

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX I: EXISTIN MEASURES

Sector: All sectors

Obligations Concerned: National Treatment (Article 10.03)

Measures: Article 17, 18 and 19 of Land Law of October 31, 2001

Description: Investment

Land used for forests reserves, aquaculture, hunting reserves, desalination fields, mineral deposits areas, water resources, military purposes, and land adjacent to the national frontiers shall not be leased to and transferred to foreigners, or used as collateral by Republic of China (Taiwan) nationals to foreigners.

Guatemalan nationals (natural and legal persons) shall have the same rights to acquire land in Taiwan, Republic of China (Taiwan) as those accorded under treaties and Guatemalan laws to Republic of China (Taiwan) nationals acquiring land in Guatemala, provided that such acquisition of land in Taiwan, Republic of China (Taiwan) by Guatemalan nationals is consistent with the purposes and uses specified in Article 19 of the Republic of China (Taiwan)'s Land Law and not subject to the restrictions of Article 17 of the same law.

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ANNEX I: EXISTIN MEASURES

Sector:	Business services - Placement and supply services of personnel
Obligations Concerned:	Local Presence (Article 11.05)
Measures:	Articles 16 and 17 of Regulations for Authorization and Administration of Private Employment Service Agencies of January 13, 2004
Description:	<p><u>Cross-Border Services</u></p> <p>Foreign employment service agencies have to apply for recognition from the competent authorities to refer foreign people to work in the Republic of China (Taiwan), or people living in Hong Kong, Macao, and Mainland China to work in the Republic of China (Taiwan) according to relevant regulations, provided such employment service agencies shall not engage in employment services within the Republic of China (Taiwan).</p> <p>The competent authorities may authorize foreign employment service agencies to set up commercial presence to provide full employment services in the Republic of China (Taiwan) according to the situation of domestic economy and employment market.</p>

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ANNEX I: EXISTIN MEASURES

Sector:	Business services - Professional services
Obligations Concerned:	Local Presence (Article 11.05, Services)
Measures:	<p>CPA certification and taxation services: Articles 10, 27 and 47 of the Certified Public Accountant Law of May 29, 2002 Article 102 of Income Tax Law of January 15, 2003</p> <p>CPB bookeeping and taxation services: Articles 5, 7, 10, 13,19, and 36 of the Certified Public Bookkeepers Act of June 2, 2004</p> <p>Architectural services: Article 34 of Law of Architecture of January 20, 2004 Articles 1, 6 and 54 of Law of Architects of June 15, 2005</p> <p>Professional engineering services: Paragraph 1 of Article 6 and Article 24 of Professional Engineers Act of June 26, 2002 Article 5, Article 6 and 7 of Act Governing the Administration of Professional Engineering Consulting Firms of July 2, 2003</p> <p>Veterinary services: Article 17 of Law Governing Veterinarian of January 30, 2002</p> <p>Public Notary Services Article 24 and 25 of Notary Public Law of April 21, 1999</p> <p>Real estate services: Article 5 and 7 of Real Estate Brokerage Management Act of October 31, 2001 Article 12 of Land Registration Agents Law of October 24, 2001 Article 9 of Real Estate Appraiser Law of December 11, 2002</p>
Description:	<p><u>Cross-Border Services</u></p> <p>To practice CPA certification services, taxation services, CPB booking and taxation services, architectural services, professional engineering services, veterinary services, notary and real estate professional services, local presence is required, and no corporation type of commercial presence is allowed except for real estate broking services and professional engineering services, where professional engineering consulting firm is applicable.</p>

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX I: EXISTIN MEASURES

Sector: Fisheries and Aquaculture

Obligations Concerned: National Treatment (Articles 10.03, Investment and 11.03, Services)

Measures: Article 5 of the Fisheries Law of December 18, 2002

Description: Cross-Border Services and Investment

Only citizens of the Republic of China (Taiwan) shall be qualified as fishery persons (including those engaging in aquaculture business) hereunder unless the particular foreigner has obtained the approval of the competent authority to operate fishery in cooperation with the fishermen of the Republic of China (Taiwan).

