

ERIA Discussion Paper Series

## Barriers to Trade in Health and Financial Services in ASEAN

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April 2009

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**Abstract:** The purpose of this paper is to give background information on current barriers to trade in four services sectors in the ASEAN region. The information was summarized in a companion paper (Dee 2009), which also laid out concrete proposals for achieving the liberalization targets for these sectors from the ASEAN Economic Blueprint.

The four key services are medical services (medical, dental and paramedical services), health services (hospital, medical laboratory and ambulance services), banking services and insurance services. The medical and health sectors are priority sectors under the ASEAN Economic Community Blueprint. This paper describes the survey instruments that were used to collect information about current regulatory policy settings in these sectors in each of the ten ASEAN economies, gives a detailed presentation of results, and compares the results to other recent surveys of services trade barriers in these sectors.

In the case of healthcare, there are few comparable cross-country studies, and none that have looked at the evolution of services trade barriers over time. In the case of banking and insurance, by contrast, there have been several previous studies, two of which have looked at how services trade barriers in these sectors have changed over time. In this paper, the most recent information on barriers to financial services trade in ASEAN is also made comparable to that in these other recent studies, so that the current situation in ASEAN can be compared with the recent situation in a number of other developed and developing countries. The findings of the other recent studies on the patterns of financial services liberalization over time are also summarized, as this can give insights into likely patterns of liberalization in ASEAN.

**Keywords:** Health services, Financial services, Trade barriers, ASEAN.

**JEL Classification:** F13, F15.

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## **1. Introduction**

The purpose of this paper is to give background information on current barriers to trade in four services sectors in the ASEAN region. The information was summarized in a companion paper (Dee 2009), which also laid out concrete proposals for achieving the liberalization targets for these sectors from the ASEAN Economic Blueprint.

The four key services are medical services (medical, dental and paramedical services), health services (hospital, medical laboratory and ambulance services), banking services and insurance services. The medical and health sectors are priority sectors under the ASEAN Economic Community Blueprint. This paper describes the survey instruments that were used to collect information about current regulatory policy settings in these sectors in each of the ten ASEAN economies, gives a detailed presentation of results, and compares the results to other recent surveys of services trade barriers in these sectors.

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## **2. Survey Questionnaires**

The four questionnaires that were used to collect information on current policy settings in medical, health, banking and insurance services are reproduced at the end of this paper. The questionnaires were completed for each ASEAN economy over the

period October 2008 to March 2009 by researchers contracted by the Economic Research Institute for ASEAN and East Asia (ERIA). The researchers involved in the project, whose hard work is gratefully acknowledged, are as follows:

- Brunei — Shazali Sulaiman, KPMG Brunei;
- Cambodia — Chap Sotharith and Chiek Chansamphors, Cambodian Institute for Cooperation and Peace;
- Indonesia — Raymond Atje, Mochamad Pasha, Teguh Yudo Wicaksono and Ira Titiheruw, Centre for Strategic and International Studies;
- Lao PDR — Leeber Leebouapao, Souphith Darachanthara and Syviengxay Oraboune, National Economic Research Institute;
- Malaysia — Mohamed Ariff, Samirul Ariff Bin Othman and Musalmah Johan, Malaysian Institute of Economic Research;
- Myanmar — Kan Zaw, Cho Cho Thein and Nu Nu Lwin, Yangon Institute of Economics;
- Philippines — Joseph Yap and Erlinda Medalla, Philippine Institute of Development Studies, and Pinky Padronia, Bankers Association of the Philippines;
- Singapore — Hank Lim, Tai Wei Lim and Kester Tay, Singapore Institute of International Affairs;
- Thailand — Wisarn Pupphavesa, Jirawat Panpiemras and Saowaruj Rattanakhamfu, Thailand Development Research Institute, and
- Vietnam — Vo Tri Thanh and Long Trinh Quang, Central Institute of Economic Management.

Each questionnaire begins with a description of the intended sectoral coverage of the survey, and with suggestions of which organizations could usefully be contacted in each economy in order to get up-to-date information about current regulatory policy settings. For example, it was suggested that government departments, professional bodies and practitioners be contacted for information about healthcare, and that government departments and the central bank be contacted for information about financial services.

*Healthcare services* can be provided in hospitals, in clinics run by one or more medical professionals, or by individual medical professionals themselves outside of an institutional setting. The questionnaire for medical services covers the services offered by medical professionals, either individually or in a clinic or other institutional setting, other than in a hospital. The health questionnaire covers the services offered in a hospital or other comparable institutional environment. The two questionnaires are a further development of the framework for assessing barriers to trade in the professions that was developed by Nguyen-Hong (2000).

*Medical professional services* can be traded via mode 3 (commercial presence, in the form of medical clinics), and mode 4 (the movement of either individual professionals or the employees of foreign-located professional services firms). Medical, dental and para-medical services are sometimes provided via mode 1 (eg remote diagnostic services) and mode 2 (consumption abroad).

The questionnaire covering barriers to trade in medical services asks about actual policies affecting all these modes of delivery. Under commercial presence, the questionnaire asks whether there are restrictions on the entry of new professional services firms, either domestically-owned, foreign-invested or both, and whether there are restrictions on the legal form of such firms (eg whether they are prohibited from incorporating, whether foreign entrants are required to establish in a joint venture). It also asks about ownership restrictions — whether there are maximum limits on the equity participation of either private domestic or foreign shareholders in professional service firms, and whether there are restrictions on medical service firms being owned by people who are not licensed professionals.

Under mode 4, the questionnaire asks whether there are restrictions on the entry into professional practice of new individual professionals, either domestic, foreign or both, and asks about any nationality, citizenship or residency requirements for individual professionals to practice. The questionnaire also asks about restrictions on the ability of individual professionals to leave their home country, as this can also affect mode 4 trade. Finally, the questionnaire asks about limitations on the movement of intra-corporate transferees (ie the employees of professional service firms), which might take the form of nationality or residency requirements on certain classes of directors, executives, managers or employees, or a requirement for labour market testing to establish that

there is no qualified domestic person available for a position before a foreign person can be hired.

Under modes 1 and 2, the questionnaire asks whether foreign medical professionals located abroad can provide services cross-border to patients in the home country (eg via telemedicine), and whether domestic residents can purchase medical services while abroad.

Finally, the questionnaire recognizes that certain aspects of the domestic regulatory regime could have a detrimental effect on trade in medical services by unduly restricting the ability of domestic and/or foreign professionals to provide services. A key restriction here is limitations on the recognition of foreign qualifications, which can limit the ability of foreign professionals to obtain a license to practice. Accordingly, the questionnaire asks about the requirements that foreign professionals need to undergo to obtain a license to practice, including whether they need to retrain or sit a local examination, and whether their foreign qualifications are automatically accepted or are subject to a case-by-case assessment.

The questionnaire also asks about other potentially anti-competitive aspects of the regulatory regime, including whether there are activities reserved by law to the profession, whether there are restrictions on advertising or fee setting, whether there are restrictions on the ability of foreign service providers to access government subsidies (where these are available), either for themselves or for their clients, whether there are limitations on foreign professionals participating in government contracts, and whether there are requirements for foreign invested firms to train local staff (which could raise their costs).

Finally, the questionnaire reveals information about the transparency of the regulatory regime, by canvassing which stakeholders are consulted in advance of regulatory changes and by asking how regulatory decisions are made public. For information purposes only, it also asks for details about the regulator and about the licensing criteria used.

*Health services* are primarily facilities-based services that are traded via mode 3, that is, by the entry and operation of foreign-invested operators. Increasingly, however, hospital and medical laboratory services are traded via mode 1 (eg telemedicine or remote diagnostic services). Hospital services are also traded via mode 2 (consumption

abroad). Once again, the questionnaire covering barriers to trade in health services asks about actual policies affecting all these modes of delivery. The format is similar to that for medical services, but focusing on restrictions that affect health institutions rather than individual professionals.

Under commercial presence, the questionnaire asks whether there are restrictions on the entry of new health services firms, either domestically-owned, foreign-invested or both, and whether there are restrictions on the legal form of such firms (eg whether they are prohibited from incorporating, whether foreign entrants are required to establish in a joint venture), and whether they are restricted in the scope of services they can provide or the number or type of clients they can service. It also asks about ownership restrictions — whether there are maximum limits on the equity participation of either private domestic or foreign shareholders in health service firms.

Under mode 4, the questionnaire asks essentially the same types of questions about restrictions on intra-corporate transferees as in the professional services questionnaire.

Under modes 1 and 2, the questionnaire asks whether foreign health services firms located abroad can provide services cross-border to patients in the home country (eg via telemedicine), and whether domestic residents can purchase health services while abroad.

The questionnaire also asks about potentially anti-competitive aspects of the domestic regulatory regime, including whether foreign-invested firms are subject to different licensing or quality assurance requirements from domestic firms, and whether there are restrictions on the ability of foreign health service providers to access government subsidies (where these are available), either for themselves or for their clients.

Finally, the questionnaire reveals information about the transparency of the regulatory regime, by canvassing which stakeholders are consulted in advance of regulatory changes and by asking how regulatory decisions are made public.

The information on actual policies affecting trade in financial services in ASEAN member countries has been collected using two separate questionnaires — one for banking and one for insurance services. These are a further development of the framework for assessing barriers to trade in banking services that was developed by

McGuire and Schuele (2000), Dee and Dinh (2007), Dinh (2008) and World Bank (undated).

Like the earlier frameworks, however, the questionnaires are limited to assessing non-prudential regulation. This is on the understanding that prudential regulation has a legitimate regulatory purpose and is not the target of the Blueprint's liberalization initiatives (which is not to say that prudential regulation could not be improved in ASEAN countries).

*Banking services* involve the acceptance of deposits and other payable funds from the public, and lending of all types, including consumer credit and mortgages. In open economies, banking also involves the provision of foreign exchange services. While banking involves risks, there is some evidence that there are economies of scale in risk management, so that it can be an advantage if banks can combine their banking activities with other activities involving risk management, including insurance and securities management (see Barth, Caprio and Levine 2004 for a survey of the arguments and evidence).

Banking services can be delivered through all four modes of supply — cross-border (mode 1), via the movement of consumers (mode 2), via commercial presence and via the movement of individual bank personnel (particularly intra-corporate transferees, mode 4).

The questionnaire covering barriers to trade in banking services asks about actual policies affecting all these modes of delivery. However, one key aspect of the macroeconomic environment will affect trade in banking services via all four modes of supply. This is whether there are any controls on short- or long-term capital flows between countries. The questionnaire asks first about the existence of such capital controls.

Under commercial presence, the questionnaire asks whether there are restrictions on the entry of new banks, either domestically-owned, foreign-invested or both, and whether there are restrictions on the legal form of foreign banks (eg whether branches and/or subsidiaries are allowed), and whether banks are restricted in the scope of services they can provide (including non-bank services) or the number or outlets (street branches, offices and ATMs) that can have.

Note that the issue of the legal form that foreign banks are allowed to take is one area where the distinction between prudential and non-prudential regulation becomes blurred. When foreign banks establish subsidiaries, they must hold equity capital in those subsidiaries locally, and the host country's prudential rules governing minimum capital ratios can be applied to that local equity capital. By contrast, when foreign banks establish branches, their equity capital can stay in the home country, and the host country's prudential rules cannot be as easily applied. Some countries are prepared to allow this, essentially relying on the prudential regulation of the foreign bank's home country to determine capital ratios. Other countries allow foreign branches, but constrain them to lend against local capital. This is more restrictive than allowing them to lend against parent capital, although it can be justified for prudential reasons. It has nevertheless been counted as a restriction if branches are not allowed to lend against parent capital.

The banking questionnaire also asks about ownership restrictions — whether there are maximum limits on the equity participation of either private domestic or foreign shareholders in banks.

Under modes 1 and 2, the questionnaire asks about limitations on the movement of intra-corporate transferees (ie the directors, executives, managers and employees of banks), which might take the form of nationality or residency requirements on certain classes of personnel, or a requirement for labour market testing. It also asks about the permitted length of short- or long-term stay for such transferees, an aspect of the regulatory regime that is typically set horizontally by immigration departments rather than by banking regulators.

Finally, the questionnaire asks about potentially anti-competitive aspects of the domestic regulatory regime, including whether foreign-invested banks are subject to different licensing requirements from domestic banks, and whether interest rates are set or approved by government.

*Insurance services* involve the provision of different types of insurance, including life insurance, medical insurance, property insurance (which can cover marine, aviation and transport (MAT), automobile, freight, and building insurance), reinsurance, and broking services. Perhaps more than any other service, insurance is traded actively through all four modes of supply.



The structure of the insurance questionnaire is similar to that for banking, although without an emphasis on whether insurance companies can offer non-insurance services. In addition to the general restrictions on commercial presence, there are a few that are peculiar to insurance. One is restrictions on reinsurance — whether it is prohibited, whether reinsurance is restricted to foreign insurance companies, or whether a certain percentage of premiums need to be reinsured with domestically appointed insurers (the so-called ceding percentage). Another is limitations on whether insurance companies can hold assets overseas, or limitations on the form in which they must hold their assets.

Included in the restrictions on cross-border trade is whether there are restrictions on offshore insurance companies being allowed to solicit business through advertising in the home country. Included in the regulatory restrictions is whether the insurance premiums for the various insurance products are set or approved by government.

### **3. Survey Results**

The survey responses, along with any accompanying explanatory notes that were provided by the survey respondents, have been compiled in four spreadsheets, one for each survey. These spreadsheets also contain coding to generate index measures that summarize the survey responses. The spreadsheets are an integral part of the output of this project. They make transparent and publicly available both the detailed qualitative information contained in the survey responses, as well as the methods by which the summary indexes have been generated. It is anticipated that scrutiny of this detailed information by stakeholders in the ASEAN region will lead to greater general understanding of the policies and practices affecting healthcare and financial services in each economy.

It is also anticipated that these survey tools could be used on a repeated basis to monitor progress towards achieving the Blueprint's liberalization objectives. As noted in Dee (2009), however, not all of the indicators of regulatory restrictions in healthcare would be reduced to zero as a result of this liberalization, because of interactions between trade policy and domestic regulation in this field. The aim instead should be to

ensure that regulatory structures in healthcare are no more burdensome than necessary to ensure quality of the service. In most (but not all) cases, however, this means that they should operate on a non-discriminatory basis. In financial services, by contrast, it should be anticipated that most of the indicators of regulatory restrictions would be reduced to zero as a result of liberalization. In particular, there should be a significant reduction the extent of discrimination against foreign suppliers that still exists in some ASEAN countries, more than a decade after the Asian financial crisis.

For ease of summarizing the survey responses, the qualitative information about trade restrictions and about transparency has been coded in a zero-one fashion, where for each question, a score of 1 has been assigned if the restriction or transparency mechanism applies, and 0 if it does not. Sometimes an intermediate score is assigned for intermediate stages of restrictiveness. For example, if foreign equity participation is limited to 25 per cent, then a score of 0.75 is assigned, while if foreign equity participation is allowed to reach 75 per cent, then a score of 0.25 is assigned.

To obtain a restrictiveness or transparency score for a broad restriction category, such as a score for the all the restrictions affecting a particular mode of service delivery, the zero-one scores for each of the restrictions affecting that mode have been simply added together. This means that each of the different restrictions affecting that mode have been given equal weight — no attempt has been made to make an assessment of the relative severity of the different restrictions. Accordingly, the overall restrictiveness scores for broad categories of restrictions reflect the frequency, but not necessarily the severity, of individual restrictions. To normalize the scores for a group, they have then been divided by the maximum possible restrictiveness score for that group. This gives a final restrictiveness score expressed as a percentage, where a score of 75 per cent means that three-quarters of the restrictions that could potentially apply to that category of trade do in fact apply. The same process has been applied to transparency scores.

Using this scoring and aggregation technique, it is possible to present simple summaries of the survey results. Tables 1 to 7 reproduce the summary tables that were presented in the companion paper (Dee 2009).

