

ANNEX I

**SINGAPORE'S RESERVATIONS TO
CHAPTER 8 (INVESTMENT)
& CHAPTER 9 (CROSS-BORDER TRADE IN SERVICES)**

INTRODUCTORY NOTES

1. **Description** sets out the non-conforming aspects of the measure to which the entry applies.
2. In accordance with Article 8.11.1 (Non-Conforming Measures) and Article 9.7.1 (Non-Conforming Measures), the articles of this 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.
3. In the interpretation of a reservation, all elements of the reservation shall be considered.
4. For greater certainty, the fact that Singapore has described a measure in the **Description** element of an entry does not necessarily mean that, in the absence of such an entry, the measure would be inconsistent with Singapore's obligation under Chapter 8 (Investment) and Chapter 9 (Cross-Border Trade in Services).

1.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 8.5)

Level of Government: Central

Measures: This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of PSA Corporation.

Description: Investment

The aggregate of foreign shareholdings in PSA Corporation and/or its successor body is subject to a 49 per cent limit.

The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:

- (a) any individual who is not a Singapore citizen;
- (b) any corporation which is not more than 50 per cent owned by Singapore citizens or by the Singapore Government; or
- (c) any other enterprise which is not owned or controlled by the Singapore Government.

2.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 8.5)

Level of Government: Central

Measures: This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of the relevant enterprises below.

Description: Investment

All individual investors, apart from the Singapore government, will be subject to the following equity ownership limits in the enterprises, and/or its successor bodies, as listed below:

- (a) Singapore Technologies Engineering – 15 per cent;
- (b) PSA Corporation – 5 per cent; and
- (c) Singapore Airlines – 5 per cent.

For the purposes of this reservation, ownership of equity by an investor in these enterprises and/or its successor bodies includes both direct and indirect ownership of equity.

3.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: Business Names Registration Act 2014
Business Names Registration Regulations 2015

Description: Cross-Border Trade in Services

Where a person required to be registered under the *Business Names Registration Act*, or, in the case of any corporation, the officers of the corporation, does not or do not reside in Singapore, an authorised representative who is ordinarily resident in Singapore must be appointed.

4.

Sector:	Business Services
Sub-Sector:	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Industry Classification:	CPC 83101, 83102, 83105 Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Obligations Concerned:	National Treatment (Article 9.3) Market Access (Article 9.6)
Level of Government:	Central
Measures:	<i>Road Traffic Act, Cap. 276, 2004 Rev Ed</i>
Description:	<u>Cross-Border Trade in Services</u> The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.

5.

Sector: Business Services

Sub-Sector: Patent agent services

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Patents Act*, Cap. 221, 2005 Rev Ed

Description: Cross-Border Trade in Services

Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) and/or its successor body and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore.

Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.

6.

Sector: Business Services

Sub-Sector: Placement and supply services of personnel

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Employment Agencies Act, Cap. 92*

Description: Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.

7.

Sector:	Business Services
Sub-Sector:	Private investigation services Unarmed guard services
Industry Classification:	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
Obligations Concerned:	National Treatment (Articles 8.5 and 9.3) Most-Favoured-Nation Treatment (Articles 8.6 and 9.4) Local Presence (Article 9.5) Market Access (Article 9.6)
Level of Government:	Central
Measures:	<i>Private Security Industry Act, Cap. 250A, 2008 Rev Ed</i>
Description:	<u>Cross-Border Trade in Services and Investment</u> Foreigners are permitted to set up security agencies to provide unarmed guards for hire but must register a company with local participation. At least two of the directors must be a Singapore citizen or Singapore permanent resident. Foreigners, except Malaysians, shall not be allowed to work as guards, but can be involved in the administration of the company. The foreign directors shall produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a Singapore commissioner of oaths, to the effect that they have never been convicted in any court of law for any criminal offence.

8.

Sector:	Community, Personal and Social Services
Sub-Sector:	Services furnished by co-operative societies
Industry Classification:	CPC 959 Services furnished by membership organizations n.e.c (only applies to co-operative society services)
Obligations Concerned:	National Treatment (Articles 8.5 and 9.3) Senior Management and Boards of Directors (Article 8.10) Local Presence (Article 9.5)
Level of Government:	Central
Measures:	<i>Co-operative Societies Act</i> , Cap. 62, 2009 Rev Ed Co-operative Societies Rules 2009
Description:	<u>Cross-Border Trade in Services and Investment</u>

Only service suppliers with local presence can be registered under the *Co-operative Societies Act*. Registration allows a co-operative society to be exempt from taxation measures applicable to other enterprises. Instead, co-operative societies are required to make a two-tier contribution of their surplus to the Central Co-operative Fund (CCF) and CCF/Singapore Labour Foundation respectively as the society may opt.

As a general rule, only Singapore citizens are allowed to hold office or be a member of the management committee of a co-operative society. Foreigners may be allowed to hold office or be a member of the management committee of a co-operative society, with the approval of the Registrar of Co-operative Societies.

A person who is not a Singapore citizen can form and join a co-operative society if he or she is resident in Singapore.

9.