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ANNEX I: EXISTIN MEASURES

Sector:	Agriculture, animal husbandry, hunting, and forestry
Obligations Concerned:	National Treatment (Article 10.03, Investment)
Measures:	Article 7 of the Statute for Investment by Foreign Nationals of November 19, 1997 Negative List for Investment by Overseas Chinese and Foreign Nationals of February 21, 2003
Description:	<u>Investment</u> Foreign investment is not allowed in forestry and hunting industries. The agriculture and animal husbandry industries in which foreign investment is restricted are: (1) Agriculture: production on paddy rice, dryland food crops, special crops, vegetables, fruits, mushrooms, sugar-cane, flowers and other agricultural and horticultural products; (2) Animal husbandry: raising of cattle, hogs, chickens, ducks and other animal husbandry.

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Sector: Public utilities

Obligations Concerned: National Treatment (Article 10.03, Investment)

Measures: Article 16 of the Statute for Regulating Privately-owned Utilities
of April 26, 2000

Description: Investment

Privately-owned utilities companies shall not have foreign stockholders or mortgage their property to foreigners for funds unless having been approved by the Executive Yuan.

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ANNEX I: EXISTIN MEASURES

Sector: Water

Obligations Concerned: National Treatment (Article 10.03, Investment)

Measures: Articles 15, 16, and 42 of the Water Act of February 6, 2003

Description: Investment

Foreigners are not allowed to acquire water rights; provided that this shall not apply to the case, which is granted by the Executive Yuan upon request by the competent authorities.

The following waters are exempt from water rights registration:

1. domestic use and livestock water consumption;
2. pond digging on private land;
3. well drilled on private land, provided that its water output yield is less than 100 liters per minute;
4. water drawn by means of human power, animal power, or other simple means.

The competent authorities may impose restrictions upon, or order a registration of, the exempted use of the above waters if such use has interfered with public water business or benefits from water use of others.

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ANNEX I: EXISTIN MEASURES

Sector:	Communications-Telecommunication services
Obligation Concerned:	National Treatment (Article 10.03, Investment) Senior Management and Boards of Directors (Article10.08, Investment) Local Presence (Article 11.05)
Measures:	Article 12 of Telecommunications Act of February 2, 2005 The Schedule of Specific Commitments on Basic Telecommunications Services: Protocol of Accession of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu to the Marrakesh Agreement Establishing the World Trade Organization (WT/ACC/TPKM/18/Add.2) of December 2, 2001 Article 5 of Satellite Communications Services Regulations of September 14, 2004
Description:	<u>Investment</u> The chairman of the Board, of a Type I telecommunications enterprise shall be a national of the Republic of China. A Type I Telecommunications enterprise refers to an enterprise that installs telecommunications machinery and line facilities to provide telecommunications services. The above facilities refer to network transmission facilities connecting the sending and receiving terminals, switching facilities installed as part of the network transmission facilities and the auxiliary facilities thereof. For the Type I Telecommunications enterprise, the total direct shareholding by foreigners may not exceed forty-nine percent, and the sum of direct and indirect shareholding by foreigners may not exceed sixty percent. The percentage of indirect shareholding by foreigners shall be calculated by multiplying the percentage of shareholding by domestic juristic persons in the Type I telecommunications enterprise by the percentage of shareholding or capital paid by foreigners in the said domestic juristic persons. The percentage of shareholding by foreigners in Chunghwa Telecom Co., Ltd. cannot exceed twenty percent.

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Cross-Border Trade in Services

The foreign Mobile Satellite Service (MSS) operators shall enter into a cooperation contract with a domestic operator of Satellite Communication Services or International Network Business of Fixed Network Telecommunications Services, while the domestic agent shall represent to promoting the MSS in the country.

The domestic operator of Satellite Communication Services or International Network Business of Fixed Network Telecommunications Services who represents foreign MSS operators promoting MSS in accordance with the provision of the preceding paragraph shall submit the related documentation and report to the Ministry of Transportation and Communications (MOTC) for approval. The domestic operator of Satellite Communication Services or International Network Business of Fixed Network Telecommunications Services shall manage the official payment such as operation franchise fee, charges of frequency usage and other statutory obligations accordance to Laws.