**Table 1. Restrictions on Trade in Medical Services, by Profession and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
Consumption abroad (mode 2)	0	0	0	0	0	50	0	0	0	0	5
<b>MEDICAL</b>											
Comm. presence (mode 3) – professional service firms	0	0	40	40	20	60	0	0	0	0	16
Inward movt. of people (mode 4) – individual professionals	75	25	50	75	50	75	75	0	50	0	48
Outward movt. of people (mode 4) – individual professionals	0	50	0	50	50	50	50	0	0	50	30
Inward movt. of people (mode 4) – intra-corp. transferees	20	40	20	60	100	100	60	20	20	60	50
Cross-border trade (mode 1)	67	0	100	33	33	67	0	0	0	0	30
Ownership	25	0	7	25	10	33	25	0	17	0	14
Regulation – licensing	25	50	100	25	25	75	25	25	38	50	44
Regulation – restrictions on operation	44	22	44	0	72	61	44	11	0	0	30
<b>Total</b>	<b>31</b>	<b>21</b>	<b>36</b>	<b>33</b>	<b>50</b>	<b>64</b>	<b>38</b>	<b>7</b>	<b>14</b>	<b>15</b>	<b>31</b>
Transparency	38	38	63	38	50	25	88	75	38	75	53
<b>DENTAL</b>											
Comm. presence (mode 3) – professional service firms	0	0	40	40	20	60	0	0	0	0	16
Inward movt. of people (mode 4) – individual professionals	75	25	50	75	50	75	75	0	50	0	48
Outward movt. of people (mode 4) – individual professionals	0	50	0	50	50	50	0	0	0	50	25
Inward movt. of people (mode 4) – intra-corp. transferees	20	40	20	60	100	100	60	20	20	60	50
Cross-border trade (mode 1)	67	0	100	33	33	67	0	0	0	0	30
Ownership	25	0	7	25	10	33	25	0	17	0	14
Regulation – licensing	25	50	100	25	25	75	25	25	38	50	44
Regulation – restrictions on operation	44	22	44	0	72	61	22	11	0	0	28
<b>Total</b>	<b>31</b>	<b>21</b>	<b>36</b>	<b>33</b>	<b>50</b>	<b>64</b>	<b>29</b>	<b>7</b>	<b>14</b>	<b>15</b>	<b>30</b>
Transparency	38	38	63	38	50	25	88	75	38	75	53
<b>PARA-MEDICAL</b>											
Comm. presence (mode 3) – professional service firms	0	0	40	40	20	60	0	0	0	0	16
Inward movt. of people (mode 4) – individual professionals	75	25	75	75	50	75	75	0	50	0	50
Outward movt. of people (mode 4) – individual professionals	0	50	0	50	50	50	0	0	0	50	25
Inward movt. of people (mode 4) – intra-corp. transferees	20	40	20	60	100	100	60	20	20	60	50
Cross-border trade (mode 1)	67	0	100	33	33	67	0	0	0	0	30
Ownership	25	0	7	25	10	33	25	0	17	0	14
Regulation – licensing	25	50	50	25	25	75	25	25	38	50	39
Regulation – restrictions on operation	44	22	44	0	72	61	22	11	11	0	29
<b>Total</b>	<b>31</b>	<b>21</b>	<b>36</b>	<b>33</b>	<b>50</b>	<b>64</b>	<b>29</b>	<b>7</b>	<b>17</b>	<b>15</b>	<b>30</b>
Transparency	38	38	63	38	50	25	88	75	38	75	53

Source: Survey responses.

**Table 2. Restrictions on Trade in Medical Services, by Ownership Category and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>DOMESTIC MEDICAL</b>											
Comm. presence (mode 3) – professional service firms	0	0	0	0	0	0	0	0	0	0	0
Inward movt. of people (mode 4) – individual professionals	0	0	0	0	0	0	0	0	0	0	0
Outward movt. of people (mode 4) – individual professionals	0	50	0	50	50	50	50	0	0	50	30
Ownership	0	0	0	0	0	0	0	0	0	0	0
Regulation – restrictions on operation	50	25	50	0	63	13	50	25	0	0	28
<b>Total</b>	<b>11</b>	<b>16</b>	<b>11</b>	<b>11</b>	<b>24</b>	<b>13</b>	<b>21</b>	<b>5</b>	<b>0</b>	<b>11</b>	<b>12</b>
<b>FOREIGN MEDICAL</b>											
Comm. presence (mode 3) – professional service firms	0	0	57	57	29	86	0	0	0	0	23
Inward movt. of people (mode 4) – individual professionals	33	33	0	33	67	33	33	0	67	0	30
Outward movt. of people (mode 4) – individual professionals	20	40	20	60	100	100	60	20	20	60	50
Cross-border trade (mode 1)	67	0	100	33	33	67	0	0	0	0	30
Ownership	50	0	13	50	20	67	50	0	34	0	29
Regulation – licensing	25	50	100	25	25	75	25	25	38	50	44
Regulation – restrictions on operation	43	21	43	0	75	75	43	7	0	0	31
<b>Total</b>	<b>31</b>	<b>22</b>	<b>38</b>	<b>34</b>	<b>60</b>	<b>75</b>	<b>37</b>	<b>8</b>	<b>19</b>	<b>16</b>	<b>34</b>

Source: Survey responses.

**Table 3. Restrictions on Trade in Health Services, by Service and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
Consumption abroad (mode 2)	0	0	0	0	0	50	0	0	0	0	5
<b>HOSPITAL</b>											
Commercial presence (mode 3)	43	0	29	29	14	71	57	0	43	0	29
Movement of people (mode 4) – intra-corporate transferees	20	40	60	60	100	100	60	0	60	40	54
Cross-border trade (mode 1)	67	0	100	0	33	67	0	0	0	0	27
Ownership	38	0	10	0	15	50	0	0	26	0	14
Regulation	17	17	67	33	67	83	33	0	0	0	32
<b>Total</b>	<b>31</b>	<b>13</b>	<b>45</b>	<b>30</b>	<b>48</b>	<b>77</b>	<b>39</b>	<b>0</b>	<b>31</b>	<b>9</b>	<b>32</b>
Transparency	33	33	83	33	50	33	100	67	67	50	55
<b>MEDICAL LABORATORY</b>											
Commercial presence (mode 3)	43	0	29	14	14	71	57	0	43	0	27
Movement of people (mode 4) – intra-corporate transferees	20	40	60	60	100	100	60	20	20	40	52
Cross-border trade (mode 1)	0	0	100	0	33	67	0	0	0	0	20
Ownership	38	0	10	0	15	50	0	0	26	0	14
Regulation	17	17	67	33	67	83	0	0	0	0	28
<b>Total</b>	<b>28</b>	<b>13</b>	<b>45</b>	<b>26</b>	<b>48</b>	<b>77</b>	<b>30</b>	<b>4</b>	<b>22</b>	<b>9</b>	<b>30</b>
Transparency	33	33	83	33	50	33	100	67	33	50	52
<b>AMBULANCE</b>											
Commercial presence (mode 3)	43	0	71	0	14	71	29	0	43	0	27
Movement of people (mode 4) – intra-corporate transferees	20	40	100	60	100	100	60	20	20	40	56
Cross-border trade (mode 1)	0	0	0	0	0	67	0	0	0	0	7
Ownership	38	0	50	0	15	50	0	0	26	0	18
Regulation	17	17	83	33	67	83	0	0	0	0	30
<b>Total</b>	<b>28</b>	<b>13</b>	<b>74</b>	<b>22</b>	<b>46</b>	<b>77</b>	<b>22</b>	<b>4</b>	<b>22</b>	<b>9</b>	<b>32</b>
Transparency	33	33	0	33	50	33	0	67	33	50	33

Source: Survey responses.

**Table 4. Restrictions on Trade in Hospital Services, by Ownership Category and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>DOMESTIC HOSPITAL</b>											
Commercial presence (mode 3)	0	0	0	0	0	0	67	0	0	0	7
Ownership	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>FOREIGN HOSPITAL</b>											
Commercial presence (mode 3)	55	0	36	36	18	91	55	0	55	0	35
Movt. of people (mode 4) – intra-corporate transferees	20	40	60	60	100	100	60	0	60	40	54
Cross-border trade (mode 1)	67	0	100	0	33	67	0	0	0	0	27
Ownership	75	0	20	0	30	100	0	0	51	0	28
Regulation	17	17	67	33	67	83	33	0	0	0	32
<b>TOTAL</b>	<b>37</b>	<b>15</b>	<b>53</b>	<b>36</b>	<b>56</b>	<b>91</b>	<b>41</b>	<b>0</b>	<b>36</b>	<b>10</b>	<b>38</b>

Source: Survey responses.

**Table 5. Restrictions on Trade in Banking Services, by Ownership Category and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
Macroeconomic policies	0	0	0	0	0	50	25	0	50	0	<b>13</b>
Consumption abroad (mode 2)	0	0	0	0	0	100	100	0	0	50	<b>25</b>
<b>DOMESTIC FIRMS</b>											
Commercial presence (mode 3)	18	15	28	40	0	63	20	10	35	45	<b>27</b>
Ownership	8	8	17	0	33	33	17	17	33	8	<b>18</b>
Regulation	50	25	0	0	75	100	0	25	100	33	<b>41</b>
<b>Total</b>	<b>20</b>	<b>15</b>	<b>22</b>	<b>27</b>	<b>17</b>	<b>62</b>	<b>17</b>	<b>13</b>	<b>43</b>	<b>36</b>	<b>27</b>
<b>FOREIGN FIRMS</b>											
Commercial presence (mode 3)	17	14	25	38	52	90	36	9	49	49	<b>38</b>
Cross-border trade (mode 1)	50	17	8	75	33	72	33	0	0	50	<b>34</b>
Movt. of people (mode 4) – intra-corporate transferees	59	64	38	25	6	89	50	28	51	41	<b>45</b>
Ownership	8	8	17	50	80	100	57	17	67	55	<b>46</b>
Regulation	67	17	0	0	50	100	0	17	67	22	<b>34</b>
<b>Total</b>	<b>35</b>	<b>21</b>	<b>20</b>	<b>41</b>	<b>44</b>	<b>88</b>	<b>36</b>	<b>11</b>	<b>42</b>	<b>46</b>	<b>39</b>

*Source:* Survey responses.

**Table 6. Restrictions on Trade in Insurance Services, by Insurance Product and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
Macroeconomic policies	0	0	0	0	0	50	25	0	50	0	13
<b>LIFE INSURANCE</b>											
Commercial presence (mode 3)	26	3	23	6	9	71	18	0	33	25	21
Cross-border insurance trade (mode 1)	50	50	50	100	100	100	50	0	50	100	65
Consumption abroad (mode 2)	0	0	0	50	0	100	50	0	0	0	20
Movement of people (mode 4)	59	64	38	25	6	100	50	28	51	41	46
Ownership	0	0	10	35	35	100	0	0	26	0	21
Regulation	50	25	0	75	25	100	0	25	50	50	40
<b>Total</b>	<b>31</b>	<b>16</b>	<b>21</b>	<b>29</b>	<b>20</b>	<b>85</b>	<b>21</b>	<b>7</b>	<b>37</b>	<b>31</b>	<b>30</b>
<b>MEDICAL INSURANCE</b>											
Commercial presence (mode 3)	26	3	23	6	9	77	18	0	33	25	22
Cross-border insurance trade (mode 1)	50	50	50	100	100	100	50	0	50	100	65
Consumption abroad (mode 2)	0	0	0	50	0	100	100	0	0	0	25
Movement of people (mode 4)	59	64	38	25	6	100	50	28	51	41	46
Ownership	0	0	10	35	35	100	0	0	26	0	21
Regulation	50	75	0	75	25	75	0	25	50	75	45
<b>Total</b>	<b>31</b>	<b>22</b>	<b>21</b>	<b>29</b>	<b>20</b>	<b>85</b>	<b>22</b>	<b>7</b>	<b>37</b>	<b>34</b>	<b>31</b>
<b>PROPERTY INSURANCE</b>											
Commercial presence (mode 3)	26	3	23	6	9	71	18	0	33	25	21
Cross-border insurance trade (mode 1)	50	50	50	100	100	100	50	0	50	100	65
Consumption abroad (mode 2)	0	0	0	100	0	100	50	0	0	0	25
Movement of people (mode 4)	59	64	38	25	6	100	50	28	51	41	46
Ownership	0	0	10	35	35	100	0	0	26	0	21
Regulation	50	75	50	75	25	100	0	25	50	50	50
<b>Total</b>	<b>31</b>	<b>22</b>	<b>27</b>	<b>30</b>	<b>20</b>	<b>85</b>	<b>21</b>	<b>7</b>	<b>37</b>	<b>31</b>	<b>31</b>



Table 6. Restrictions on Trade in Insurance Services, by Insurance Product and Mode of Delivery (%)

(Continued)

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>REINSURANCE</b>											
Commercial presence (mode 3)	26	3	23	31	9	71	18	0	33	25	<b>24</b>
Cross-border insurance trade (mode 1)	50	50	50	100	100	100	50	0	50	100	<b>65</b>
Consumption abroad (mode 2)	0	0	0	100	0	100	0	0	0	0	<b>20</b>
Movement of people (mode 4)	59	64	38	25	6	100	50	28	51	41	<b>46</b>
Ownership	0	0	10	100	35	100	0	0	26	0	<b>27</b>
Regulation	50	75	0	75	25	75	0	25	50	50	<b>43</b>
<b>Total</b>	<b>31</b>	<b>22</b>	<b>21</b>	<b>52</b>	<b>20</b>	<b>82</b>	<b>19</b>	<b>7</b>	<b>37</b>	<b>31</b>	<b>32</b>
<b>BROKING</b>											
Commercial presence (mode 3)	26	3	23	50	9	71	18	0	24	25	<b>25</b>
Cross-border insurance trade (mode 1)	50	50	50	100	100	100	50	0	50	100	<b>65</b>
Consumption abroad (mode 2)	0	0	0	100	0	100	0	0	0	0	<b>20</b>
Movement of people (mode 4)	59	64	63	100	6	100	50	28	51	41	<b>56</b>
Ownership	0	0	10	50	35	100	0	0	26	0	<b>22</b>
Regulation	50	75	0	63	25	75	0	25	50	50	<b>41</b>
<b>Total</b>	<b>31</b>	<b>22</b>	<b>24</b>	<b>63</b>	<b>20</b>	<b>82</b>	<b>19</b>	<b>7</b>	<b>32</b>	<b>31</b>	<b>33</b>

Source: Survey responses.

**Table 7. Restrictions on Trade in Life Insurance Services, by Ownership Category and Mode of Delivery (%)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>LIFE INSURANCE - DOMESTIC</b>											
Commercial presence (mode 3)	28	0	15	0	0	43	9	0	25	23	<b>14</b>
Ownership	0	0	0	0	0	100	0	0	0	0	<b>10</b>
Regulation	67	0	0	67	33	100	0	33	67	33	<b>40</b>
<b>Total</b>	<b>28</b>	<b>0</b>	<b>10</b>	<b>10</b>	<b>5</b>	<b>63</b>	<b>6</b>	<b>5</b>	<b>26</b>	<b>20</b>	<b>17</b>
<b>LIFE INSURANCE - FOREIGN</b>											
Commercial presence (mode 3)	25	4	27	11	16	89	24	0	39	26	<b>26</b>
Cross-border trade (mode 1)	50	50	50	100	100	100	50	0	50	100	<b>65</b>
Consumption abroad (mode 2)	0	0	0	50	0	100	50	0	0	0	<b>20</b>
Movement of people (mode 4)	59	64	38	25	6	100	50	28	51	41	<b>46</b>
Ownership	0	0	20	70	70	100	0	0	51	0	<b>31</b>
Regulation	40	40	0	80	20	100	0	20	40	60	<b>40</b>
<b>Total</b>	<b>32</b>	<b>24</b>	<b>26</b>	<b>38</b>	<b>27</b>	<b>95</b>	<b>28</b>	<b>8</b>	<b>42</b>	<b>36</b>	<b>36</b>

*Source:* Survey responses.

Table 1 shows the prevalence of restrictions affecting trade in medical services, by type of professional service and mode of trade, for each of the ten ASEAN economies. For each professional service, the table also gives a transparency score, reflecting the extent of consultation before regulatory changes, and the number of different ways in which the resulting regulatory changes are published. Table 2 gives a different perspective on these restrictions, by showing their relative prevalence on domestically-owned and foreign-invested (or foreign located) medical firms. As noted in Dee (2009), the relative prevalence on dental and paramedical firms is similar to that for medical firms (see Table 1).

Tables 3 and 4 give a comparable picture of the prevalence of restrictions affecting the various health services.

Table 5 shows the relative prevalence on domestically-owned and foreign-invested (or foreign located) firms of restrictions affecting trade in banking services, for each of the ten ASEAN countries. The restrictions are also broken down by mode of trade (where domestic firms can be affected by restrictions affecting commercial presence and ownership and by regulatory restrictions).

