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**ANNEX I**  
**SCHEDULE OF BRUNEI DARUSSALAM**

**Introductory Note for the Schedule of Brunei Darussalam**

1. In the interpretation of a reservation in the Schedule of Brunei Darussalam, all elements of the reservation shall be considered, where the **Description** sets out the non-conforming measure for which the entry is made.
2. In accordance with Articles 10.7(1) (Cross Border Trade in Services – Non-Conforming Measures) and 9.11(1) (Investment – Non-Conforming Measures), the articles of Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming measures identified in the Description element of that entry.

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**1.**

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 9.4) Senior Management and Board of Directors (Article 9.10)
<b>Measures:</b>	Companies Act (Chapter 39) Business Names Act (Chapter 92) Miscellaneous Licenses Act (Chapter 127) Co-operative Societies Act (Chapter 84) Employment Agencies Order 2004 Administrative Measures and Guidelines
<b>Description:</b>	<u>Investment</u>  1. <u>Sole Proprietors and Cooperative Societies</u>  Foreign nationals may not establish sole proprietorships or cooperative societies.  2. <u>Partnerships</u>  Foreign nationals may not establish a partnership, except with the written approval of the Registrar of Business Names.  3. <u>Company Directorship</u>  A foreign national may not sit on the board of directors of an enterprise established in Brunei Darussalam unless one (1) of the two (2) directors or, where there are more than two (2) directors, at least two (2) of them shall be ordinarily resident in Brunei Darussalam. For the purposes of this reservation, a foreign national shall apply to the Ministry of Finance in order to be considered as being “ordinarily resident in Brunei Darussalam”.

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**2.**

**Sector:** Manufacturing and Services Incidental to Manufacturing

**Obligations Concerned:** Performance Requirements (Article 9.9)

**Measures:** Brunei Darussalam Long-Term Development Plan  
Administrative Measures and Guidelines

**Description:** Investment

Foreign investors may not utilise sites under the control of the Ministry of Primary Resources and Tourism and the Brunei Economic Development Board for all manufacturing and services incidental to manufacturing activities unless they comply with these requirements:

1. to purchase, use, or accord a preference to goods produced in Brunei Darussalam, to purchase goods from local suppliers; and/or
2. to transfer technology or proprietary knowledge to persons in Brunei Darussalam, as long as such requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by the Party.

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**3.**

**Sector:** Agriculture and Services Incidental to Agriculture

**Obligations Concerned:** Performance Requirements (Article 9.9)

**Measures:** Brunei Darussalam Long-Term Development Plan  
Administrative Measures and Guidelines

**Description:** Investment

Foreign investors may not utilise sites under the control of the Department of Agriculture, Ministry of Primary Resources and Tourism, for all agriculture and services incidental to agriculture activities unless they comply with these requirements:

1. to purchase, use, or accord a preference to goods produced in Brunei Darussalam, or to purchase goods from local suppliers;
2. to achieve a given level or percentage of domestic content; and/or
3. to transfer technology or proprietary knowledge to persons in Brunei Darussalam, as long as such requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by the Party.

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**4.**

<b>Sector:</b>	Fisheries and Services Incidental to Fisheries
<b>Obligations Concerned:</b>	Performance Requirements (Article 9.9)
<b>Measures:</b>	Brunei Darussalam Long-Term Development Plan Administrative Measures and Guidelines
<b>Description:</b>	<u>Investment</u>  Foreign investors may not utilise sites under the control of the Department of Fisheries, Ministry of Primary Resources and Tourism, for all fisheries and services incidental to fisheries activities unless they comply with requirements to purchase, use, or accord a preference to goods produced in Brunei Darussalam, or to purchase goods from local suppliers, as long as any requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by the Party.