The domestic operator of Satellite Communication Services or International Network Business of Fixed Network Telecommunications Services prior to obtaining MOTC's approval shall not represent foreign MSS operators in promoting the business.

The domestic operator of Satellite Communication services or International Network Business of Fixed Network Telecommunications Services who represents foreign MSS operators to promote services in the country shall together with foreign MSS operators make a service contract with users and shoulder contract obligations.

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ANNEX I: EXISTIN MEASURES

Sector:	Communication services - Radio and television
Obligations Concerned:	National Treatment (Article 10.03, Investment) Performance Requirements (Article 10.07, Investment) Senior Management and Boards of Directors (Article 10.08, Investment) Local Presence (Article 11.05, Services)
Measures:	Articles 5 and 19 of Broadcasting and Television Act of December 24, 2003 Articles 19, 20 and 43 of Cable Radio and Television Law of December 24, 2003 Articles 10 and 15 of Satellite Broadcasting Act of December 24, 2003
Description:	<p><u>Investment</u></p> <p>1. Foreign capital restriction:</p> <p>(1) Foreign investment in radio broadcasting and television stations is not allowed.</p> <p>(2) Foreign investment in cable radio and television systems shall be less than the following thresholds:</p> <p>-total shares directly held by foreign shareholders: 20%</p> <p>-total direct and indirect foreign investment: 60%</p> <p>(3) Foreign investment in satellite broadcasting business shall be less than 50% of total shares issued.</p> <p>2. Domestically-produced programs shall not be less than the following thresholds:</p> <p>-Wireless radio and television: 70%</p> <p>-Cable radio and television: 20%</p> <p>The above-mentioned percentages shall be calculated on the basis of the total number of hours of program transmission on the activated channels of a system operator.</p> <p>3. The chairman and at least 2/3 of the board of directors and supervisors of a company operating a cable radio and/or television system shall be the Republic of China (Taiwan) nationals.</p>

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ANNEX I: EXISTIN MEASURES

Cross-Border Services

A foreign satellite broadcasting business that engages in service operations in the Republic of China (Taiwan) shall establish a branch office in the Republic of China (Taiwan). A foreign satellite broadcasting business that engages in program supply operations in the Republic of China (Taiwan) shall set up a branch office or agent in the Republic of China (Taiwan).

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ANNEX I: EXISTIN MEASURES

Sector:	Education services
Obligations Concerned:	National Treatment (Article 10.03, Investment) Senior Management and Boards of Directors (Article 10.08, Investment)
Measures:	Articles 15 and 78 of Private School Law of February 6, 2003
Description:	<u>Investment</u> Foreign investment is not allowed in primary schools and junior high schools. The chairman and at least 2/3 of the board of trustees, and the president/principal of the institution providing senior high school education, higher education, and adult education should be the Republic of China (Taiwan) nationals.

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ANNEX I: EXISTIN MEASURES

Sector:	Health related and social services - Hospital services
Obligations Concerned:	National Treatment (Article 10.03, Investment) Senior Management and Boards of Directors (Article 10.08, Investment)
Measures:	Article 43 of Medical Law of April 28, 2004
Description:	<u>Cross-Border Services and Investment</u> A hospital should be established only by a non-profit institution, and at least 2/3 of the board of trustees should be the Republic of China (Taiwan) nationals.