Table 6 shows the prevalence of restrictions affecting trade in insurance services, by type of insurance product and mode of trade, for each of the ten ASEAN countries. Table 7 shows the relative prevalence on domestically-owned and foreign-invested (or foreign located) firms of restrictions affecting trade in life insurance services, for each of the ten ASEAN countries. As noted in Dee (2009), the relative prevalence on other types of insurance products is similar to that for life insurance (see Table 6).

The patterns of trade restrictions shown in these tables were discussed in Dee (2009). Generally, Singapore is the most open of the ASEAN economies, while Myanmar is the most closed. In health services, most of the regulatory restrictions are aimed at foreign operators, while in medical services, restrictions on domestic services suppliers are also prevalent (although not as prevalent as on foreign providers). In financial services, while the Asian crisis may have led to a streamlining and tightening up of prudential regulation, and some relaxation of foreign equity limits, there are still significant regulatory restrictions in other areas that penalize domestic providers and foreign providers much more so.

It should be stressed, however, that the relative rankings of countries in these tables should be regarded as indicative, rather than definitive. Despite efforts to develop a common understanding about the survey questions among the respondents,

there is inevitable variation in the ways in which questions have been interpreted, and in the depth and quality of responses. In particular, countries that have provided very detailed responses sometimes run the risk of looking more restrictive, simply because they have provided more complete information.

The main purpose of this section is to present the survey results in a way that will facilitate comparisons with previous studies. It is not possible to present the survey results in full. First, there is a great deal of information. Second, much of it is qualitative. However, as the summary tables demonstrate, there does not appear to be a great deal of difference in the prevalence of restrictions across the different medical, health or insurance services. Accordingly, detailed results are presented for just one of the medical, health and insurance services. The medical service is medical (as opposed to dental or paramedical), the health service is hospital services and the insurance product is life insurance. Detailed results are also presented for banking.

These detailed results are shown in Tables 8 to 13, which give the zero-one scores that have been assigned to the survey responses for most of the survey questions. Some survey questions have not been coded in this fashion, for example, the questions that ask for details about licensing conditions. While this information may be of interest in its own right, no attempt has been made to judge whether general licensing criteria are 'too tight' in one country, relative to another. Instead, the indexes of trade barriers focus on such things as whether foreign providers are subject to different licensing criteria from domestic providers. The reader is referred to the spreadsheets that accompany this report for details about licensing criteria and other dimensions of the survey that have not been coded. They are also referred to those spreadsheets for descriptions of the policy regimes that have led to the responses, and subsequent coding, shown in Tables 8 to 13.

**Table 8. Restrictions on Trade in Medical Services (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<i>Commercial presence (mode 3) – professional firms</i>											
1 Are there restrictions on new entry - by any firm?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
By foreign firms?	0	0	1	1	0	1	0	0	0	0	<b>0.3</b>
3 Are firms prohibited from incorporating?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
4 Are foreign firms prohibited from est. in a joint venture?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
Are they required to establish in a JV?	0	0	1	1	1	1	0	0	0	0	<b>0.4</b>
<i>Inward movt. of people (mode 4) – individual professionals</i>											
5 Are there restrictions on new entry - by any individual?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Entry by foreign individuals?	1	0	1	1	0	1	1	0	0	0	<b>0.5</b>
7 Is there a nationality or citizenship requirement?	1	0	1	1	1	1	1	0	1	0	<b>0.7</b>
8 Is there a residency or local presence requirement?	1	1	0	1	1	1	1	0	1	0	<b>0.7</b>
<i>Outward movt. of people (mode 4) – individual professionals</i>											
9 Are there restrictions on outward movement?	0	1	0	1	0	1	1	0	0	1	<b>0.5</b>
10 Are there other restrictions on exit?	0	0	0	0	1	0	0	0	0	0	<b>0.1</b>
<i>Inward movt. of people (mode 4) – intra-corp. transferees</i>											
11 Are there requirements to have nationals/residents?	1	1	1	0	1	1	1	0	1	1	<b>0.8</b>
12 Are there restrictions on employing locally trained professionals in foreign firms?	0	0	0	0	1	1	0	0	0	0	<b>0.2</b>
13 Are intra-corp. transf. subject to labour market tests?	0	0	0	1	1	1	1	0	0	0	<b>0.4</b>
14 Are managers required to be locally licensed?	0	1	0	1	1	1	1	1	0	1	<b>0.7</b>
15 Are managers required to be locally domiciled?	0	0	0	1	1	1	0	0	0	1	<b>0.4</b>
<i>Cross-border trade (mode 1)</i>											
16 Are professionals located abroad able to provide services cross-border to patients in your country (eg tele-medicine)?	0.67	0	1	0.33	0.33	0.67	0	0	0	0	<b>0.3</b>
<i>Consumption abroad (mode 2)</i>											
17 Can dom. residents purchase med. serv. while abroad?	0	0	0	0	0	0.5	0	0	0	0	<b>0.1</b>

Table 8. Restrictions on Trade in Medical Services (Index 0-1)

(Continued)

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>Ownership</b>											
18 Is private ownership allowed - existing operators?	0	0	0	0	0	0	0	0	0	0	<b>0.0</b>
New entrants	0	0	0	0	0	0	0	0	0	0	<b>0.0</b>
19 Is foreign ownership allowed - existing operators?	0.75	0	0.05	0.75	0.3	1	0.75	0	0.51	0	<b>0.4</b>
New entrants	0.75	0	0.35	0.75	0.3	1	0.75	0	0.51	0	<b>0.4</b>
20 Are non-professional investors allowed an equity stake in professional service firms - existing operators?	0	0.01	0	0.01	0.01	0	0	0	0	0	<b>0.0</b>
New entrants	0	0.01	0	0.01	0.01	0	0	0	0	0	<b>0.0</b>
<b>Regulation – licensing</b>											
24 Reqts. for for. individuals to be licensed to practice	0.5	0	1	0.5	0.5	0.5	0.5	0.5	0.75	0	<b>0.5</b>
25 Other reqts. for licensing for. individual professionals	0	1	1	0	0	1	0	0	0	1	<b>0.4</b>
<b>Regulation – restrictions on operation</b>											
29 Are there activities reserved by law to the profession?	1	0	0	0	1	0	1	0	0	0	<b>0.3</b>
30 Restrictions on having partnership with other profs?	0	0	1	0	0	0	0	0	0	0	<b>0.1</b>
31 Restrictions on advertising, marketing or soliciting?	1	1	1	0	0.5	0.5	1	1	0	0	<b>0.6</b>
32 Restrictions on fee setting?	0	0	0	0	1	0	0	0	0	0	<b>0.1</b>
33 Requirement for foreign-invested firms to train local staff?	1	1	0	0	1	1	0	0	0	0	<b>0.4</b>
34 Restrictions on for. participation in government contracts	0	0	0	0	0	1	1	0	0	0	<b>0.2</b>
35 Requirement to have the work of a foreign professional approved by a locally trained/licensed professional	1	0	1	0	1	1	0	0	0	0	<b>0.4</b>
39 For. providers restricted in access to producer subsidies	0	0	1	0	1	1	0	0	0	0	<b>0.3</b>
Their clients restricted in access to consumer subsidies	0	0	0	0	1	1	1	0	0	0	<b>0.3</b>

Source: Survey responses.

**Table 9. Transparency of Regulation of Medical Services (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>36 Which of the following are consulted in advance of regulatory changes (eg licensing requirements)?</b>											
Service providers	1	1	1	0	1	0	1	1	0	1	0.7
Professional bodies	1	1	1	1	1	1	1	1	1	1	1
Users	0	0	0	0	0	0	0	1	0	0	0.1
Other	0	0	0	0	0	0	1	0	0	0	0.1
<b>37 How are laws and regulatory decisions made public?</b>											
Government website	0	0	1	0	1	0	1	1	1	1	0.6
Professional body's website	0	0	1	0	0	0	1	1	1	1	0.5
Official gazette	1	1	1	1	1	1	1	1	0	1	0.9
Other	0	0	0	1	0	0	1	0	0	1	0.3

Source: Survey responses.

**Table 10. Restrictions on Trade in Hospital Services, and Transparency of Regulation (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b><i>Commercial presence (mode 3)</i></b>											
1 Restrictions on new entry - by any firm?	0	0	0	0	0	0	1	0	0	0	<b>0.1</b>
By foreign firms?	1	0	0	1	0	1	1	0	0	0	<b>0.4</b>
3 Are these firms prohibited from incorporating?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
4 Are foreign firms prohibited from est. in a joint venture?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
Are they required to establish in a JV?	1	0	1	0	1	1	0	0	1	0	<b>0.5</b>
5 Are foreign firms restricted in their scope of services?	0	0	1	1	0	1	1	0	1	0	<b>0.5</b>
6 Are foreign firms restricted in their number of clients?	1	0	0	0	0	1	1	0	1	0	<b>0.4</b>
<b><i>Movt. of people (mode 4) – intra-corporate transferees</i></b>											
7 Minimum reqts. to have nationals/residents in for. firms	1	1	1	1	1	1	1	0	1	1	<b>0.9</b>
8 Restrictions on employing local professionals in for. firms	0	0	0	0	1	1	0	0	0	0	<b>0.2</b>
9 Are intra-corp. transf. subject to labour market tests?	0	0	0	1	1	1	1	0	0	0	<b>0.4</b>
10 Are managers required to be locally licensed?	0	1	1	1	1	1	1	0	1	1	<b>0.8</b>
11 Are managers required to be locally domiciled?	0	0	1	0	1	1	0	0	1	0	<b>0.4</b>
<b><i>Cross-border trade (mode 1)</i></b>											
12 Are providers located abroad able to provide services cross-border to patients in your country (eg tele-medicine)?	0.67	0	1	0	0.33	0.67	0	0	0	0	<b>0.3</b>
<b><i>Consumption abroad (mode 2)</i></b>											
13 Can domestic residents purchase services while abroad?	0	0	0	0	0	0.5	0	0	0	0	<b>0.1</b>
<b><i>Ownership</i></b>											
14 Is private ownership allowed - in existing operators?	0	0	0	0	0	..	0	0	0	0	<b>0</b>
New entrants	0	0	0	0	0	..	0	0	0	0	<b>0</b>
15 Is foreign ownership allowed - in existing operators?	0.75	0	0.05	0	0.3	1	0	0	0.51	0	<b>0.3</b>
New entrants	0.75	0	0.35	0	0.3	1	0	0	0.51	0	<b>0.3</b>



Table 10. Restrictions on Trade in Hospital Services, and Transparency of Regulation (Index 0-1)

(Continued)

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b>Regulation</b>											
21 Are foreign providers subject to different licensing requirements from domestic firms?	0	0	1	1	0	1	0	0	0	0	<b>0.3</b>
22 Are foreign providers required to train local staff?	1	1	1	1	1	1	0	0	0	0	<b>0.6</b>
23 Do quality assurance obligations on foreign providers differ from those for domestic institutions?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
24 Are foreign providers restricted in their ability to charge fees?	0	0	0	0	1	1	0	0	0	0	<b>0.2</b>
26 Are foreign providers restricted in their access to producer subsidies?	0	0	1	0	1	1	1	0	0	0	<b>0.4</b>
Are their local clients (nationals) restricted in their access to consumer subsidies?	0	0	1	0	1	1	1	0	0	0	<b>0.4</b>
29 Which of the following are consulted in advance of regulatory changes (eg accreditation requirements)?											
Service providers	1	1	1	1	1	1	1	1	1	0	<b>0.9</b>
Users	0	0	1	0	0	0	1	1	1	0	<b>0.4</b>
Other	0	0	0	0	0	0	1	0	0	0	<b>0.1</b>
30 How are laws and regulatory decisions made public?											
Regulator's website	0	0	1	0	1	0	1	1	1	1	<b>0.6</b>
Official gazette	1	1	1	0	1	1	1	1	1	1	<b>0.9</b>
Other	0	0	1	1	0	0	1	0	0	1	<b>0.4</b>

Source: Survey responses.

**Table 11. Restrictions on Banking Services — Domestic Banks (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
1 Restrictions on capital flows?	0	0	0	0	0	0.5	0.25	0	0.5	0	0.1
<i>Commercial presence (mode 3)</i>											
2 Restrictions on new entry of domestic banks?	0	0	0	0	0	1	0	0	1	1	0.3
4 Entry restricted by screening or needs tests?	0.8	0	0	0	0	0.8	0	0	0.5	0.7	0.3
6 Restrictions on the ability to raise funds?	0	0	0	0	0	0	0	0	0	0	0
7 Restrictions on the ability of to lend?	0	0	0.25	0	0	0	0.5	0	0	0.25	0.1
8 Which services can domestic banks provide domestically?											
Settlement services (eg collection, payment)	0	0	0	0.5	0	0	0	0	0	0	0.1
Securities activities (eg underwriting, dealing, brokering)	0	0	0.5	1	0	1	0	0	0.5	0.5	0.4
Real estate business ( investment, development, mgt)	0	0	0	1	0	1	1	1	0.5	0.5	0.5
Foreign exchange services	0	0	0.5	0.5	0	1	0	0	0.5	0.5	0.3
Insurance	0.5	1	1	1	0	1	0	0	0.5	0.5	0.6
10 Restrictions to expanding operations — street branches?	0.5	0.5	0.5	0	0	0.5	0.5	0	0	0.5	0.3
<i>Ownership</i>											
17 Private ownership allowed - existing banks?	0	0	0	0	0	0	0	0	0	0	0
New entrants?	0	0	0	0	0	0	0	0	0	0	0
19 Restrictions on ownership of non-financial firms?	0.25	0.25	0.5	0	1	1	0.5	0.5	1	0.25	0.5
<i>Registration, authorization or licensing</i>											
24 Are licenses allocated by discretionary decisions	1	0	0	0	1	1	0	0	1	0	0.4
26 Are interest rates set or approved by government?	0	0.5	0	0	0.5	1	0	0.5	0	0.67	0.3

Source: Survey responses.

**Table 12. Restrictions on Banking Services — Foreign Banks (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
1 Are there restrictions on capital flows?	0	0	0	0	0	0.5	0.25	0	0.5	0	<b>0.1</b>
<i>Commercial presence (mode 3)</i>											
2 Restrictions on new entry of foreign banks?	0	0	0	0	1	1	1	0	1	1	<b>0.5</b>
4 Entry restricted by screening or needs tests?	0.8	0	0	0	0.3	0	0.5	0	0.5	1	<b>0.3</b>
5 Legal forms of establishment allowed	0.1	0	0	0.2	0.4	0.9	0	0	0.4	0.4	<b>0.2</b>
6 Restrictions on ability to raise funds?	0	0	0	0	0.25	1	0	0	0	0.25	<b>0.2</b>
7 Restrictions on ability to lend?	0	0	0.25	0	0.75	1	0.5	0	0	0.25	<b>0.3</b>
9 Which services can foreign banks provide domestically?											
Settlement services (eg collection, payment)	0	0	0	0.5	0.5	1	0	0	0	0	<b>0.2</b>
Securities activities (eg underwriting, dealing, brokering)	0	0	0.5	1	0.5	1	0	0	1	0.5	<b>0.5</b>
Real estate business ( investment, development, mgt)	0	0	0	1	0.5	1	1	1	0.5	0.5	<b>0.6</b>
Foreign exchange services	0	0	0.5	0.5	0.5	1	0	0	0.5	0.5	<b>0.4</b>
Insurance	0.5	1	1	1	0.5	1	0.5	0	0.5	0.5	<b>0.7</b>
10 Restrictions to expanding operations — street branches	0.5	0.5	0.5	0	0.5	1	0.5	0	1	0.5	<b>0.5</b>
<i>Cross-border trade (mode 1)</i>											
11 Can foreign banks located abroad lend or raise funds?											
Lending	0	0	0	1	1	0.33	0	0	0	1	<b>0.3</b>
Raising funds	0	0	0	1	1	1	0	0	0	0	<b>0.3</b>
12 Can foreign banks located abroad provide these services											
Cross-border settlement services	0	0	0.5	0.5	0	0.5	0	0	0	0.5	<b>0.2</b>
Cross border securities business	1	0	0	0.5	0	1	0	0	0	0.5	<b>0.3</b>
Cross-border foreign exchange business	1	0	0	0.5	0	0.5	1	0	0	0.5	<b>0.4</b>
Cross-border insurance	1	1	0	1	0	1	1	0	0	0.5	<b>0.6</b>
<i>Consumption abroad (mode 2)</i>											
13 Can domestic residents purchase financial services while abroad?	0	0	0	0	0	1	1	0	0	0.5	<b>0.3</b>

Table 12. Restrictions on Banking Services — Foreign Banks (Index 0-1)

(Continued)

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b><i>Movement of natural persons (mode 4)</i></b>											
14 Residency or nationality requirements or quotas for executives, managers etc?	1	1	1	1	0	1	1	0	1	1	<b>0.8</b>
15 Are intra-corp. transf. subject to labour market tests?	0	0	0	0	0	1	1	0	0	0	<b>0.2</b>
16 Permitted length of short-term visit (in days)	0.75	0.75	0.5	0	0.25	0.75	0	0.5	0.25	0.25	<b>0.4</b>
Permitted length of long-term stay (in years)	0.6	0.8	0	0	0	0.8	0	0.6	0.8	0.4	<b>0.4</b>
<b><i>Ownership</i></b>											
18 Foreign ownership in existing banks?	0	0	0.01	0.75	0.7	1	0.6	0	0.51	0.7	<b>0.4</b>
In new entrants?	0	0	0.01	0.75	0.7	1	0.6	0	0.51	0.7	<b>0.4</b>
19 Restrictions on ownership of non-financial firms	0.25	0.25	0.5	0	1	1	0.5	0.5	1	0.25	<b>0.5</b>
<b><i>Regulation</i></b>											
24 Licenses allocated by discretionary decisions?	1	0	0	0	1	1	0	0	1	0	<b>0.4</b>
25 Foreign firms subject to different licensing requirements?	1	0	0	0	0	1	0	0	1	0	<b>0.3</b>
26 Interest rates set or approved by government?	0	0.5	0	0	0.5	1	0	0.5	0	0.67	<b>0.3</b>

Source: Survey responses.

**Table 13. Restrictions on Trade in Life Insurance Services (Index 0-1)**

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
1 Are there restrictions on capital in-flows - short term?	0	0	0	0	0	0.5	0.25	0	0.5	0	<b>0.1</b>
<i>Commercial presence (mode 3)</i>											
2 Restrictions on new entry - any provider?	0	0	0	0	0	1	0	0	1	0	<b>0.2</b>
Foreign providers?	0	0	0	0	0	1	1	0	1	0	<b>0.3</b>
4 Entry restricted by screening or needs tests?											
Domestic providers	0.8	0	0	0	0	0	0	0	0.5	0.5	<b>0.2</b>
Foreign providers	0.8	0	0	0	0	0	0	0	0.5	1	<b>0.2</b>
5 Legal forms of establishment allowed for foreign providers	0.6	0.4	0.6	0	0	1	0	0	0.1	0.5	<b>0.3</b>
6 Foreign firms prohibited from establishing in a joint venture	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
Are they required to establish in a JV?	0	0	1	1	1	1	0	0	1	0	<b>0.5</b>
7 Permitted to provide life insurance domestically?											
Domestic firms?	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Foreign firms?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
8 Life insurance subject to monopoly provision?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
9 Restrictions on reinsurance by resident companies?											
Domestic insurance companies	0	0	0	0	0	0.3	0	0	0	0	<b>0.0</b>
Foreign insurance companies	0	0	0	0	0	1	0.7	0	0	0	<b>0.2</b>
10 Restrictions on placement of assets?											
By domestic insurance companies	0	0	0.5	0	0	1	0.6	0	0.1	1	<b>0.3</b>
By foreign insurance companies	0	0	0.5	0	0	1	0.6	0	0.1	1	<b>0.3</b>
11 Restrictions on expanding operations — street branches											
Domestic insurance companies	1	0	0.5	0	0	0	0	0	0	0	<b>0.2</b>
Foreign insurance companies	1	0	0.5	0	0.5	1	0	0	1	0	<b>0.4</b>

Table 13. Restrictions on Trade in Life Insurance Services (Index 0-1)

(Continued)

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam	AVERAGE
<b><i>Cross-border insurance trade (mode 1)</i></b>											
12 Can domestic residents purchase life insurance cross-border from a foreign insurance company?	0	1	0	1	1	1	1	0	0	1	<b>0.6</b>
13 Can offshore firms solicit business domestically?	1	0	1	1	1	1	0	0	1	1	<b>0.7</b>
<b><i>Consumption abroad (mode 2)</i></b>											
14 Can domestic residents purchase life insurance from a foreign insurance company while abroad?	0	0	0	0.5	0	1	0.5	0	0	0	<b>0.2</b>
<b><i>Movement of people (mode 4)</i></b>											
15 Residency or nationality requirements or quotas for executives, managers etc of foreign insurance companies?	1	1	1	1	0	1	1	0	1	1	<b>0.8</b>
16 Are intra-corp. transf. subject to labour market tests?	0	0	0	0	0	1	1	0	0	0	<b>0.2</b>
17 Permitted length of short-term visit (in days)	0.75	0.75	0.5	0	0.25	1	0	0.5	0.25	0.25	<b>0.4</b>
Permitted length of long-term stay (in years)	0.6	0.8	0	0	0	1	0	0.6	0.8	0.4	<b>0.4</b>
<b><i>Ownership</i></b>											
18 Private ownership - existing providers?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
New entrants?	0	0	0	0	0	1	0	0	0	0	<b>0.1</b>
19 Foreign ownership - existing providers?	0	0	0.2	0.7	0.7	1	0	0	0.51	0	<b>0.3</b>
New entrants?	0	0	0.2	0.7	0.7	1	0	0	0.51	0	<b>0.3</b>
<b><i>Regulation</i></b>											
24 Licenses allocated through discretionary decisions?	1	0	0	1	0	1	0	0	1	0	<b>0.4</b>
25 Foreign firms subject to different licensing requirements?	0	1	0	1	0	1	0	0	0	1	<b>0.4</b>
26 Prices of life insurance products set or approved by government?											
Domestic companies	0.5	0	0	0.5	0.5	1	0	0.5	0.5	0.5	<b>0.4</b>
Foreign companies	0.5	0	0	0.5	0.5	1	0	0.5	0.5	0.5	<b>0.4</b>

Source: Survey responses.

#### **4. Comparison with Previous Studies — Healthcare**

There are few studies of the conceptual issues associated with barriers to trade in health services. An original contribution was by the WTO Secretariat (WTO 1998). More recent contributions are by Chanda (2001), Smith (2006), Mikic (2007) and Smith et al. (2008). All of these stress the heavy interactions between trade policy and domestic regulation in healthcare. For example, Smith et al. (2008, p. 443) list the following as key questions for monitoring the impact of commitments made under the General Agreement on Trade in Services (GATS) on health policy:

- To what extent is the sector already open to foreign service providers, and what have been the regulatory concerns posed by existing foreign competition?
- Do the commitments fit the strategies and directions identified by national health policy?
- What effect would the commitments have on government-provided health-related services?
- What regulatory burdens would the commitments create for the government in health-related sectors?
- Would the commitments eliminate or weaken regulatory approaches necessary for the protection and promotion of health?
- What scientific and public-health evidence and principles can be brought to bear to analyse the possible effect of the commitments?
- Can the commitments be crafted both to protect health policy and to liberalize trade progressively?

Their last question in particular points to the possibility for trade liberalization, if pursued in isolation, to cut across other legitimate regulatory objectives.

There are even fewer studies that have catalogued actual regulatory barriers to trade in health services. A recent contribution is Arunanondchai and Fink (2007), which surveys policies in seven of the ten ASEAN economies. Although that study does not catalogue trade barriers in detail, it summarizes the situation as follows.

Explicit policy barriers are described as being of greatest relevance for services supplied through commercial presence (mode 3) and the movement of individual

service suppliers (mode 4) — governments do not generally restrict cross-border trade (mode 1) or consumption abroad (mode 2). For commercial presence, key explicit policy barriers were described to include foreign equity limitations, economic needs tests, and various performance requirements. A summary of these barriers is shown in Table 14. They noted that policy seems to be more liberal in the poorer relative to the richer countries — Cambodia, Indonesia, Laos and Vietnam allow for full foreign ownership whereas Malaysia, the Philippines and Thailand only allow minority foreign ownership. However, their sample did not include Singapore.

As for the movement of healthcare workers, Arunanondchai and Fink (2007) note that explicit policy barriers vary from country to country. Malaysia and the Philippines subject the entry of foreign medical professionals to economic needs tests, and completely close certain professions, such as dentistry, to foreign professionals. In principle, Thailand is open to foreign professionals, but few have entered because of the requirement to pass a professional examination in the Thai language.

The broad pattern of trade barriers described by Arunanondchai and Fink (2007) is similar to that found in the current surveys. In particular, comparing the foreign equity limits that they describe in Table 14 with those for medical services in Table 8 and hospital services in Table 10, it appears that they are essentially the same for all countries except Malaysia. Arunanondchai and Fink (2007) note a foreign equity limit of 30 per cent for Malaysia. The Malaysian respondent to the current survey merely noted that foreign equity limits were subject to Foreign Investment Committee Guidelines of the Economic Planning Unit, but that in any event 30 per cent was reserved for Bumiputera equity ownership. The implied 70 per cent foreign equity limit has been translated into a zero-one score of 0.3 in Table 8 and 10.



**Table 14. Explicit Policy Barriers Affecting Commercial Presence in Healthcare**

	<i>Explicit policy</i>
<b>Cambodia</b>	Full foreign ownership allowed; one director must be Cambodian
<b>Indonesia</b>	Conflicting policies; full foreign ownership allowed according to investment policy; 90 per cent foreign equity limitation according to Ministry of Health
<b>Laos</b>	Full foreign ownership allowed
<b>Malaysia</b>	30 per cent foreign equity limitation (though foreign equity in one hospital exceeds 30 per cent); economic needs test; minimum of 100 beds
<b>Philippines</b>	Foreign equity ownership limited to 40 per cent for hospitals; full foreign ownership allowed for health maintenance organizations
<b>Thailand</b>	Foreign equity ownership limited to 49 per cent; can be circumvented by assigning 'nominees'; compliance with local regulations required
<b>Vietnam</b>	Full foreign ownership allowed in principle; economic needs test; transfer of technology and training of staff required

Source: Arunanondchai and Fink (2007).

## 5. Comparison with Previous Studies — Finance

Previous studies of the extent of barriers to trade in financial services include McGuire and Schuele (2000), Dee and Dinh (2007) and Dinh (2008). The series of World Bank studies, of which Barth, Caprio and Levine (2004) is a part, also look at the prevalence of barriers to trade in banking, although those studies are much more concerned with the extent of prudential than with non-prudential regulation.

Previous studies of the economic impact of barriers to trade in financial services include Kalirajan et al. (2000), Francois and Schuknecht (2000), Claessens, Demirgüç-Kunt and Huizinga (2001), Mattoo, Rathindran and Subramanian (2001), Eschenbach and Francois (2002), Barth, Caprio and Levine (2004) and Dee and Dinh (2008).

The most recent incidence studies for banking and insurance, by Dee and Dinh (2007) and Dinh (2008), take a slightly different approach to compiling indexes of barriers to services trade, by going beyond measures of prevalence. They use a similar zero-one scoring for each dimension of policy as in this study, but then use weighted rather than simple averages to perform aggregation. The weights are derived from a statistical technique called factor analysis, which applies a higher weight to those restrictions that contribute most to the overall policy variation in the sample.

This paper uses the template designed by Dee and Dinh (2007) for measuring the barriers to trade in insurance and the one by Dinh (2008) for measuring the barriers to trade in banking services. Using these templates makes it possible to compare the current restrictions on financial services in ASEAN with those in these previous studies.

The templates for scoring the regulatory restrictions affecting trade in insurance and banking services, and the weights that are used to aggregate them, are shown in Tables 15 and 16, respectively. As noted, each restriction category is given a score between zero and one, where one is the most restrictive and zero is the least restrictive. Restrictions that affect foreign players have a restriction name with the ending character 'F', while those affecting domestic players have a name with the ending character 'D'. The restriction name prefixes 'M1\_' to 'M4\_' indicate which mode of service delivery is affected. In order to present the data in summary form, a weighted average across all restriction categories has been computed for each country, using the weights shown in the second column of Tables 15 and 16. As noted, the weights were derived from factor analysis of the aforesaid studies.

**Table 15. Template for Scoring Barriers to Trade in Insurance Services**

<b>Restriction Name</b>	<b>Index Weight</b>	<b>Score</b>	<b>Restriction</b>
			<b><i>Restrictions on commercial presence</i></b>
M3_LICF	0.0535		<b>Licensing — foreign</b>
		1.00	Issues no new licenses to foreign insurance companies
		0.75	Issues up to 4 new licenses with only prudential restrictions
		0.50	Issues up to 8 new licenses with only prudential restrictions
		0.25	Issues up to 12 new licenses with only prudential restrictions
		0.00	Issues new foreign licenses with only prudential restrictions
M3_LICD	0.0509		<b>Licensing — domestic</b>
		1.00	Issues no new licenses to domestic insurance companies
		0.75	Issues up to 4 new licenses with only prudential restrictions
		0.50	Issues up to 8 new licenses with only prudential restrictions
		0.25	Issues up to 12 new licenses with only prudential restrictions
		0.00	Issues new domestic licenses with only prudential restrictions
M3_JVF	0.0277		<b>JV arrangements</b>
		1.00	Foreign insurer entry is only through joint ventures with domestic subsidiary insurance companies in any type of insurance services
		0.66	Foreign insurer entry is only through joint ventures with domestic subsidiary insurance companies in some types of insurance services
		0.33	Prohibitions on JVs with domestic insurance companies in all or some types of insurance
		0.00	No requirement for a foreign insurer to enter through a joint venture with a domestic subsidiary insurance company
M3_DIF	0.0599		<b>Foreign direct investment</b>
			The score will be the difference between 1 and the maximum foreign equity participation permitted in a domestic insurance company, with or without approval. For example, ownership to a maximum of 49 per cent of insurance companies would receive a score of 0.51.
M3_DID	0.0260		<b>Private (domestic) direct investment</b>
			The score will be the difference between 1 and the maximum private equity participation permitted in a domestic insurance company, with or without approval. For example, ownership to a maximum of 49 per cent of insurance companies would receive a score of 0.51.
M3_JFF	0.0641		<b>Juridical form</b>
		1.00	No commercial presence permitted
		0.66	Only representative offices permitted
		0.33	Some legal forms of establishment allowed (subsidiaries and/or branches) in addition to representative offices
		0.00	All legal forms of establishment allowed
M4_LONGF	0.0033		<b>Movement of People - Permanent</b>
		1.00	No entry of executives, senior managers or specialists
		0.80	Executives, specialists or senior managers can stay a period of up to 1 year
		0.60	Executives, specialists or senior managers can stay a period of up to 2 years
		0.40	Executives, specialists or senior managers can stay a period of up to 3 years
		0.20	Executives, specialists or senior managers can stay a period of up to 4 years
		0.00	Executives, specialists or senior managers can stay a period of more than 5 years

			<i>Restrictions on other modes of delivery</i>
M1F	0.0314		<b>Cross-border supply (mode 1)</b>
		1.00	Non-resident insurance companies are not permitted to provide residents with any type of cross-border insurance services
			Non-resident insurance companies are permitted to provide residents with certain types of cross-border insurance services
			Non-resident insurance companies are permitted to provide residents with any type of cross-border insurance services, but with limitations (eg purchases subject to limits, foreign insurers prevented from soliciting business through advertising)
		0.00	Non-resident insurance companies are permitted to provide residents with any type of cross-border insurance services
M2F	0.0198		<b>Mode 2 supply</b>
		1.00	Residents are not authorized to purchase insurance services abroad
			Residents are authorized to purchase some insurance services abroad, with or without restrictions
		0.00	No restrictions
			<b>Restrictions on operations</b>
M3_ASSETF	0.0436		<b>Placement of assets — foreign</b>
		1.00	Foreign affiliates are required to hold all assets locally
		0.50	Foreign affiliates are restricted in the amount they can invest abroad
		0.00	There are no restrictions on investing abroad
M3_ASSETD	0.0391		<b>Placement of assets — domestic</b>
		1.00	Domestic companies are required to hold all assets locally
		0.50	Domestic companies are restricted in the amount they can invest abroad
		0.00	There are no restrictions on investing abroad
M3_SCBF	0.0167		<b>Scope of services — foreign</b>
		1.00	A foreign insurance company can provide only one type of insurance
		0.5	A foreign insurance company can provide composite insurance service (2 or more)
		0.00	There are no restrictions on the number of insurance types provided by a foreign insurance company
M3_SCBD	0.0031		<b>Scope of services — domestic</b>
		1.00	A domestic insurance company can provide only one type of insurance
		0.5	A domestic insurance company can provide composite insurance service (2 or more)
		0.00	There are no restrictions on the number of insurance types provided by a domestic insurance company
M3_MONOF	0.0805		<b>Monopoly provision of insurance services — foreign</b>
		1.00	Two or more products are subject to national monopoly
		0.75	Two or more products are subject to regional monopoly
		0.50	One product is subject to national monopoly
		0.25	One product subject to regional monopoly
		0.00	No monopoly provision

M3_MONOD	0.0531		<b>Monopoly provision of insurance services</b>
		1.00	Two or more products are subject to national government monopoly
		0.75	Two or more products are subject to regional government monopoly
		0.50	One product is subject to national government monopoly
		0.25	One product subject to regional government monopoly
		0.00	No government monopoly provision
M3_REINF	0.0590		<b>Restrictions on reinsurance by resident insurance companies foreign</b>
		1.00	Reinsurance is prohibited
		0.50	Reinsurance is restricted (with foreigners only or limited in some geographic areas)
		0.00	No limits on reinsuring
M3_REIND	0.0492		<b>Restrictions on reinsurance by resident insurance companies — domestic</b>
		1.00	Reinsurance is prohibited
		0.50	Reinsurance is restricted (with foreigners only or limited in some geographic areas)
		0.00	No limits on reinsuring
M3_CEDF	0.0394		<b>Ceding percentage — foreign</b>
			The score will be the ceding percentage (the percentage of premiums that foreign insurers are required to cede or reinsure with domestically appointed insurers). For example, if the ceding percentage is 20%, then the score is 0.2.
M3_CEDD	0.0156		<b>Ceding percentage — domestic</b>
			The score will be the ceding percentage (the percentage of premiums that domestic insurers are required to cede or reinsure with domestically appointed insurers). For example, if the ceding percentage is 20%, then the score is 0.2.
M3_INTF	0.0266		<b>Broking or agency restrictions — foreign</b>
		1.00	Broking or agent activities are prohibited by foreign firms
		0.50	Broking or agent activities are restricted by foreign firms
		0.00	No restriction in broking or agent activities by foreign firms
M3_INTD	0.0049		<b>Broking or agency restrictions — domestic</b>
		1.00	Broking or agent activities are prohibited by domestic firms
		0.50	Broking or agent activities are restricted by domestic firms
		0.00	No restriction in broking or agent activities by domestic firms
M3_EXPF	0.0637		<b>Expanding operations — street branches, offices — foreign</b>
		1.00	One insurance outlet with no new outlets is permitted
		0.75	Number of insurance outlets is limited in number and location
		0.25	Expansion of insurance outlets is subject to non-prudential regulatory approval
		0.00	No restrictions on foreign insurance company expanding operations
M3_EXPD	0.0206		<b>Expanding operations — street branches, offices — domestic</b>
		1.00	One insurance outlet with no new outlets is permitted
		0.75	Number of insurance outlets is limited in number and location
		0.25	Expansion of insurance outlets is subject to non-prudential regulatory approval
		0.00	No restrictions on domestic insurance expanding operations

M3_SCREENF	0.0571		<b>Screening and approval — foreign</b>
		1.00	Foreign investors must show economic benefits
		0.66	Approval unless contrary to national interest
		0.33	Notification (pre or post) requirements
		0.00	No screening or approval requirements
M3_SCREENEND	0.0357		<b>Screening and approval — domestic</b>
		1.00	Domestic investors must show economic benefits
		0.66	Approval unless contrary to national interest
		0.33	Notification (pre or post) requirements
		0.00	No screening or approval requirements
M4_SHORTF	0.0131		<b>Movement of people - Temporary</b>
		1.00	No temporary entry of executives, senior managers or specialists
		0.75	Temporary entry of executives, senior managers or specialists up to 30 days
		0.50	Temporary entry of executives, senior managers or specialists up to 60 days
		0.25	Temporary entry of executives, senior managers or specialists up to 90 days
		0.00	Temporary entry of executives, senior managers or specialists over 120 days
M4_BODF	0.0008		<b>Movement of people – Board of Directors</b>
		1.00	Board cannot comprise of foreigners
		0.66	Majority must be nationals
		0.33	At least 1 must be a national, or they must be residents or locally licensed
		0.00	No restrictions on the composition of the board of directors
M3_PRICEF	0.0204		<b>Price control — foreign</b>
		1.00	Premium rates for any insurance product are fully set by govt
		0.75	Premium rates for some insurance products are fully set by govt
		0.50	Premium rates for all products need to be approved by govt
		0.25	Premium rates for some products need to be approved by govt
		0.00	Insurance companies are free to set premium rates
M3_PRICED	0.0212		<b>Price control — domestic</b>
		1.00	Premium rates for any insurance product are fully set by govt
		0.75	Premium rates for some insurance products are fully set by govt
		0.50	Premium rates for all products need to be approved by govt
		0.25	Premium rates for some products need to be approved by govt
		0.00	Insurance companies are free to set premium rates
<b>Total</b>	1.000		

Source: Dee and Dinh (2007).

**Table 16. Template for Scoring Barriers in Banking Services**

Restriction Name	Weight	Score	Restrictions Description
			<b><i>Restrictions on cross border</i></b>
M1_RAISINGF	0.0623		<b>Cross-border fund raising - Foreign</b>
		1	Foreign banks located abroad are not permitted to raise funds in the analysed country
		0.66	Foreign banks located abroad are permitted to raise funds in the analysed country with a specific amount (specify the amount)
		0.33	Foreign banks located abroad are permitted to raise funds in the analysed country with a specific form of raising (for example only through deposits) or from a specific group of people (for example, only from non-residents in the analysed country)
		0	Foreign banks located abroad are permitted to raise funds in the analysed country without non-prudential restrictions
M1_LENDINGF	0.0641		<b>Cross-border fund lending - Foreign</b>
		1	Foreign banks located abroad are not permitted to lend in the analysed country
		0.66	Foreign banks located abroad are permitted to lend in the analysed country with a specific amount (specify the amount)
		0.33	Foreign banks located abroad are permitted to lend in the analysed country with a specific form of lending (for example only through credit card service), or to a specific group of borrowers (for example, only to non-residents in the analysed country)
		0	Foreign banks located abroad are permitted to lend in the analysed country without non-prudential restrictions
M1_SETSERF	0.0458		<b>Cross-border settlement services (e.g., collection, payment) - Foreign</b>
		1	Foreign banks located abroad are not permitted to do cross-border settlement services in the analysed country
		0.5	Foreign banks located abroad are permitted, with some restrictions, to do cross-border settlement services in the analysed country
		0	Foreign banks located abroad are permitted to do cross-border settlement services in the analysed country, without non-prudential restrictions
M1_SECUSERF	0.0598		<b>Cross-border securities business (e.g., underwriting, dealing, brokering) - Foreign</b>
		1	Foreign banks located abroad are not permitted to do securities business in the analysed country
		0.5	Foreign banks located abroad are permitted, with some restrictions, to do cross-border securities business in the analysed country
		0	Foreign banks located abroad are permitted to do a full range of securities business in the analysed country without non-prudential restrictions
M1_FOREXF	0.0585		<b>Cross-border foreign exchange business - Foreign</b>
		1	Foreign banks located abroad are not permitted to do foreign exchange business in the analysed country
		0.5	Foreign banks located abroad are permitted, with some restrictions, to do foreign exchange business in the analysed country
		0	Foreign banks located abroad are permitted to do a full range of foreign exchange business in the analysed country without non-prudential restrictions

M1_INSURANCEF	0.0422		<b>Cross-border insurance - Foreign</b>
		1	Foreign banks located abroad are not permitted to provide any insurance service in the analysed country
		0.5	Foreign banks located abroad are permitted, with some restrictions, to do cross-border insurance services in the analysed country
		0	Foreign banks located abroad are permitted to provide insurance services in the analysed country without non-prudential restrictions
			<b>Restrictions on consumption abroad</b>
M2_CONSF	0.0442		<b>Consumption abroad - Foreign</b>
		1	Residents are not authorized to purchase any financial services abroad
		0.66	Quotas related to the value of transaction, number of operations between foreign banks abroad and residents travelling abroad, or number of nationals travelling abroad (visas)
		0.33	Taxes or registration/authorization requirements on consumers travelling abroad
		0	No restrictions
			<b>Restrictions on commercial presence</b>
M3_DIF	0.046		<b>Gross Foreign Equity Limit - Foreign</b>
			The score will be the difference between 1 and the maximum foreign equity participation permitted in a domestic bank, with or without approval. For example, ownership to a maximum of 49 per cent of a bank would receive a score of 0.51.
M3_DID	0.0297		<b>Ownership share of the government in the banking system - Domestic</b>
			It is represented by the share of government assets in the banking system
M3_FOCF	0.0148		<b>Form of Commercial Presence- Foreign</b>
		1	No commercial presence permitted
		0.75	Only representatives/agencies allowed
		0.5	Legal business forms except branches, in addition to representatives allowed
		0.25	Restricted branches (required to lend against local capital) and/or other legal business forms in addition to representatives allowed
		0	Unrestricted branches (able to lend against parent capital) and/or other legal business forms in addition to representatives allowed
M3_RECIPF	0.0013		<b>Reciprocity requirement - Foreign</b>
		1	Licensing is based on a reciprocal basis
		0	No reciprocity requirement
M3_LICENSINGF	0.0016		<b>Licensing - Foreign</b>
			The score will be equal to $(1 - 0.1 * \frac{\text{the number of approved applications} + \text{the percentage of declined applications over the total submitted applications}}{2})$ . The score would be 1 if there is a blanket ban. If the number of approved applications is greater than 10 then the score will be equal to the percentage of declined applications over the total submitted applications
M3_LICENSINGD	0.0067		<b>Licensing - Domestic</b>
			The score will be equal to $(1 - 0.1 * \frac{\text{the number of approved applications} + \text{the percentage of declined applications over the total submitted applications}}{2})$ . The score would be 1 if there is a blanket ban. If the number of approved applications is greater than 10 then the score will be equal to the percentage of declined applications over the total submitted applications



M3_RAISINGF	0.0303		<b>Domestic fund raising - Foreign</b>
		1	Foreign banks are unable to raise funds from domestic sources
		0.75	Foreign banks are permitted to raise funds from domestic sources with a specific amount (specify the amount)
		0.5	Foreign banks are permitted to raise funds from domestic sources with a specific form of raising (for example only through deposits) or from a specific group of people (for example, only from non-residents)
		0.25	Foreign banks are permitted to do a full range of raising forms, but all or some must be conducted in subsidiaries (e.g branches are limited to whole sale banking services)
		0	Foreign banks can raise funds from any domestic source with only prudential restrictions
M3_RAISINGD	0.004		<b>Domestic fund raising - Domestic</b>
		1	Domestic banks are unable to raise funds from domestic sources
		0.75	Domestic banks are permitted to raise funds from domestic sources with a specific amount (specify the amount)
		0.5	Domestic banks are permitted to raise funds from domestic sources with a specific form of raising (for example only through deposits) or from a specific group of people (for example, only from non-residents)
		0.25	Domestic banks are permitted to do a full range of raising forms from domestic sources, but all or some must be conducted in subsidiaries
		0	Domestic banks can raise funds from any domestic source with only prudential restrictions
M3_LENDINGF	0.0327		<b>Domestic lending - Foreign</b>
		1	Foreign banks are not allowed to lend to domestic borrowers
		0.75	Foreign banks are restricted to a specified lending size or lending to government projects
		0.5	Foreign banks are restricted in providing certain lending services such as leasing, credit card services, or consumer finance
		0.25	Foreign banks are directed to lend to housing, small business, natural persons, and or businesses in certain regions
		0.1	Foreign banks are permitted to do a full range of lending activities, but all or some must be conducted in subsidiaries
		0	Foreign banks can lend to any domestic source with only prudential restrictions
M3_LENDINGD	0.0419		<b>Domestic lending - Domestic</b>
		1	Domestic banks are not allowed to lend to domestic borrowers
		0.75	Domestic banks are restricted to a specified lending size or lending to government projects
		0.5	Domestic banks are restricted in providing certain lending services such as leasing, credit card services, or consumer finance
		0.25	Domestic banks are directed to lend to housing, small business, natural persons, and or businesses in certain regions
		0.1	Domestic banks are permitted to do a full range of lending activities, but all or some must be conducted in subsidiaries
		0	Domestic banks can lend to any domestic source with only prudential restrictions

M3_SETSERF	0.0187		<b>Domestic settlement services (e.g., collection, payment) - Foreign</b>
		1	Foreign banks are not permitted to do settlement services
		0.5	Foreign banks are permitted to do settlement services with some restrictions
		0	Foreign banks are permitted to do settlement services without non-prudential restrictions
M3_SETSERD	0.0161		<b>Domestic settlement services (e.g., collection, payment) - Domestic</b>
		1	Domestic banks are not permitted to do settlement services
		0.5	Domestic banks are permitted to do settlement services with some restrictions
		0	Domestic banks are permitted to do settlement services without non-prudential restrictions
M3_SECUSERF	0.0389		<b>Domestic securities activities (e.g., underwriting, dealing, brokering) - Foreign</b>
		1	Foreign banks are not permitted to do securities business
		0.66	Foreign banks are limited to some securities business
		0.33	Foreign banks are permitted to do a full range of activities, but all or some must be conducted in separate subsidiaries
		0	Foreign banks are permitted to do a full range of activities without non-prudential restrictions
M3_SECUSERD	0.0389		<b>Domestic securities activities - Domestic</b>
		1	Domestic banks are not permitted to do securities business
		0.66	Domestic banks are limited to some securities business
		0.33	Domestic banks are permitted to do a full range of activities, but all or some must be conducted in separate subsidiaries
		0	Domestic banks are permitted to do a full range of activities without non-prudential restrictions
M3_REESTATEF	0.0313		<b>Domestic real estate business (real estate investment, development, and management) - Foreign</b>
		1	Foreign banks are not permitted to do real estate business
		0.66	Foreign banks are limited to some real estate business
		0.33	Foreign banks are permitted to do a full range of activities, but all or some must be conducted in separate subsidiaries
		0	Foreign banks are permitted to do a full range of activities without non-prudential restrictions
M3_REESTATED	0.0314		<b>Domestic real estate business - Domestic</b>
		1	Domestic banks are not permitted to do real estate business
		0.66	Domestic banks are limited to some activities
		0.33	Domestic banks are permitted to do a full range of activities, but all or some must be conducted in separate subsidiaries
		0	Domestic banks are permitted to do a full range of activities without non-prudential restrictions
M3_FOREXF	0.02		<b>Domestic foreign exchange business - Foreign</b>
		1	Foreign banks are not permitted to do foreign exchange business
		0.66	Foreign banks are limited to some foreign exchange business
		0.33	Foreign banks are permitted to do a full range of activities, but all or some must be conducted in subsidiaries
		0	Foreign banks are permitted to do a full range of activities without non-prudential restrictions

M3_FOREXD	0.0199		<b>Domestic foreign exchange business -Domestic</b>
		1	Domestic banks are not permitted to do foreign exchange business
		0.66	Domestic banks are limited to some foreign exchange business
		0.33	Foreign banks are permitted to do a full range of activities, but all or some must be conducted in subsidiaries
		0	Domestic banks are permitted to do a full range of activities without non-prudential restrictions
M3_INSURANCEF	0.0067		<b>Domestic insurance - Foreign</b>
		1	Foreign banks are not permitted to do insurance
		0.66	Foreign banks are permitted to insure domestically but limited to some specific amount
		0.33	Foreign banks are permitted to insure domestically, but all or some must be conducted in separate subsidiaries or some insurance services
		0	Foreign banks are permitted to provide insurance domestically without non-prudential restrictions
M3_INSURANCED	0.0067		<b>Domestic Insurance - Domestic</b>
		1	Domestic banks are not permitted to do insurance
		0.66	Domestic banks are permitted to insure domestically but limited to some specific amount or some insurance services
		0.33	Domestic banks are permitted to insure domestically, but all or some must be conducted in separate subsidiaries
		0	Domestic banks are permitted to provide insurance domestically without non-prudential restrictions
M3_NONFINOWNF	0.0205		<b>Ownership of non-financial firms - Foreign</b>
		1	Foreign banks are not allowed to own non-financial firms
		0.66	Foreign banks may own 100 per cent of the equity in a non-financial firm but ownership is limited based on a bank's equity capital
		0.33	Foreign banks are allowed to own less than 100 percent of non-financial firms
		0	Foreign banks are allowed to own non-financial firms without restrictions
M3_NONFINOWND	0.0205		<b>Ownership of non-financial firms - Domestic</b>
		1	Domestic banks are not allowed to own non-financial firms
		0.66	Domestic banks may own 100 percent of the equity in a non-financial firm but ownership is limited based on a bank's equity capital
		0.33	Domestic banks are allowed to own less than 100 percent of non-financial firms
		0	Domestic banks are allowed to own non-financial firms without restrictions
M3_OPERATIONF	0.0301		<b>Expanding operations (street branches, offices and ATMs) -Foreign</b>
		1	One foreign banking outlet with no new foreign banking outlets is permitted
		0.66	Number of foreign bank outlets is limited in number and location
		0.33	Expansion of foreign bank outlets is subject to non-prudential regulatory approval
		0	No restrictions on foreign bank expanding operations
M3_OPERATIOND	0.0114		<b>Expanding operations - Domestic</b>
		1	One domestic banking outlet with no new domestic banking outlets is permitted
		0.66	Number of domestic bank outlets is limited in number and location
		0.33	Expansion of domestic bank outlets is subject to non-prudential regulatory approval
		0	No restrictions on domestic bank expanding operations

M3_SCREENF	0.0075		<b>Screening and approval - Foreign</b>
		1	Foreign investors must show economic benefits
		0.66	Approval unless contrary to national interest
		0.33	Notification (pre or post) requirements
		0	No screening or approval requirements
M3_SCREEND	0.0048		<b>Screening and approval - Domestic</b>
		1	Domestic investors must show economic benefits
		0.66	Approval unless contrary to national interest
		0.33	Notification (pre or post) requirements
		0	No screening or approval requirements
M3_INTERESTF	0.0223		<b>Price control — foreign</b>
		1	Interest rates are fully set by the government
		0.66	Some interest rates are set by the government
		0.33	Interest gap (between lending and borrowing) is restricted
		0	No restriction on interest
M3_INTERESTD	0.0223		<b>Price control — domestic</b>
		1	Interest rates are fully set by the government
		0.66	Some interest rates are set by the government
		0.33	Interest gap (between lending and borrowing) is restricted
		0	No restriction on interest
			<b>Restrictions on natural person</b>
M4_MOPPERF	0.009		<b>Movement of people - Permanent - Foreign</b>
		1	No entry of executives, senior managers and/or specialists
		0.8	Executives, senior managers or specialists can stay up to 1 year
		0.6	Executives, senior managers or specialists can stay up to 2 years
		0.4	Executives, senior managers or specialists can stay up to 3 years
		0.2	Executives, senior managers or specialists can stay up to 4 years
		0	Executives, senior managers or specialists can stay more than 4 years
M4_MOPTMF	0.0339		<b>Movement of people - Temporary - Foreign</b>
		1	No temporary entry of sales persons or business peoples
		0.75	Temporary entry of sales persons or business people up to 30 days
		0.5	Temporary entry of sales persons or business people up to 60 days
		0.25	Temporary entry of sales persons or business people up to 90 days
		0	Temporary entry of sales persons or business people over 120 days
M4_BODF	0.0032		<b>Movement of people - Board of Directors (BOD)- Foreign</b>
		1	Board cannot comprise of foreigners
		0	No restrictions on the composition of the board of directors The score is inversely related to the percentage of the Board which can comprise of foreigners. For example, if 20% of a BOD can comprise of foreigners they would receive a score of 0.80.
<b>Total</b>	<b>1</b>		

Source: Dinh (2008).

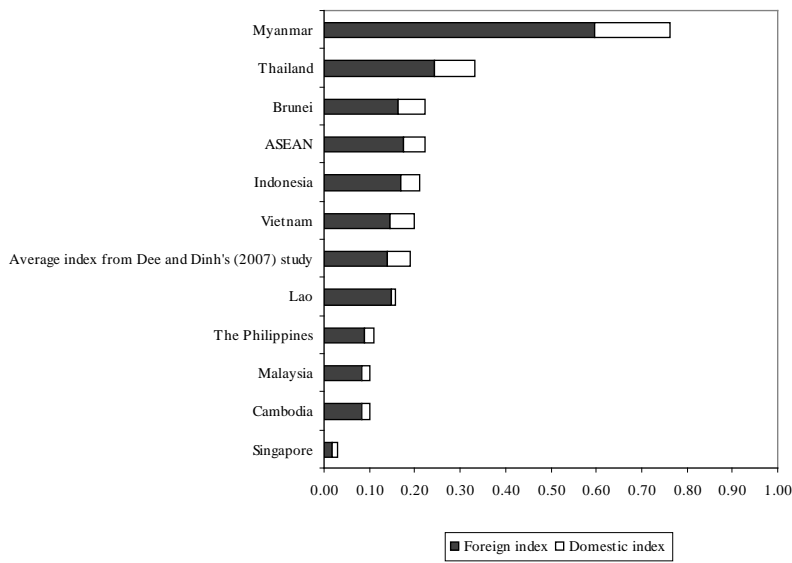
This section discusses how restrictive financial services are across ASEAN countries, using the aggregate trade restrictiveness as the summation of foreign and domestic indices. It also examines the variation in restrictions affecting foreign and domestic financial services. In particular, this section looks at the prevalence of restrictions imposed on financial services in ASEAN.

For comparison, the most up-to-date trade restrictiveness indices (TRIs) for insurance are for 2004 from Dee and Dinh's (2007) study, and for banking services are for 2006 from Dinh's (2008) study. These indices are calculated for 35 countries for insurance and 36 countries for banking. In general, the two samples are almost similar, including OECD countries, high-GDP Latin American economies, and Asian countries.

Figure 1 shows the variation in restrictions affecting insurance services across ASEAN countries. Using the average calculated in Dee and Dinh's (2007) study as a threshold, ASEAN can be evenly divided into two groups: the group with TRI lower than the threshold includes Singapore, Cambodia, Malaysia, the Philippines, and Lao; the group with TRI higher than the threshold includes Vietnam, Brunei, Indonesia, Thailand, and Myanmar. Singapore, Cambodia and Malaysia impose a minor restrictiveness on insurers. Myanmar and Thailand appear to be the two most restrictive ASEAN countries against insurance services. There is a big variation between trade restrictiveness of ASEAN countries. For example, the TRI of the three most restrictive countries is more than 5 times higher than that of the three least restrictive countries. Note that the relative ranking of ASEAN countries in Figure 1 differs slightly from that in Tables 6 and 7 because of the use of weighted rather than simple averages.

Figure 1 also depicts the restrictions affecting domestic and foreign insurance companies. In all ASEAN countries, foreign insurers are more restricted than domestic ones. On average, the former is nearly 3.5 times as restricted as the latter. The extreme cases are Cambodia, Malaysia, and the Philippines.

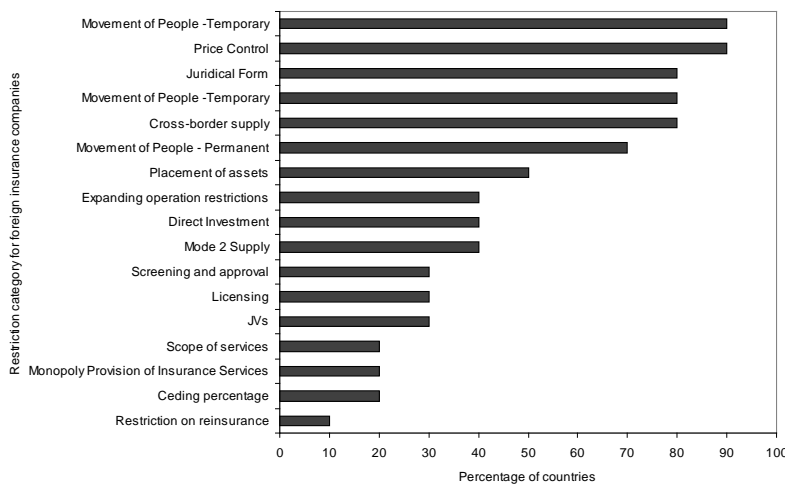
**Figure 1. Current Pattern of Restrictions Affecting Insurance Services**



*Data source:* Survey responses.

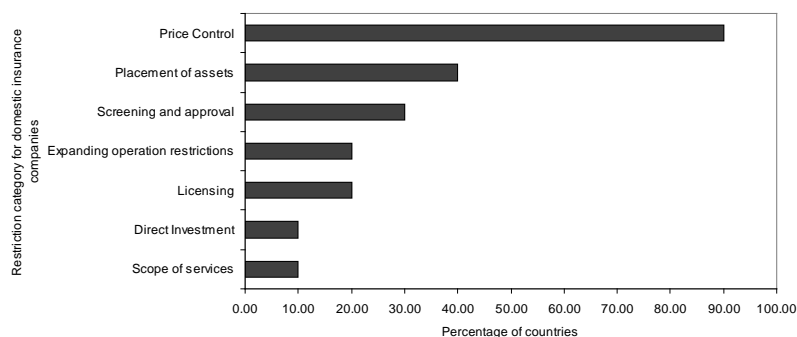
What particular restriction categories contribute to the summary indexes? Is the prevalence of restrictions varying across foreign and domestic insurance companies? The answers can be drawn from Figures 2 and 3, which show the prevalence of restrictions affecting both types of service providers.

**Figure 2. Share of ASEAN Countries Imposing Restrictions on Foreign Insurers, by Category**



*Data source:* Survey responses.

**Figure 3. Share of ASEAN Countries Imposing Restrictions on Domestic Insurers, by Category**

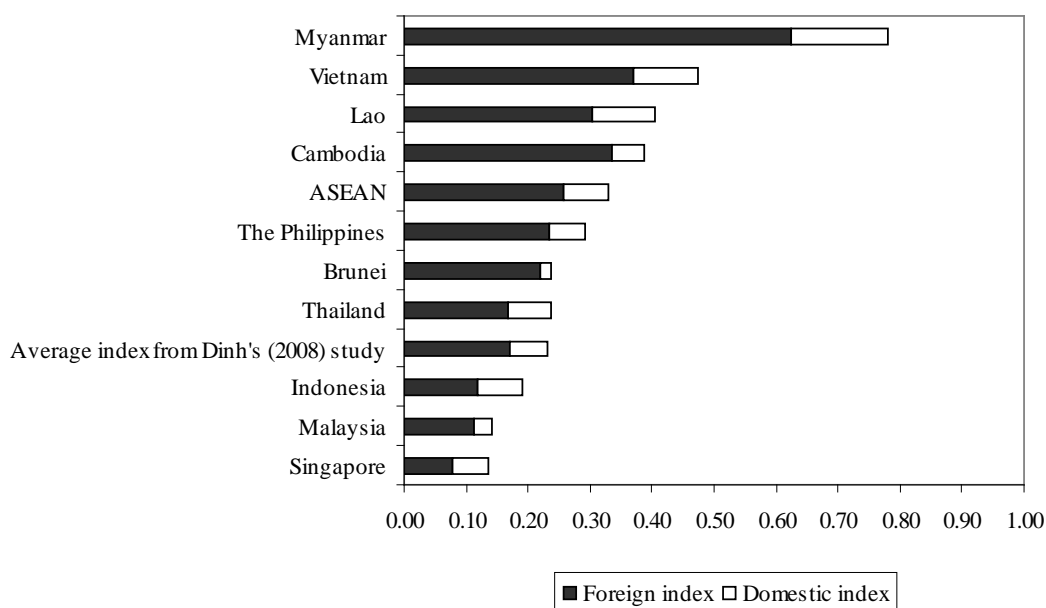


*Data source:* Survey responses.

Figures 2 and 3 present the prevalence of restrictions imposed on foreign and domestic insurance companies, respectively. Foreign insurers are limited to some forms of establishment in order to operate in Brunei, Cambodia, Indonesia, Lao, Malaysia, Vietnam, and Thailand. All ASEAN countries except the Philippines restrict the freedom of insurers to set insurance premiums. Figure 2 suggests that overseas foreign insurers are excluded from or restricted in providing cross-border insurance services in many ASEAN countries except Brunei and Singapore. Insurance services supplied through mode 4 are not pervasively welcomed by this economic block.

Figure 4 shows the variation in restrictions affecting banking services across ASEAN countries. Except for Singapore, Malaysia, and Indonesia, all ASEAN countries have a TRI of over 0.20. On average, the TRI of ASEAN countries is 0.33, higher than that of the average TRI of 36 countries in 2006 calculated by Dinh's (2008) study. The two least restrictive countries are Singapore and Malaysia, whose TRIs are just above 0.1. Figure 4 also indicates that Myanmar and Vietnam are the two most restrictive countries — on average their TRI is more than 4.5 times as high as that of the bottom two. Once again, the relative ranking of ASEAN countries in Figure 4 differs slightly from that in Table 5 because of the use of weighted rather than simple averages.

**Figure 4. Current Pattern of Restrictions Affecting Banking Services**

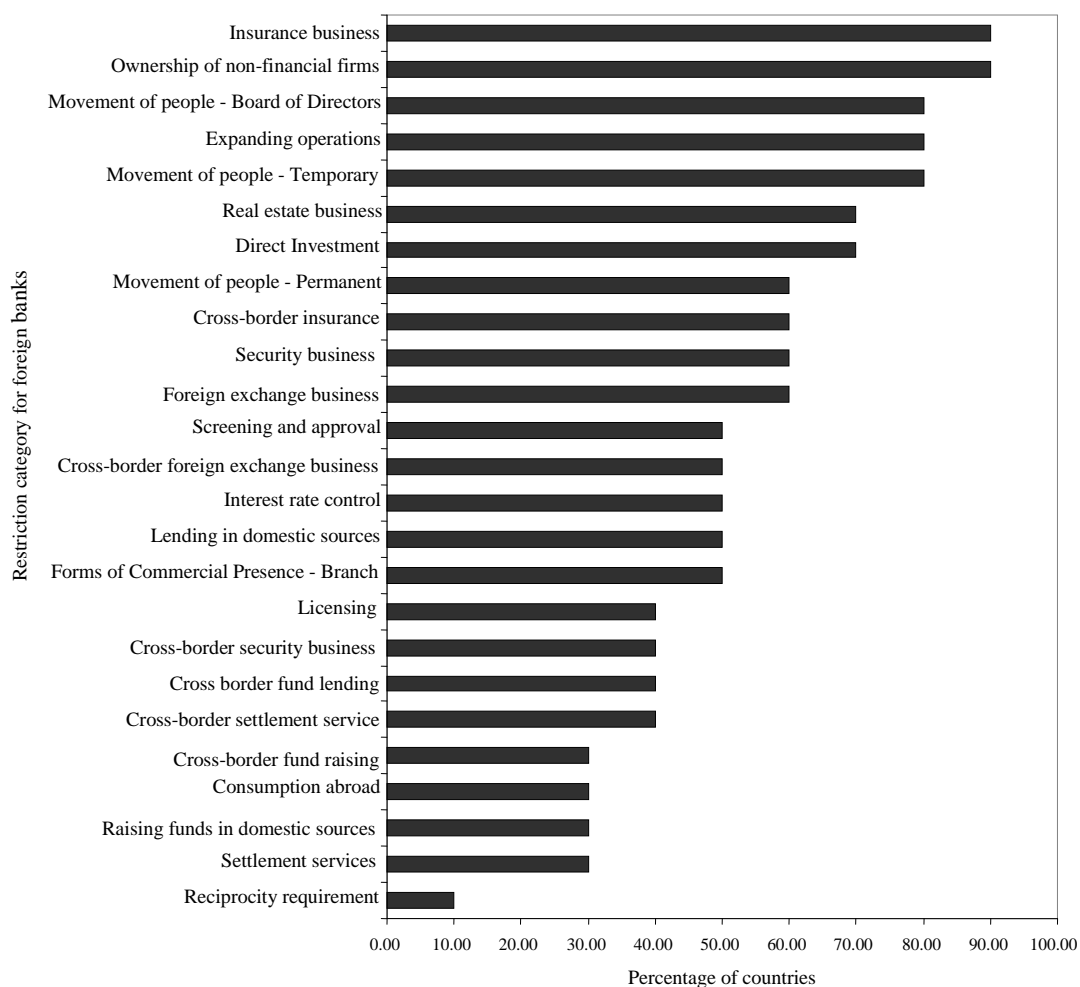


*Data source:* Survey responses.

Figures 5 and 6 present the prevalence of restrictions affecting foreign and domestic banks. Banking services supplied cross-border are restricted in most ASEAN countries while those supplied through consumer movement are limited in just a couple of countries. Figures 5 and 6 indicate that broader banking services are also commonly limited. Limits on operation expansion and ownership of non-financial firms are relatively common. Figure 5 suggests that banking services supplied through the movement of people are not favoured, as at least 70 per cent of ASEAN countries require nationality and residency of the Board of Directors and restrict their stay in the host country.

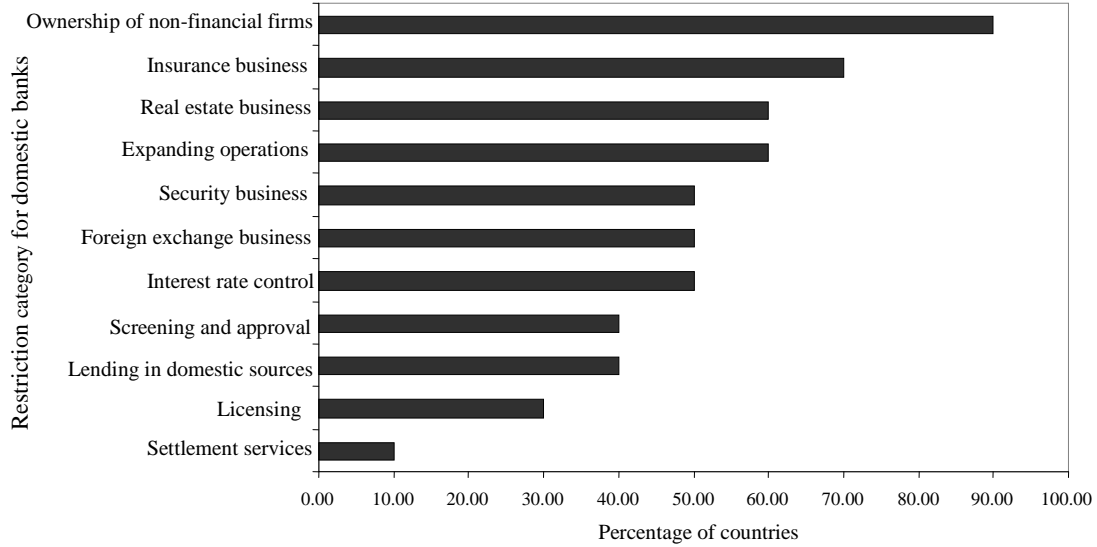


**Figure 5. Share of ASEAN Countries Imposing Restrictions on Foreign Banks, by Category**



*Data source:* Survey responses.

**Figure 6. Share of ASEAN Countries Imposing Restrictions on Domestic Banks, by Category**



*Data source:* Survey responses.

### 5.1. The Impact of Restrictions on Financial Services

This section evaluates productivity and tax equivalents, which measure the percentage change in the cost and profit caused by the TRI in insurance services, in order to have more insights into the cost and profit impacts of trade restrictions. The formulas for evaluating the cost/profit impacts are:

$$productivity\_equivalent = \frac{C\_hat_1 - C\_hat_0}{C\_hat_0} \times 100\%$$

$$tax\_equivalent = \frac{P\_hat_1 - P\_hat_0}{P\_hat_0} \times 100\%$$

where:

$C\_hat_0, P\_hat_0$ : are the predicted cost and profit when there is no trade barriers in insurance ( $m3\_index = 0$ ), respectively.

$C\_hat_1, P\_hat_1$ : are the predicted cost and profit evaluated when there are trade barriers in insurance.

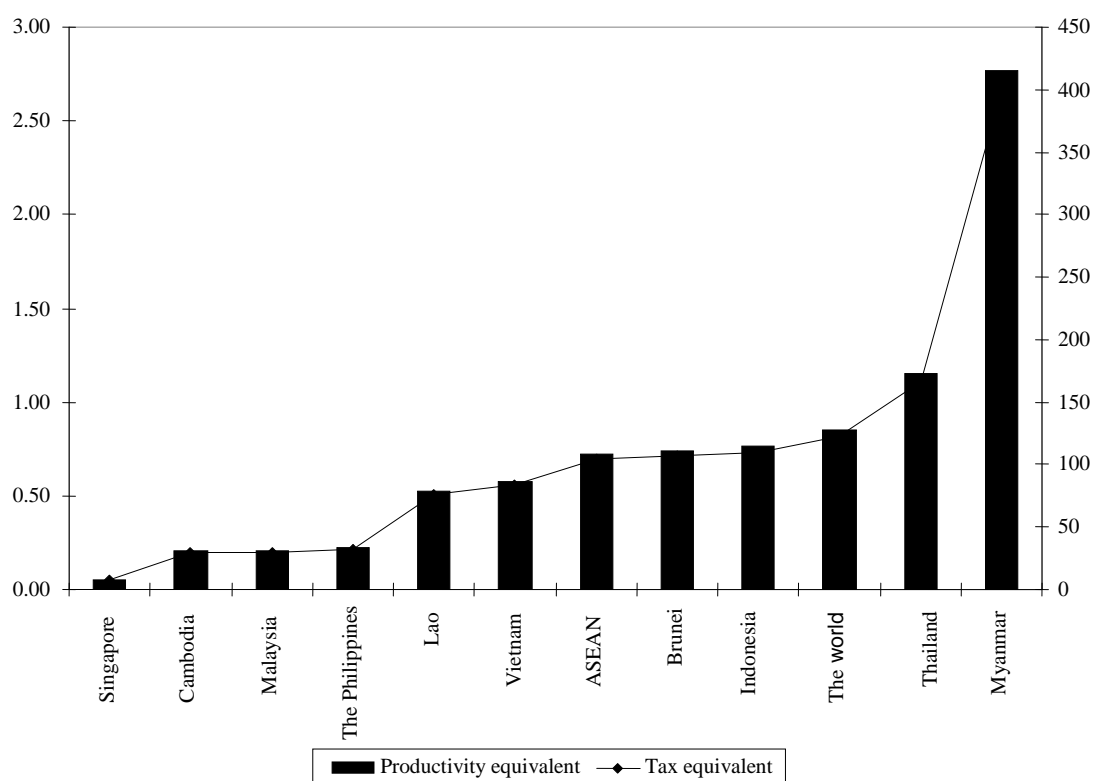
By construction, the productivity equivalent presents the vertical shift in the supply curve driven by TRI, while holding output quantities and other explanatory variables constant. The tax equivalent shows the price mark up due to TRI, also with output quantities kept unchanged.

The predicted cost and profit are calculated for insurance using the regression results of the impact study in Dee and Dinh (2008). For comparison, these two indicators of economic performance are evaluated at the most-up-to-date world median value of prices, quantities in financial services and the median country effect. Since a similar banking impact study is still on-going, the measurement of effects of trade barriers on ASEAN countries' banking services is not yet possible.

Figure 7 depicts the productivity and tax equivalents of barriers to trade in insurance services for each ASEAN country. It shown that barriers to trade in insurance services both escalate cost and raise rent for insurance providers. As expected, Singapore, Cambodia and Malaysia are the three countries to be least affected by trade barriers in insurance services. It is projected that the cost of insurers in Singapore and Cambodia is raised by 0.05 and 0.21 per cent, respectively, because of barriers to trade in insurance. It is also estimated that trade barriers raise the profits of insurers in these two countries by 8 and 30 per cent, respectively. In contrast, trade barriers have dramatic effects on insurance companies in Myanmar, Thailand, Indonesia, and Brunei. For instance, the costs of insurers can increase by 2.77 per cent for Myanmar, and 1.15 per cent for Indonesia. At the same time, their profits can soar by 400 and 166 per cent, respectively.

As shown in the figures, the productivity equivalent is much lower than the tax equivalent. In other words, trade barriers bring benefits much more than costs to incumbent insurance providers. This means that they prefer more restrictions. However, this does not mean restrictions bring benefits to the whole society. Rather, barriers give rise to dead weight loss, as suggested by the theory. In order to give a convincing answer, this requires a computable general equilibrium exercise to measure the economy-wide impact of barriers to trade in financial services.

**Figure 7. Productivity and Tax Equivalents of TRI in Insurance Services**



Data source: Survey responses.

## 5.2. Time Trends of Barriers to Trade in Financial Services

### 5.2.1. Insurance

Dee and Dinh (2007) found a relatively small change in restrictions affecting insurance services in most of the 35 countries over the period 1997-2004. The exceptions were China and India, which had substantial reductions over that period. Perhaps not coincidentally, these were two of the three countries with the highest average barriers over the period. For China, as for Taiwan, the liberalization was driven by WTO accession. For India, the liberalization was the result of unilateral reform. In all cases, the reductions were the result of unilateral domestic reforms. Pakistan's reduction was driven primarily by the privatization of a few of its biggest insurers.

Two countries actually showed slight increases in trade barriers over the period — Malaysia and Thailand. Malaysia also had the second highest average barriers to trade

over the period, casting doubt on the existence of any automatic mechanism to reduce trade barriers in the most restrictive countries. In Malaysia, a law enacted in mid-1998 required the branches of foreign insurance companies to incorporate locally, raising its restrictions on joint venture requirements. In Thailand, there was a drought on issuing new licenses in the second half of the period, and those ‘composite’ companies undertaking both life and non-life insurance were required to separate. Thus the scores for both licensing and scope of business rose over time.

The biggest percentage reduction was in foreign equity limits. The second biggest reduction was in domestic equity limits, reflecting privatization initiatives. Reductions in ceding percentages were also significant, as was the relaxation of licensing restrictions (particularly reflecting initiatives in China and Argentina). Interestingly, there were no recorded reductions over time in restrictions affecting delivery via mode 1 or mode 2.

### 5.2.2. *Banking*

Dinh’s (2008) study on the barriers to trade in banking services in 36 countries over the period 1997-2006 showed that the trend to change these barriers was not clear. In about half the sample countries, restrictions fell over time. Most of the top-ten liberalizing countries belonged to the OECD. This group also consisted of developing countries including Vietnam, Malaysia and China. In the other half, banking services became more restricted. Most of the top-ten tightening countries were original EU countries. Thailand, Indonesia, and Singapore also belonged to this group.

Most of the change in TRI came from the changes in regulations governing foreign banks. This was partly because many countries signed bilateral agreements as well as joined trade blocks. However, more than 50 per cent of the changes in banking restrictions in such countries as Israel, Austria, China, Turkey, Italy and the Czech Republic came from changes in restrictions affecting domestic banks. Some of this was driven by domestic reform. But as noted earlier, the trend to liberalize was not uniform — some countries tightened their restrictions on foreign and/or domestic banks.

All categories of restrictions on foreign banks were selected to be loosened by at least some countries. Of the restrictions affecting domestic banks, the only restrictions kept unchanged were requirements for domestic banks to show economic benefit or to

get approval before obtaining a license, and restrictions on fund raising. Restrictions on licensing of foreign banks were the most frequently loosened, with 56 per cent of the sample countries increasing their numbers of foreign bank licenses issued. The next five most prevalent categories for liberalization all belonged to mode 1, suggesting that cross-border banking has been encouraged. A couple of countries eased mode 4 restrictions in banking services, by lengthening the stay of business people, and transferees, respectively.

The participation of the government in the banking system was reduced in just over 60 per cent of the sample. In contrast, restrictions on domestic banks undertaking settlement services, and setting up additional branches were loosened in just two countries.

Restrictions on foreign banks undertaking insurance business were the most frequently tightened — banks were either not allowed to engage in insurance business, or were required to set up separate subsidiaries to provide insurance. New entry by foreign banks became more restricted in fully a third of the sample countries. The same situation also occurred to domestic banks in exactly the same number of countries. Several countries tightened restrictions on both groups of banks. In at least some of these cases, the tightening could have been a response to perceived over-banking. Banks' undertaking real estate business became more restricted for both foreign and domestic banks in 30 per cent of the sample countries. Only a couple of countries imposed more restrictions on all cross-border banking activities.

Countries with low income have significantly reduced their restrictions, while countries with high income have only slightly relaxed, or imposed more barriers. The group with the largest reduction in TRI has been middle-income countries.

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## ERIA TRADE IN SERVICES SECTORAL QUESTIONNAIRE – MEDICAL PROFESSIONALS

### COVERAGE (CPC Codes)

- |  |       |
|--|-------|
| 1.A. Professional services   |       |
| a. Medical and dental services   | 9312  |
| b. Services provided by midwives, nurses, physiotherapists and paramedical personnel | 93191 |

Professional services can be delivered via mode 3 (commercial presence) and mode 4 (movement of natural persons - either individual professionals or the employees of foreign located professional service firms). Medical and para-medical services are sometimes provided via mode 1 (eg remote diagnostic services) and mode 2 (consumption abroad).

Professional services include the provision of medical and para-medical services *outside* of a hospital setting. The provision of hospital services is covered in the template on health services.

The GATS does not cover 'services supplied in the exercise of government authority', which is defined as 'any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers'. Thus the medical and para-medical services covered in this template are those provided by medical and para-medical professionals in private practice, not in government-funded medical clinics.

### INTRODUCTION

The questionnaire covers: the conditions of *competition* in the sector, notably policy restrictions on entry and ongoing operations; restrictions on *ownership*, private and foreign; *regulation*, including measures to achieve social objectives such as universal access. The emphasis is on policies affecting international trade and investment in medical professional services, rather than more general policies affecting the medical professional service sector.

Note (1): Please give information for the current year only.

Note (2): Whenever a question is not applicable, (eg because the particular activity or institution is not allowed), please indicate using 'NA', rather than leaving the cell blank.

Note (3): Where reporting monetary values, please note currency.

Note (4): If insufficient space is provided, please attach additional information on separate sheets.

### SUGGESTED INFORMATION SOURCES

Government department in charge of regulating medical professions (medical, dental, nursing)\*  
Professional bodies representing medical professions (medical, dental, nursing)\*  
Independent regulatory body overseeing medical professions (if different from either of the above two institutions)\*  
A domestic medical clinic (if necessary)  
A foreign-invested medical clinic (if necessary)

\* In the first instance, see the ASEAN Mutual Recognition Agreements on medical, dental and nursing services at <http://www.aseansec.org/19087.htm>. The texts of these agreements list the relevant accreditation agencies for these professions in each country. Other bodies may also be involved in regulating these professions.

A. Market Access – commercial presence (mode 3) – Professional service firms

1. Are there restrictions on new entry of professional service firms?				
	Entry by <i>any</i> firm	If yes, total number of firms allowed	Entry by <i>foreign</i> firms	If yes, number of foreign firms allowed
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

2. If entry by firms is restricted, what are the reasons provided by government? (tick all relevant reasons)			
	Medical	Dental	Para-medical
To give incumbent firms time to prepare for competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To increase government revenue from privatisation or license fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights believed necessary to attract (strategic) investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights to allow the provision of universal service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate regulatory and supervisory capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strategic activity reserved to the state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to economic needs test by govt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to geographic location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry controlled by professional association	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):			

3. Are professional services firms <i>prohibited</i> from incorporating (with limited liability)? Are they <i>required</i> to establish in a particular form (eg partnership, non-profit)?		
	Prohibition on incorporation	Required form of establishment (please state)
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes	

4. Are foreign professional services firms <i>prohibited</i> from establishing in a joint venture with local professionals? Are they <i>required</i> to establish in a JV? Are there restrictions on JVs (eg equity limits)			
	JV prohibited?	JV required?	Restrictions on JVs
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	

B. Market Access – Inward movement of natural persons (mode 4) – Individual professionals

5. Are there policy restrictions on new entry of <i>individual professionals</i> (other than via licensing criteria, which are covered later)?				
	Entry by <i>any</i> individual	If yes, total number of professionals allowed	Entry by <i>foreign</i> individuals	If yes, number of foreign professionals allowed
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

6. If entry by individual professionals is restricted, what are the reasons provided? (tick all relevant reasons)			
	Medical	Dental	Para-medical
To give incumbent individuals time to prepare for competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To increase government revenue from privatisation or license fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights believed necessary to attract (strategic) investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights to allow the provision of universal service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate regulatory and supervisory capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strategic activity reserved to the state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to economic needs test by govt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to geographic location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry controlled by professional association	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):			

7. Is there a nationality or citizenship requirement for individual professionals to qualify or to practice (whether as a condition of license, or otherwise)?			
	Required to qualify or practice	Required for use of professional title, but practice relatively free	No restrictions
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Is there a residency or local presence requirement for individual professionals to practice (whether as a condition of license, or otherwise)?				
	Permanent residency required (more than 12 months)	12 months or less prior residency required	Domicile required	Other (specify)
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

C. Market Access – Outward movement of natural persons (mode 4) – Individual professionals

9. Are there policy restrictions on outward movement of <i>individual professionals</i> ? Please state the type of restriction				
	Exit permit required?	Agency granting exit permit?	Fees/ procedures for exit permit? (please state)	Education or employment bond required after training (specify)?
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes			
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes			
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes			

10. Are there other restrictions on exit?	
Medical	
Dental	
Para-medical	

D. Market Access – Inward movement of natural persons (mode 4) – Intra-corporate transferees

11. Are there <i>minimum requirements</i> to have nationals/residents in the following categories of position in foreign invested professional service firms (specify minimum number or percentage, state which):			
	Medical	Dental	Para-medical
Members of the board of directors			
Executives			
Managers			
Professionals			
Medical consultants			
Unskilled workers			
Other staff (specify):			

12. Are there <i>prohibitions</i> or <i>maximum restrictions</i> on employing locally trained professionals in foreign invested professional service firms (specify maximum number or percentage, state which):			
	Medical	Dental	Para-medical
Prohibition			
Maximum limit (specify):			
Other restriction (specify):			

13. Identify the categories of intra-corporate transferees whose entry and stay is subject to <i>labour market tests</i>			
	Medical	Dental	Para-medical
Members of the board of directors			
Executives			
Managers			
Professionals			
Medical consultants			
Unskilled workers			
Other staff (specify):			

14. Identify the categories of managerial personnel who must be locally licensed as a professional			
	Medical	Dental	Para-medical
Members of the board of directors			
Executives			
Managers			

15. Identify the categories of managerial personnel who must be locally domiciled			
	Medical	Dental	Para-medical
Members of the board of directors			
Executives			
Managers			

*E. Cross-border trade (Mode 1)*

16. Are foreign medical professionals located abroad able to provide services cross-border to patients in your country (eg tele-medicine)? (tick which apply)?			
	Medical	Dental	Para-medical
Not permitted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Limited in form (eg limited to certain kinds of diagnostic services) (state form)			
Limited to specific groups (eg to foreign nationals in your country) (state group)			
Limited in some other way (state limitation)			
No stated limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Consumption abroad (Mode 2)

17. Can domestic residents purchase medical services while abroad? (tick which apply)?	
Not permitted	<input type="checkbox"/>
Quotas related to the value of transactions, the number of operations or the number of nationals travelling abroad (visa restrictions)	<input type="checkbox"/>
Taxes or registration/authorisation requirements on consumers travelling abroad	<input type="checkbox"/>
No restrictions	<input type="checkbox"/>

G Ownership

18. Is <i>private</i> ownership in professional service firms allowed?				
	<i>Existing operators</i>	Maximum private equity permitted (%)	<i>New entrants</i>	Maximum private equity permitted (%)
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

19. Is <i>foreign</i> ownership in professional service firms allowed?				
	<i>Existing operators</i>	Maximum foreign equity permitted (%)	<i>New entrants</i>	Maximum foreign equity permitted (%)
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

20. Are <i>non-professional</i> investors allowed an equity stake in professional service firms?				
	<i>Existing operators</i>	Maximum non-professional equity permitted (%)	<i>New entrants</i>	Maximum non-professional equity permitted (%)
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

H. Regulation – licensing

21. Which organisation(s) are responsible for regulating (via licensing or otherwise) to ensure service quality?				
	Government Ministry(ies)	Professional body	Both	Other (specify):
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

22. Indicate the requirements for licensing and accreditation of *local* individual professionals (tick all relevant requirements)

	Compulsory membership of professional organisation	Professional examination	Practical experience (give number of years)	Higher education (give number of years)	No licence required to practice
Medical	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Dental	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>

23. Are there any other requirements for the licensing and accreditation of *local* individual professionals (eg geographic location, as a condition of licensing, or proof of professional indemnity insurance)? Please specify:

Medical	
Dental	
Para-medical	

24. Indicate the requirements for *foreign* individual professionals to be licensed to practice locally (tick all relevant requirements)

	Local retraining required for full licence	Local exam required in all cases	Case-by-case assessment of foreign licence and quals (eg under MR agreement)	Aptitude test or local practice (state which)	Foreign licence and quals sufficient to practice	No licence required to practice
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

25. Are there any other requirements for the licensing and accreditation of *foreign* individual professionals (geographical location as a condition of licensing)? Please specify:

(NB Citizenship and residency requirements, whether as a condition of license or not, are covered in Question 7 and 8)

Medical	
Dental	
Para-medical	

26. If the number of providers is also limited by policy (other than just via licensing criteria), through what mechanism are licenses allocated?

	Medical	Dental	Para-medical
First come, first served	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discretionary decision by issuing authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competitive bidding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)			

27. With how many countries do you have a <i>mutual</i> recognition agreement to recognise the professional and academic credentials of foreign individual professionals? Were they negotiated by government, a professional body, or both?		
	Number of countries	Who negotiated them?
Medical		
Dental		
Para-medical		

28. With how many countries do you have a <i>non-mutual</i> (ie one-way) recognition agreement (with at least one institution) to recognise the professional and academic credentials of foreign individual professionals? Were they established government, a professional body, or both?		
	Number of countries	Who established them?
Medical		
Dental		
Para-medical		

*1. Regulation – restrictions on operation*

29. Are there activities (eg anaesthesia) reserved by law to the profession? Please specify:	
Medical	
Dental	
Para-medical	

30. Are there restrictions on partnership or association with other professions?		
	Prohibition:	Other (please specify)
Medical	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	

31. Are there restrictions on advertising, marketing or solicitation?		
	Prohibition:	Other (please specify)
Medical	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	

32. Are there restrictions on fee setting?				
	Minimum?	Maximum?	Which activities?	Set by govt. or professional body?
Medical	<input type="checkbox"/>	<input type="checkbox"/>		
Dental	<input type="checkbox"/>	<input type="checkbox"/>		
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>		



33. Is there a requirement for foreign invested professional firms to train local staff? NB Please list any other hiring restrictions under Sections 1.B and 1.C on market access via mode 4.			
	Professional staff?	Managerial staff?	Other staff (please specify):
Medical	<input type="checkbox"/>	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	

34. Are there restrictions on the participation of foreign professionals or professional service firms in government contracts? Please specify:	
Medical	
Dental	
Para-medical	

35. Is there a requirement to have the work of a foreign professional approved by a locally trained/licensed professional?	
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes
Dental	<input type="checkbox"/> No <input type="checkbox"/> Yes
Para-medical	<input type="checkbox"/> No <input type="checkbox"/> Yes

36. Which of the following are consulted in advance of regulatory changes (eg licensing requirements)?				
	Service providers	Professional bodies	Users	Other (specify):
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

37. How are laws and regulatory decisions made public?				
	Government website	Professional body's website	Official gazette	Other (specify):
Medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Para-medical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

38. Is there a universal service obligation?:			
Category	How is USO defined?	What instruments are used (eg consumer subsidy, producer subsidy cross subsidy, free provision, subsidised insurance):	How is it funded (eg cross subsidy, budget allocation, industry fund)?:
Medical			
Dental			
Para-medical			

39. Are foreign <i>providers</i> restricted in their access to producer subsidies? Are their clients restricted in their access to consumer subsidies? Please specify:				
	Producer subsidies?		Consumer subsidies?	
	Mode 3	Mode 4	Mode 3	Mode 4
Medical				
Dental				
Para-medical				

40. Are there any specific local policies and initiatives to attract foreign clients/patients (mode 1 or mode 2)? Please specify:	
Medical	
Dental	
Para-medical	

41. Are local providers (domestically owned or foreign invested) restricted in their access to producer subsidies when they serve foreign clients? Please specify:	
Medical	
Dental	
Para-medical	

*J. Past and Future Trade Policy Commitments in Medical Professional Services*

42. Please indicate any trade agreements signed by your country that have included, or will include, commitments on trade and/or investment in medical professional services. Please indicate briefly the nature of the commitment. Please include WTO commitments as well as those in free trade agreements.

Trade Agreement	Year agreement (or amendment) signed	Description of commitment

If you have any queries about this questionnaire, please contact the Project Leader.

Please, provide the name and contact information of the respondent of this questionnaire, or of a specialist from whom we can obtain clarifications if necessary.

Name \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Fax \_\_\_\_\_  
 E-mail address: \_\_\_\_\_

## ERIA TRADE IN SERVICES SECTORAL QUESTIONNAIRE – HEALTH SERVICES

### COVERAGE (CPC Codes)

8. Health services
- |    |   |                         |
|----|---|-------------------------|
| A. | Hospital services (incl psychiatric)  | 9311                    |
| B. | Other human health services<br>(ambulance, residential health care other than hospital, medical laboratory etc) | 9319 (other than 93191) |

Health related services are primarily facilities-based services that are traded via mode 3, ie, the entry and operation of foreign owned operators. Increasingly, hospital services are being provided via mode 2 (consumption abroad) or mode 1 (tele-medicine).

Health services include the provision of medical services *inside* a hospital or laboratory setting. The provision of health services *outside* a hospital, in a professional clinic or in the premises of an individual professional, is covered in the template on medical professional services.

The GATS does not cover 'services supplied in the exercise of government authority', which is defined as 'any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers'. Thus the health services covered in this template are those provided by private providers, not government-funded facilities. The private facility and/or its patients may nevertheless be eligible for government subsidies.

### INTRODUCTION

The questionnaire covers: the conditions of *competition* in the sector, notably policy restrictions on entry and ongoing operations; restrictions on *ownership*, private and foreign; and *regulation*, including measures to achieve social objectives such as universal access. The emphasis is on policies affecting international trade and investment in health services, rather than more general policies affecting the health sector.

Note (1): Please give information for the current year only.

Note (2): Whenever a question is not applicable, (eg because the particular activity or institution is not allowed), please indicate using 'NA', rather than leaving the cell blank.

Note (3): Where reporting monetary values, please note currency.

Note (4): If insufficient space is provided, please attach additional information on separate sheets.

### SUGGESTED INFORMATION SOURCES

Government department in charge of regulating health services (hospitals, medical laboratories, ambulance services)

Independent national or regional regulatory body overseeing health services (if different from the above institution)

A domestic hospital (if necessary)

A foreign-invested hospital (if necessary)

A. Market Access – commercial presence (mode 3)

1. Are there policy restrictions on new entry?				
	Entry by <i>any</i> firm	If yes, total number of firms allowed	Entry by <i>foreign</i> firms	If yes, number of foreign firms allowed
Hospital	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical laboratory	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Ambulance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

2. If entry is restricted, what are the reasons provided by the government? (tick all relevant reasons)			
	Hospital	Med lab	Ambulance
To give incumbents time to prepare for competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To increase government revenue from privatisation or license fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights believed necessary to attract (strategic) investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights to allow the provision of universal service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate regulatory and supervisory capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strategic activity reserved to the state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to economic needs test by govt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to geographic location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):			

3. Are health services firms <i>prohibited</i> from incorporating (with limited liability)? Are they <i>required</i> to establish in a particular form (eg partnership, non-profit)?		
	Prohibition on incorporation	Required form of establishment (please state)
Hospital	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical laboratory	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Ambulance	<input type="checkbox"/> No <input type="checkbox"/> Yes	

4. Are foreign health services firms <i>prohibited</i> from establishing in a joint venture with local professionals? Are they <i>required</i> to establish in a JV? Are there restrictions on JVs (eg equity limits)			
	JV prohibited?	JV required?	Restrictions on JVs
Hospital	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical laboratory	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Ambulance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	

5. Are foreign health services firms restricted in the scope of services they can provide? Please specify:	
Hospital	
Medical laboratory	
Ambulance	

6. Are foreign health services firms restricted in the number of clients (domestic and/or foreign) they can service? Please specify:	
Hospital	
Medical laboratory	
Ambulance	

*B. Market Access – movement of natural persons (mode 4) – intra-corporate transferees*

7. Are there <i>minimum requirements</i> to have nationals/residents in the following categories of position in foreign invested health service firms (specify minimum number or percentage, state which):			
	Hospital	Med lab	Ambulance
Members of the board of directors			
Executives			
Managers			
Professionals			
Para-professionals			
Medical consultants			
Unskilled workers			
Other staff (specify):			

8. Are there <i>prohibitions</i> or <i>maximum restrictions</i> on employing locally trained professionals in foreign invested professional service firms (specify maximum number or percentage, state which):			
	Hospital	Med lab	Ambulance
Prohibition			
Maximum limit (specify):			
Other restriction (specify):			

9. Identify the categories of intra-corporate transferees whose entry and stay is subject to <i>labour market tests</i>			
	Hospital	Med lab	Ambulance
Members of the board of directors			
Executives			
Managers			
Professionals			
Medical consultants			
Unskilled workers			
Other staff (specify):			

10. Identify the categories of managerial personnel who must be locally licensed as a medical professional			
	Hospital	Med lab	Ambulance
Members of the board of directors			
Executives			
Managers			

11. Identify the categories of managerial personnel who must be locally domiciled			
	Hospital	Med lab	Ambulance
Members of the board of directors			
Executives			
Managers			

*C. Cross-border trade (Mode 1)*

12. Are foreign health services providers located abroad able to provide services cross-border to patients in your country (eg tele-medicine)? (tick which apply)?		
	Hospital	Med lab
Not permitted	<input type="checkbox"/>	<input type="checkbox"/>
Limited in form (eg limited to certain kinds of diagnostic or lab testing services) (state form)		
Limited to specific groups (eg to foreign nationals in your country) (state group)		
Limited in some other way (state limitation)		
No stated limitations	<input type="checkbox"/>	<input type="checkbox"/>

*D. Consumption abroad (Mode 2)*

13. Can domestic residents purchase health services while abroad? (tick which apply)?	
Not permitted	<input type="checkbox"/>
Quotas related to the value of transactions, the number of operations or the number of nationals travelling abroad (visa restrictions)	<input type="checkbox"/>
Taxes or registration/authorisation requirements on consumers travelling abroad	<input type="checkbox"/>
No restrictions	<input type="checkbox"/>

E. Ownership

14. Is <i>private</i> ownership in health service firms allowed?				
	Existing operators	Maximum private equity permitted (%)	New entrants	Maximum private equity permitted (%)
Hospital	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical laboratory	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Ambulance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

15. Is <i>foreign</i> ownership in health service firms allowed?				
	Existing operators	Maximum foreign equity permitted (%)	New entrants	Maximum foreign equity permitted (%)
Hospital	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical laboratory	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Ambulance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

F Regulation

a. The regulator

16. Institutional status of the regulator				
	Name the regulator	When established	Independent from Ministry?	If yes, when made independent? t
Hospital				
Medical laboratory				
Ambulance				

17. How is the sector regulator financed?			
	Licence and other fees (%)	State budget (%)	Other (please specify) (%)
Hospital			
Medical laboratory			
Ambulance			

b. Registration, authorisation or licensing

18. Is registration, authorisation or licensing required for establishment? Is it limited temporally or geographically?				
	Required?	Licence granted in perpetuity?	For fixed term (state term)	Licence limited geographically?
Hospital	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Medical laboratory	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Ambulance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

19. If the number of providers is <i>not</i> limited by policy, specify the main conditions new entrants must fulfil to be registered/authorised/licensed.			
	Hospital	Med lab	Ambulance
Payment of license fee (indicate amount)			
Minimum capital (indicate amount)			
Tax declaration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank references	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit of a cash bond (indicate amount)			
Experience in the field (specify)			
Proof of the professional qualifications of key staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certificates assessing conformity with quality assurance systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compatible home country regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)			

20. If the number of providers <i>is</i> limited by policy, through what mechanism are licenses allocated?			
	Hospital	Med lab	Ambulance
First come, first served	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discretionary decision by issuing authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competitive bidding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)			

21. Are foreign firms subject to different licensing requirements from domestic firms?			
	Hospital	Med lab	Ambulance
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, then specify			

22. Are foreign firms required to train local staff?			
	Hospital	Med lab	Ambulance
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. Are there performance or quality assurance obligations on foreign providers? Do they differ from those for domestic institutions? Please specify:	
Hospital	
Medical laboratory	
Ambulance	

24. Are foreign service providers restricted in their ability to charge fees? Please specify:		
	From international clients?	From local clients?
Hospital		
Medical laboratory		
Ambulance		



25. