LIST A

EXPLANATORY NOTES

1. This List sets out, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), Malaysia's existing measures that are not subject to some or all of the obligations imposed by:

   (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);

   (b) Article 8.5 (Market Access);

   (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);

   (d) Article 8.11 (Local Presence);

   (e) Article 10.6 (Prohibition of Performance Requirements); or

   (f) Article 10.7 (Senior Management and Board of Directors).

2. Each entry in this List sets out the following elements:

   (a) **Sector** refers to the sector for which the entry is made;

   (b) **Subsector**, where referenced, refers to the specific subsector for which the entry is made;

   (c) **Level of Government** indicates the level of government maintaining the listed measures;

   (d) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the listed measures;

   (e) **Description** sets out the non-conforming measure for which the entry is made; and

   (f) **Measures** identifies the laws, regulations, or other measures, for which the entry is made. A measure cited in the Measures element:

      (i) means the measure as amended, continued, or renewed, as of the date of entry into force of this Agreement, and

      (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.

3. In accordance with Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), the Articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the non-conforming measure identified in the Description element of that entry.

4. The Schedules of other Parties shall not be used to interpret Malaysia's commitments or obligations under Chapter 8 (Trade in Services), Chapter 10 (Investment), or other Chapters of this Agreement.

1.	Sector	:	All sectors
	Subsector	:	-
	Level of Government	:	Central and Regional
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Local Presence (Article 8.11) Senior Management and Board of Directors (Article 10.7)
	Description	:	<u>Trade in Services and Investment</u> Only Malaysian nationals or permanent residents can register a sole proprietorship or partnership in Malaysia. Foreigners can register a Limited Liability Partnership (LLP), but the compliance officer shall be a citizen or permanent resident of Malaysia that resides in Malaysia. Foreigners are not allowed to establish or join cooperative societies in Malaysia.
	Measures	:	*Registration of Businesses Act 1956* [Act 197] *Limited Liability Partnerships Act 2012* [Act 743] *Co-operative Societies Act 1993* [Act 502] *Business Names Ordinance 1932* [Sarawak Cap. 64] (1958 Edition) *Business, Professions and Trade Licensing Ordinance 1955* [Sarawak Cap. 33] (1958 Edition)