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**5.**

<b>Sector:</b>	Forestry and Services Incidental to Forestry
<b>Obligations Concerned:</b>	National Treatment (Article 9.4) Performance Requirements (Article 9.9) Market Access (Article 10.5)
<b>Measures:</b>	National Forestry Policy (1990) Brunei Darussalam Long Term-Development Plan Administrative Measures and Guidelines (Strategic Plan 2004 – 2023)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <ol style="list-style-type: none"><li>1. Foreign nationals or enterprises may not establish an enterprise to undertake activities related to forestry or services incidental to forestry:<ol style="list-style-type: none"><li>(a) except through a joint venture with a Bruneian national or enterprise, and not own more than 70 percent equity shareholding in such an enterprise; and</li><li>(b) unless they comply with any performance requirements imposed, as long as any requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by the Party.</li></ol></li><li>2. For greater certainty, this reservation does not apply to logging activities.</li></ol>

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**6.**

<b>Sector:</b>	Construction Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.4) Performance Requirements (Article 9.9) Local Presence (Article 10.6)
<b>Measures:</b>	Architects, Professional Engineers and Quantity Surveyors Order 2011 Building Control Order 2011 (Final Draft) Building Control Regulations (Draft) Procedures of Contractors and Suppliers Registration, Ministry of Development (Edition 2009) Administrative Measures and Guidelines
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Foreign nationals and enterprises are not allowed to provide construction services such as: general construction work for building services, general construction work for civil engineering, installation and assembly work services, building completion and finishing work services, except mining, and mechanical engineering services, unless:  (a) through an enterprise established in Brunei Darussalam;  (b) they first register for either Certificate A or Certificate B, as a contractor or supplier; and/or  (c) they comply with requirements to transfer technology or proprietary knowledge to persons in Brunei Darussalam as long as such requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of technology or proprietary knowledge and is not for the purposes of commercial exploitation by the Party.

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2. In the case of Certificate A, a foreign national or enterprise may not own equity shareholding other than what is prescribed in the table below, in any enterprise that applies to be registered as a contractor or supplier:

Table

<b>Class</b>	<b>Project Threshold</b>	<b>Level of Foreign Equity Allowed</b>
I	Up to BND 50 000	None
II	Exceeding BND 50 000 but not more than BND 250 000	None
III	Exceeding BND 250 000 but not more than BND 500 000	twenty percent
IV	Exceeding BND 500 000 but not more than BND 1.5 million	fifty percent
V	Exceeding BND 1.5 million but not more than BND 5 million	seventy percent
VI	Exceeding BND 5 million	ninety percent
Building Specialist and Supplier	No threshold	ninety percent
Mechanical and Electrical Specialist and Supplier	No threshold	ninety percent

3. For greater certainty, Certificate A refers to certificates which are required for participating in government and private projects, whilst Certificate B refers to certificates which are required for participating in private projects only.



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7.

<b>Sector:</b>	Environmental Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.4) Performance Requirements (Article 9.9) Local Presence (Article 10.6)
<b>Measures:</b>	Pollution Control Guidelines for Industrial Development of Brunei Darussalam Planning Guidelines for Earthworks Development (Focus on Environmental Sensitive Area) 2009 Planning Guidelines and Standards for Industrial Development 2010 Environmental Impact Assessment Order 2011 (Final Draft) Environmental Protection and Management Order 2012 Hazardous Waste (Control of Export, Import and Transit) Order 2011 (Draft) Hazardous Waste (Control of Export, Import and Transit) Regulations (Draft) Administrative Measures and Guidelines
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  1. Foreign nationals and enterprises are not allowed to provide consultancy services on environmental protection and management; waste management services; landscape design management and maintenance services and janitorial services, roadside and cleaning works services unless:  (a) they are established as an enterprise in Brunei Darussalam;  (b) they first register for either Certificate A or Certificate B, as a contractor or supplier; or  (c) they comply with requirements to transfer technology or proprietary knowledge to persons in Brunei Darussalam as long as such requirement to transfer technology or proprietary knowledge does not unreasonably prejudice the legitimate interests of the owner of the technology or proprietary knowledge

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and is not for the purposes of commercial exploitation by the Party.

2. In the case of Certificate A, a foreign national or enterprise may not own equity shareholding other than what is prescribed in the table below, in any enterprise that applies to be registered as a contractor or supplier:

Table

<b>Class</b>	<b>Project Threshold</b>	<b>Level of Foreign Equity Allowed</b>
I	Up to BND 50 000	None
II	Exceeding BND 50 000 but not more than BND 250 000	None
III	Exceeding BND 250 000 but not more than BND 500 000	twenty percent
IV	Exceeding BND 500 000 but not more than BND 1.5 million	fifty percent
V	Exceeding BND 1.5 million but not more than BND 5 million	seventy percent
VI	Exceeding BND 5 million	ninety percent
Building Specialist and Supplier	No threshold	ninety percent
Mechanical and Electrical Specialist and Supplier	No threshold	ninety percent

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