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ANNEX I: EXISTIN MEASURES

Sector:	Transport services - Internal waterway transport, cabotage, and pilotage
Obligations Concerned:	National Treatment (Articles 10.03, Investment and 11.03.02, Services) Senior Management and Boards of Directors (Article 10.08, Investment)
Measures:	Article 4 of Shipping Law of January 30, 2002 Article 13 of Pilotage Law of January 30, 2002 Articles 2 and 5 of the Law of Ships of January 30, 2002
Description:	<p><u>Investment</u></p> <p>Foreign investment in a company providing the above services shall not exceed the following thresholds:</p> <ul style="list-style-type: none">- Zero percent for unlimited companies;- 1/3 of the equity for a limited company or a company limited by shares. <p>The representative director/chairman and at least 2/3 of the board of directors of the company shall be the Republic of China (Taiwan) nationals.</p> <p><u>Cross-Border Services</u></p> <p>Any non-Republic of China (Taiwan) vessel may not navigate between the Republic of China (Taiwan) ports to transport passengers and cargos unless a franchise is granted.</p> <p>No person shall be registered as a pilot if he/she loses the Republic of China (Taiwan) nationality.</p> <p>Unless otherwise specially approved by the Republic of China (Taiwan) government or for seeking shelter, any non-Republic of China (Taiwan) flag ship shall not stay in any harbor or port other than those announced by the Republic of China (Taiwan) government as international port.</p>

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ANNEX I: EXISTIN MEASURES

Sector: Transport services - International maritime transport services

Obligations Concerned: National Treatment (Article 10.03, Investment)
Senior Management and Boards of Directors (Article 10.08, Investment)

Measures: Article 2 of the Law of Ships of January 30, 2002

Description: Investment

Foreign investment in a company providing the above services shall not exceed the following thresholds:

- Zero percent for unlimited companies;
- 1/2 of the equity for a limited company or a company limited by shares.

The representative director of the limited company shall be the Republic of China (Taiwan) nationals. The chairman and at least 1/2 of the board of directors of the company limited by shares shall be the Republic of China (Taiwan) nationals.

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ANNEX I: EXISTIN MEASURES

Sector: Transport services - Road transport services

Obligations Concerned: National Treatment (Article 10.03, Investment)

Measures: Article 35 of Highway Law of July 2, 2003

Description: Investment

Foreigners or unincorporated legal entities of the Republic of China may not invest in automobile transportation providers within the boundaries of the Republic of China, but those approved by the central highway authority may apply to invest in car rental transportation services, and freight transportation services.

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ANNEX I: EXISTIN MEASURES

Sector:	Transport services - Air transport services General aviation services: business engaging in aerial tourism, survey, photographing, fire-fighting and searching, paramedic, hauling and lifting, spraying and dusting, as well as those authorized and other than air transport of passengers, cargo and mail flight operations for compensation or hire. Airport ground handling services Catering services
Obligations Concerned:	National Treatment (Articles 10.03, Investment and 11.02, Services) Senior Management and Boards of Directors (Article 10.08, Investment)
Measures:	Articles 49, 65 (referring to 49), 74-1, 77 (referring to 74-1) and 81 of Civil Aviation Law of June 9, 2004
Description:	<u>Investment</u> Foreign investment in a Civil Air Transport Enterprises or a specialty air service company shall not exceed the following thresholds: - Zero percent for an unlimited company; - 1/3 of the equity for a limited company or company limited by shares. The chairman/representative director, and at least 2/3 of the board of directors of a limited company or a company limited by shares providing the above services shall be the Republic of China (Taiwan) nationals. Foreign investment in an airport ground handling services or a catering service company shall not exceed the following thresholds: - Zero percent for an unlimited company; - 1/2 of the equity for a limited company or company limited by shares. The chairman/representative director, and at least 1/2 of the board of directors of a limited company or a company limited by shares providing the above services shall be the Republic of China (Taiwan) nationals.

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ANNEX I: EXISTIN MEASURES

Cross-Border Services

Only the Republic of China (Taiwan) aircrafts are allowed to provide general domestic aviation services.

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ANNEX I: EXISTIN MEASURES

Sector: Transport services - Airfield management and operation

Obligations Concerned: National Treatment (Article 10.03, Investment)

Measures: Articles 10 and 29 of Civil Aviation Law of June 9, 2004

Description: Investment

The airfield may be established by legal persons in which foreign investment shall not exceed the following thresholds:

- Zero percent for an unlimited company;
- 1/3 of the equity for a limited company or company limited by shares.

The chairman/representative director, and at least 2/3 of the board of directors of a limited company or a company limited by shares providing the above services shall be the Republic of China (Taiwan) nationals. And the managers and operators of the airfield shall be the Republic of China (Taiwan) nationals.

