrastructure outside of its own premises, but uses the infrastructure provided by InTi Licensees.</p>

Sector:	Health services
Sub-Sector or Matter:	Services provided by health-related professionals
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Medical Practitioners and Dentists Act, Revised Edition 1984 Nurses Registration Act, Revised Edition 1984 Midwives Act, Revised Edition 1984 Pharmacists Registration Order 2001 Administrative Measures
Succinct Description of the Measure:	A natural person who wishes to practise as doctors, dentists, pharmacists, nurses, midwives, physiotherapists, para-medical personnel and traditional and complementary medicine practitioners must register to practise with the respective Boards in Brunei Darussalam.

Sector:	Professional services
Sub-Sector or Matter:	CPC 8671 Architectural Services CPC 8672 Engineering Services CPC 8673 Integrated Engineering Services CPC 8674 Urban Planning and Landscape Services CPC 8573 Related Scientific Technical Consulting Services Surveying Services Quantity Surveying Services Land Surveying Services
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Architects, Professional Engineers and Quantity Surveyors Order (Draft) Administrative Guidelines and Measures Licensed Land Surveyors Act (Chapter 100)
Succinct Description of the Measure:	<p>A natural person who wishes to supply architectural, engineering, urban planning and landscape, related scientific technical consulting and surveying services must be a resident of Brunei Darussalam and to be registered with Ministry of Development and once the Board of Architects, Professionals and Quantity Surveyors is established, they will then need to register with the Board.</p> <p>A natural person who wishes to undertake any Land Surveying services in Brunei Darussalam must be registered with the Brunei Darussalam Licensed Land Surveyor Board.</p>

Sector:	Professional services
Sub-Sector or Matter:	CPC 861 Legal Services
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Legal Profession Act (Cap 132)
Succinct Description of the Measure:	A natural person who wishes to supply legal services must be practising at least 7 years before being admitted to practise in Brunei Darussalam and that the Chief Justice has discretionary power to see if there are sufficient advocates to serve the needs of the community and this is subject to economic needs test.

Sector: Professional Services

Sub-Sector or Matter: CPC 932 Veterinary Services

Type of Inconsistency: Market Access (Article 75)

Legal Source or Authority of the Measure: Veterinary Surgeons Order 2005

Succinct Description of the Measure:

A natural person who wishes to supply veterinary services must register with the Registrar of Veterinary Surgeons and has a certificate of practising veterinary medicine. Qualification of the surgeon should be certified by Ministry of Education through the National Accreditation Council.

Sector:	Professional services
Sub-Sector or Matter:	CPC 86211 Financial Auditing Services
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Administrative Measures and Guidelines
Succinct Description of the Measure:	<p>Service suppliers who wish to supply financial auditing services shall have to register as public accountants with the Brunei Institute of Chartered Public Accountants and/or their successor bodies and appointed as company auditor.</p> <p>They are also required to fulfil residency requirements in Brunei Darussalam for a period of 90 days in a calendar year and this residency requirement includes the renting of a permanent residential place in Brunei Darussalam.</p>

Sector:	Financial services
Sub-Sector or Matter:	Banking and other Financial services (excluding Insurance and Insurance-Related Services)
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Banking Order 2006
Succinct Description of the Measure:	Banks wanting to establish in Brunei Darussalam shall have to apply for license from the Ministry of Finance.

Sector:	Financial Services
Sub-Sector or Matter:	Insurance and Insurance - Related services
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Insurance Order 2006
Succinct Description of the Measure:	Service supplier who wishes to carry out the business of insurance shall have to apply to the Ministry of Finance and be registered as a legal entity in Brunei Darussalam and is a member of an association of insurers.

Sector:	Environmental Services
Sub-Sector or Matter:	Consultancy services on Environmental Protection and Management
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Pollution Control Order
Succinct Description of the Measure:	Service suppliers shall have to be established in Brunei Darussalam and registered with the Ministry of Development.

Sector:	Environmental Services
Sub-Sector or Matter:	Waste Management Services
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Pollution Control Order
Succinct Description of the Measure:	Service suppliers shall have to be established in Brunei Darussalam and registered with the Ministry of Development.