Sector:	Education Services
Sub-Sector:	Higher education services in relation to the training of doctors
Industry Classification:	CPC 92390 Other Higher Education Services (Only applies to Higher Education Services in relation to the training of doctors)
Obligations Concerned:	National Treatment (Articles 8.5 and 9.3) Market Access (Article 9.6)
Level of Government:	Central
Measures:	<i>Medical Registration Act, Cap 174</i> <i>Private Education Act, Cap. 247A, 2011 Rev Ed</i>
Description:	<u>Cross-Border Trade in Services and Investment</u> Only local tertiary institutions which are established pursuant to an Act of Parliament, or as designated by the Ministry of Education shall be allowed to operate undergraduate or graduate programmes for the training of doctors in Singapore. Currently, only the National University of Singapore and the Nanyang Technological University are allowed to operate undergraduate or graduate programmes for the training of doctors in Singapore.

10.

Sector: Health and Social Services

Sub-Sector: Medical services
Pharmacy services
Deliveries and related services, nursing services,
physiotherapeutic and para-medical services and allied health
services
Optometrists and opticians

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Medical Registration Act, Cap. 174*
Pharmacists Registration Act, Cap. 230
Medicines Act, Cap. 176
Health Products (Licensing of Retail Pharmacies) Regulations,
Cap. 122D
Nurses and Midwives Act, Cap. 209
Allied Health Professions Act, Act 1 of 2011
Optometrists and Opticians Act, Cap. 213A

Description: Cross-Border Trade in Services

Only persons who are resident in Singapore are allowed to provide the following services: medical services, pharmacy services, deliveries and related services, nursing services, physiotherapeutic and para-medical services, allied health services and optometry and opticianry services.

11.

Sector: Import, export and trading services

Sub-Sector:

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Regulation of Imports and Exports Act, Cap. 272A*
Regulation of Imports and Exports Regulations

Description: Cross-Border Trade in Services

Only services suppliers with local presence shall be allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

12.

Sector: Postal Services

Sub-Sector:

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Postal Services Act, Cap. 237A*

Description: Cross-Border Trade in Services

For the provision of basic letter services, all service suppliers must be incorporated as companies under the *Companies Act*, Cap. 50, 2006 Rev Ed.

13.

Sector: Telecommunications Services

Sub-Sector: Telecommunications services

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Info-communications Media Development Authority Act 2016*,
(No. 22 of 2016)
Telecommunications Act, Cap. 323

Description: Cross-Border Trade in Services

1. Facilities-based operators and service-based operators must be locally incorporated under the *Companies Act*, Cap. 50, 2006 Rev Ed.

“Facilities-based operators” are operators who deploy any form of telecommunication networks, systems and facilities, outside of their own property boundaries, to offer telecommunication services to third parties, which may include other licensed telecommunication operators, business customers, or the general public.

“Services-based operators” are operators who lease telecommunication network elements (such as transmission capacity and switching services) from any Facilities-Based Operator (FBO) licensed by the IMDA so as to provide their own telecommunication services, or to resell the telecommunication services of FBOs to third parties.

2. The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.

14.

Sector: Telecommunications Services

Sub-Sector: Telecommunications services
Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)

Industry Classification:

Obligations concerned: Local Presence (Article 9.5)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Info-communications Media Development Authority Act 2016*, (No. 22 of 2016)
Telecommunications Act, Cap. 323
The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.

Description: Cross-Border Trade in Services

A registrar must be a company incorporated or a foreign company registered under the *Companies Act*, Cap. 50, 2006 Rev Ed.

15.

Sector: Power Supply

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 9.6)

Level of Government: Central

Measures: *Electricity Act*, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)

Description: Cross-Border Trade in Services

Power producers shall not be allowed to sell power directly to consumers and shall only sell power through the Singapore electricity wholesale market operator(s) licensed by the Energy Market Authority.

The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.

16.

Sector: Power Supply

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Electricity Act, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)*

Description: Cross-Border Trade in Services and Investment

Only a market support services licensee or retail electricity licensees with local presence may retail electricity to all household and non-household consumers in Singapore.

17.

Sector: Power Transmission and Distribution

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Electricity Act*, Cap. 89A, 2002 Rev Ed, Sections 6(1) and 9(1)

Description: Cross-Border Trade in Services and Investment

Only the Transmission Licensee(s) shall be the owner and operator of the electricity transmission and distribution network in Singapore.

18.

Sector:	Tourism and Travel Related Services
Sub-Sector:	Food and/or beverage serving services in eating facilities run by the government Food and/or beverage catering services
Industry Classification:	
Obligations Concerned:	National Treatment (Articles 8.5 and 9.3) Market Access (Article 9.6)
Level of Government:	Central
Measures:	<i>Environmental Public Health Act, Cap. 95, 2002 Rev Ed</i>
Description:	<u>Cross-Border Trade in Services and Investment</u> Only a Singapore citizen or permanent resident can apply for a license to operate a stall in government-run markets or hawker centres, in their personal capacity. To provide food and/or beverage catering services in Singapore, a foreign service supplier must incorporate as a limited company in Singapore, and apply for the food establishment license in the name of the limited company.

19.