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ANNEX I: EXISTIN MEASURES

Sector: Transport services - Air transport auxiliary services

Obligations Concerned: National Treatment (Article 11.03, Services)

Measures: Article 24 of Civil Aviation Law of June 9, 2004

Description: Cross-Border Services

The aircraft pilot and other aeronautical technical personnel, such as flight mechanic, ground mechanic, air traffic controller, technicians employed by an aircraft maintenance facility and aircraft dispatcher shall be the Republic of China (Taiwan) nationals, unless exclusively permitted by Ministry of Transportation and Communications (MOTC) in accordance with relevant regulations.

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ANNEX I: EXISTIN MEASURES

Sector: Mining

Obligations Concerned: National Treatment (Article 10.03, Investment)

Measures: Article 6 of Mining Law of December 31, 2003

Description: Investment
Mining concessions are granted only to the Republic of China (Taiwan) nationals.

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ANNEX II: FUTURES MEASURES**

Sector: Issues related to native populations

Obligations Concerned: National Treatment (Articles 10.03 and 11.03)
Most-Favored-Nation Treatment (Articles 10.04 and 11.04)
Local Presence (Article 11.05, Services)
Performance Requirements (Article 10.07, Investment)
Senior Management and Boards of Directors (Article 10.08, Investment)

Description: Cross-Border Services and Investment

The ROC reserves the right to adopt or maintain any measure denying to foreign investors and their investments or to foreign service suppliers any rights or preferences granted to native populations.

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX II: FUTURES MEASURES

Sector: Issues related to minorities

Obligations Concerned: National Treatment (Articles 10.03 and 11.03, Services)
Most-Favored-Nation Treatment (Articles 10.04, Investment and 11.04, Services)
Local Presence (Article 11.05, Services)
Performance Requirements (Article 10.07, Investment)
Senior Management and Boards of Directors (Article 10.08 , Investment)

Description: Cross-Border Services and Investment

The ROC reserves the right to adopt or maintain any measure with respect to the rights or preferences granted to minorities with social or economical disadvantages.

**LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX II: FUTURES MEASURES**

Sector: Business services - Legal services

Obligations Concerned: National Treatment (Articles 10.03, Investment and 11.03, Services)
Senior Management and Boards of Directors (Article 10.08, Investment)
Local Presence (Article 11.05, Services)

Description: Cross-Border Services and Investment

The ROC reserves the right to adopt or maintain any measures relating to investment in, or provision of legal services, except investment in or services provided by attorney of foreign legal affairs (AFLA) and foreign legal assistants or consultants according to the following terms:

1. Scope of the services:

(1) Legal services provided by AFLA:

- AFLA practicing the law of his/her home jurisdiction(s) or international law independently.
- AFLA cooperating with the licensed lawyer in the ROC or acquiring the latter's written opinions in the matters concerning marriage, parental or inheritance cases in which the ROC national is a party or the estates is located in the ROC.

(2) Foreign legal assistant or consultant: assisting the ROC lawyers or AFLAs but not conducting litigation or providing other legal services under the assistant/consultant's own name.

2. The following qualifications are required for the recognition of AFLA by the ROC:

- (1) the service provider is qualified as a lawyer in his/her home jurisdiction(s), and
- (2) the service provider has practiced as a qualified lawyer for at least 5 years in his/her home jurisdiction(s). However, should a foreign lawyer be employed by a lawyer of the ROC as an assistant or consultant or have practiced his/her home jurisdiction laws elsewhere, the term, up to a maximum of two years of employment or practice may be accredited

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ANNEX II: FUTURES MEASURES

to the said five year term.

(3) any foreign lawyer who is already employed by a ROC lawyer by 1 January 2002 in accordance with the Regulation Concerning ROC's Lawyers' Employment of Foreigners and Administration Thereof, may apply to become an AFLA after the completion of the two years' employment period.

3. The ROC allows AFLAs to establish partnership with or employ licensed lawyer of the ROC.

4. Foreigners who are college graduates majoring in law-related subjects or have law-related working experience for at least two years, or who have passed the lawyer's examination in any foreign country and may be employed by the ROC lawyers or AFLAs to work as assistants or consultants.

5. Registration shall be made with the Bar Association in the locality in the ROC where the law office is located after the person is recognized by the ROC as AFLA.

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ANNEX II: FUTURES MEASURES

Sector: Communication services - Audiovisual services -
Television broadcast transmission services and Radio
broadcast transmission services

Obligations Concerned: National Treatment (Articles 10.03, Investment and
11.03, Services)
Most-Favored-Nation Treatment (Articles 10.04,
Investment and 11.04, Services)
Local Presence (Article 11.05, Services)
Performance Requirements (Article 10.07, Investment)
Senior Management and Boards of Directors (Article
10.08, Investment)

Description: Cross-Border Services and Investment

The ROC reserves the right to adopt or maintain any
measure relating to investment in, or the provision of,
television and radio broadcast transmission services.

**LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX II: FUTURES MEASURES**

Sector: Private Security Services

Obligations Concerned: National Treatment (Article 10.03, Investment and Article 11.03, Services)
Local Presence (Article 11. 05, Services)

Description: Cross-Border Services

The Republic of China shall reserve the right to maintain or adopt any measure relating to the provision of private security services.

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ANNEX II: FUTURES MEASURES**

Sector: Social Services

Obligations Concerned: National Treatment (Articles 10.03, Investment and Article 11.03, Service)
Most-Favored-Nation Treatment (Articles 10.04, Investment and Article 11.04, Service)
Local Presence (Article 11.05, Service)
Performance Requirements (Article 10.07, Investment)
Senior Management and Boards of Directors (Article 10.08, Investment)

Description: Cross-Border Services and Investment

The Republic of China reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care.

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX II: FUTURES MEASURES

Sector: Games of luck and chance

Obligations Concerned: National Treatment (Articles 10.03, Investment and Article 11.03, Service)
Most-Favored-Nation Treatment (Articles 10.04, Investment and Article 11.04, Service)
Local Presence (Article 11.05, Service)
Performance Requirements (Article 10.07, Investment)
Senior Management and Boards of Directors (Article 10.08, Investment)

Description: Cross-Border Services

The Republic of China reserves the right to maintain or adopt any measures related to the game of luck and chance.

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ANNEX II: FUTURES MEASURES

Sector: Construction services

Obligations Concerned: National Treatment (Articles 10.03, Investment and Article 11.03, Service)
Local Presence (Article 11.05, Service)

Description: Cross-Border Services

The Republic of China reserves the right to maintain or adopt any measure related to the provision of rendering of cross-border services from the territory of a Party into the territory of the other Party in construction services.

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX III: ACTIVITIES RESERVED TO THE STATE

The Republic of China reserves the right to perform exclusively, and to refuse to permit the establishment of investments in, the following activities:

1. Postal and courier services

a) Description of activities:

Business of forwarding letters, postal cards or other papers having the nature of correspondence

b) Measures:

Article 6 of the Postal Law of July 10, 2002

2. Water supply

a) Description of activities:

Business of water supply

b) Measures:

Article 7 of Water Supply Act of May 23, 2005

3. Airport operation and management

a) Description of activities:

Airport operation and management, including terminal and air traffic control services

b) Measures:

Article 28 of Civil Aviation Law of June 9, 2004

LIST FROM THE REPUBLIC OF CHINA (TAIWAN)
ANNEX V: MOST FAVORED NATION TREATMENT

The Republic of China (Taiwan) takes exception to Article 10.04 and 11.04 (Most-Favored-Nation Treatment) for treatment accorded under all bilateral or multilateral international agreements in force or signed prior to the date of entry into force of this Agreement.

The Republic of China (Taiwan) makes exemption to the application of Article 10.03 (Most-Favored-Nation Treatment), to the treatment granted under those agreements in force or signed after the date of entry into effect of this Agreement, in the matter of:

- a) aviation;
- b) fisheries; and
- c) maritime affairs, including salvaging.

For greater certainty, Article 10.04 and 11.04 are not applied to any present or future program of international cooperation to promote economic development.