Sector:	Placement and supply services of personnel
Sub-Sector or Matter:	CPC 87204 Supply services of domestic help personnel
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Employment Agencies Order 2004
Succinct Description of the Measure:	<p>Service suppliers shall have to be registered with the Labour Department and they have to be established in Brunei Darussalam.</p> <p>However, these agencies are not the direct employer of domestic help workers in Brunei Darussalam. They serve as intermediaries to help source and supply domestic help workers to employers of these workers.</p>

Sector:	Broadcasting Services
Sub-Sector or Matter:	
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Broadcasting Act (Chapter 180)
Succinct Description of the Measure:	Service suppliers wishing to supply broadcasting services and broadcasting apparatus have to apply for licenses from the authorised Minister.

Sector: Printing, publishing, production and distribution of newspapers

Sub-Sector or Matter:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Legal Source or
Authority of the Measure: Newspapers Act (Chapter 105)

Succinct Description
of the Measure: The publishing, printing, production and distribution of newspapers in Brunei Darussalam will only be permitted through a permit granted by the authorised Minister. For the sale and distribution of overseas newspaper, the service supplier should be resident in Brunei Darussalam.

Sector:	Seamen
Sub-Sector or Matter:	
Type of Inconsistency:	National Treatment (Article 76)
Legal Source or Authority of the Measure:	Merchants Shipping Order 2002
Succinct Description of the Measure:	A percentage of seamen employed in the crew lists of ships must be citizens of Brunei Darussalam as may be regulated by the Minister.

Sector:	Education services
Sub-Sector or Matter:	
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Education Order 2003
Succinct Description of the Measure:	<p>Private education institutions wanting to establish in Brunei Darussalam must get approval from the Minister and they must be resident in Brunei Darussalam.</p> <p>Private education institutions fall into the following: pre-schools and kindergartens, primary schools, secondary schools, colleges and other educational institutions providing post-secondary education, educational institutions providing technical and vocational education, higher educational institutions and tuition centres.</p>

Sector:	Oil and gas
Sub-Sector or Matter:	CPC 883 + 5115 Services incidental to mining
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76) Most – Favoured – Nation Treatment (Article 79)
Legal Source or Authority of the Measure:	Petroleum Mining Act (Chapter 44) Mining Act (Chapter 42)
Succinct Description of the Measure:	The entire ownership of any petroleum extracted from any State Land shall vest in the holder of mineral rights unless otherwise expressly provided in any petroleum mining Agreement.

Sector:	Retailing Services
Sub-Sector or Matter:	Sale of Motor Vehicles Sale of Automotive fuel Sale of Flammable substances and liquefied petroleum gas CPC Ver 1 61181, 61281, 62281, 62381, 62481, 62581, 87142, 62291, 62191
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Miscellaneous Licenses Chapter 127 Administrative Measures and Guidelines
Succinct Description of the Measure:	Only Malay-Bruneians holding yellow ICs may operate businesses for the retail of motor vehicles, petrol stations, automotive fuel and flammable substances and liquefied petroleum gas.

Sector: All Sectors

Sub-Sector or Matter:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)
Most – Favoured – Nation Treatment (Article 79)

Legal Source or
Authority of the Measure:

Succinct Description
of the Measure: Any measures may be subject to royal decree or 'tintah' of His Majesty the Sultan and Yang Di-Pertuan of Negara Brunei Darussalam.

Sector:	All sectors
Sub-Sector or Matter:	Cooperative Societies
Type of Inconsistency:	National Treatment (Article 76)
Legal Source or Authority of the Measure:	Co-operatives Societies Act (Chapter 84)
Succinct Description of the Measure:	Only Bruneian nationals and permanent residents may register and are qualified for membership of cooperative society.

Sector:	Forestry
Sub-Sector or Matter:	CPC – 881 Services incidental to forestry
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Forestry Act (Rev. Edition 2002) Administrative Measures and Guidelines
Succinct Description of the Measure:	<p>Only Bruneians and permanent residents may operate businesses for sawmilling and logging industries and they are required to obtain permits from the Forestry Department, Ministry of Industry and Primary Resources. Minimum local equity participation is not less than 50% and 30% in the logging and sawmilling sector respectively. Nonetheless licenses/permits for sawmilling and logging operators are closed and further needs for new operators is subject to further requirements.</p> <p>Export of logs is banned. Annual allowable logging quota is 100 000 m³.</p>

Sector:	Business Services
Sub-Sector or Matter:	CPC 87305 Guard Services (only applies to unarmed guard services)
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Securities Agencies Act
Succinct Description of the Measure:	A person who wishes to supply security guard agency has to apply for a license and has to have local presence in Brunei Darussalam.

Sector:	Trade Services
Sub-Sector or Matter:	Supply of potable water for human consumption
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Administrative Measures and Guidelines
Succinct Description of the Measure:	Import permits are required for the importation of potable water and the service supplier has to register with the Brunei Industrial Development Authority (BINA).

Sector:	Mining and Quarrying
Sub-Sector or Matter:	CPC 883 + 5115 Services incidental to mining
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Mining Act (Chapter 42) Notification of 14 th October 1935 (Land Code Chapter 40)
Succinct Description of the Measure:	Any mining activity shall have to apply for prospecting licenses from His Majesty the Sultan and Yang Di-Pertuan in Council. The Office In-Charge of the Land Office may issue to any person a license substantially to remove from any land, gravel, stone, coral, shell-rock etc.

Sector:	Electricity Services
Sub-Sector or Matter:	Generation, Transmission, Distribution
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Electricity Act (Chapter 71) Electricity Act (Amendment Order 2002) Administrative Measures and Guidelines
Succinct Description of the Measure:	Services supplier wishing to supply apparatus for the supply of electrical energy have to apply for license from the concerned authority.

Sector:	Transport services
Sub-Sector or Matter:	Road Passenger transport
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Road Traffic Act (Chapter 68) Road Traffic Regulations 1955
Succinct Description of the Measure:	A natural person who intends to conduct passenger transportation services, freight transportation, commercial vehicle with operator, pushing and towing services, maintenance and repair and road transport equipment and supporting services for road transport services must obtain licenses from the Brunei Motor Transport Licensing Authority and be established in Brunei.

Sector:	Transport services
Sub-Sector or Matter:	Air Transport Services
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Civil Aviation Order 2006 – Part IV- Air Transport Section 25 Operating License
Succinct Description of the Measure:	Service supplier wishing to supply air transport services must apply for an operating license and be established in Brunei and it is a juridical person.

Sector:	Transport services
Sub-Sector or Matter:	Air Transport (Registration of Aircraft in the National Register)
Type of Inconsistency:	National Treatment (Article 76)
Legal Source or Authority of the Measure:	Civil Aviation Order 2006 – Part III – Aircraft Section & Registration and Nationality marks
Succinct Description of the Measure:	An aircraft that is registered in Brunei Darussalam shall have Bruneian nationality.

Sector:	Business Services
Sub-Sector or Matter:	Valuers and Estate Agent
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Valuers and Estate Agents Order 2009
Succinct Description of the Measure:	A natural person who wishes to supply the services of valuers and estate agents must be registered with the Board of Valuers and Estate Agents.

Sector:	Tourism and Travel Related Services
Sub-Sector or Matter:	CPC 7471 Travel Agents
Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
Legal Source or Authority of the Measure:	Travel Agents Act (Chapter 103) Administrative Measures and Guidelines
Succinct Description of the Measure:	Service suppliers wishing to supply travel agents services have to apply for license from the Department of Tourism Development. Currently licenses for travel agents and tour operators are closed and further needs for new agents/operators are subject to requirements.

Sector:	Trade Services
Sub-Sector or Matter:	Wholesale trade services and retail trade service of tobacco
Type of Inconsistency:	Market Access (Article 75)
Legal Source or Authority of the Measure:	Tobacco Order 2005 Tobacco (Labelling) Regulations Tobacco licensing of Importers, Wholesalers, Retailers
Succinct Description of the Measure:	A natural person who wishes to import, distribute, sell or offers to sell tobacco products must obtain license from the Ministry of Health.