Sector: Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

Sub-Sector: Waste management, including collection, disposal, and treatment of hazardous waste

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Environmental Public Health Act, Cap. 95*

Description: Cross-Border Trade in Services

Foreign service suppliers must be locally incorporated in Singapore.

The public waste collectors (PWCs) rendering services to domestic and trade premises are appointed by public competitive tender. The number of PWCs is limited by the number of geographical sectors in Singapore. For industrial and commercial waste, the market is opened to any licensed general waste collectors (GWCs).

20.

Sector: Trade Services

Sub-Sector: Distribution and Sale of Hazardous Substances

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Environmental Protection and Management Act*, Cap. 94A, 2002 Rev Ed, Section 22

Description: Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to distribute and sell hazardous substances as defined in the *Environmental Protection and Management Act*.

Singapore reserves the right and flexibility to modify and/or increase the list of hazardous substances as defined and/or listed in the *Environmental Protection and Management Act*.

21.

Sector: Trade Services

Sub-Sector: Distribution services
Retailing services
Wholesale trade services

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)

Level of Government: Central

Measures: *Medicines Act*, Cap. 176, 1985 Rev Ed
Health Products Act, Cap. 122D, 2008 Rev Ed

Description: Cross-Border Trade in Services

Only service suppliers with local presence shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the *Medicines Act* and *Health Products Act*, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.

Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.

Singapore reserves the right and flexibility to modify and/or increase the list of medical and health-related products and materials as defined and/or listed in the *Medicines Act* and *Health Products Act*.

22.

Sector: Transport Services

Sub-Sector: Maritime transport services

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Rev Ed, Section 81*

Description: Cross-Border Trade in Services and Investment

Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals.

Local service suppliers are either Singapore citizens or legal persons which are more than 50 per cent owned by Singapore citizens.

23.

Sector: Transportation and Distribution of Manufactured Gas and Natural Gas

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Gas Act*, Cap. 116A, 2002 Rev Ed

Description: Cross-Border Trade in Services and Investment

Only the holder of a gas transporter license shall be allowed to transport and distribute manufactured and natural gas.

Only one gas transport license has been issued given the size of the Singapore market.

24.

Sector: Manufacturing and Services Incidental to Manufacturing

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)
Most-Favoured-Nation Treatment (Articles 8.6 and 9.4)
Performance Requirements (Article 8.9)

Level of Government: Central

Measures: *Control of Manufacture Act, Cap. 57, 2004 Rev Ed*

Description: Investment and Cross-Border Trade in Services

The manufacture of the following products, and services incidental to the manufacture of these products, in Singapore, may be subject to certain restrictions:

- (a) beer and stout;
- (b) cigars;
- (c) drawn steel products;
- (d) chewing gum, bubble gum, dental chewing gum or any like substance (not being a medicinal product within the meaning of the *Medicines Act, Cap. 176*, or a substance in respect of which an order under section 54 of the Act has been made);
- (e) cigarettes; and
- (f) matches.

25.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 8.5 and 9.3)

Level of Government: Central

Measures: *Banking Act*, Cap. 19, MAS Notice 757
Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105
Finance Companies Act, Cap. 108, MAS Notice 816
Insurance Act, Cap. 142, MAS Notice 109
Securities and Futures Act, Cap. 289, MAS Notice SFA 04-N04

Description: Cross-Border Trade in Services and Investment

A non-resident financial institution may in certain circumstances be unable to borrow in Singapore dollars more than S\$5 million from a resident financial institution owing to the following restrictions placed on financial institutions' lending of the Singapore dollar to non-resident financial institutions.

A financial institution shall not extend to any non-resident financial institution Singapore dollar credit facilities exceeding S\$5 million per non-resident financial institution:

- (a) where the Singapore dollar proceeds are to be used outside of Singapore, unless:
 - (i) such proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad; or
 - (ii) such proceeds are for the purpose of preventing settlement failures where the financial institution extends a temporary Singapore dollar overdraft to any vostro account of any non-resident financial institution, and the financial institution

takes reasonable efforts to ensure that the overdraft is covered within two business days; and

- (b) where there is reason to believe that the Singapore dollar proceeds may be used for Singapore dollar currency speculation, regardless of whether the Singapore dollar proceeds are to be used in Singapore or outside of Singapore.

A financial institution shall not arrange Singapore dollar equity or bond issues for any non-resident financial institution where the Singapore dollar proceeds are to be used outside Singapore, unless the proceeds are swapped or converted into foreign currency upon draw-down or before remittance abroad.

“Non-resident financial institution” means any financial institution which is not a resident as defined in the relevant notice.

26.

Sector: Business Services

Sub-Sector: Credit bureau services

Industry Classification:

Obligations Concerned: Local Presence (Article 9.5)
Market Access (Article 9.6)

Level of Government: Central

Measures: *Monetary Authority of Singapore Act, Cap. 186*
Credit Bureau Act 2016

Description: Cross-Border Trade in Services

Singapore reserves the right to adopt or maintain any limit on the number of suppliers of credit bureau services where information provided by the supplier of credit bureau services is obtained from financial institutions in Singapore. The supplier must be established in Singapore.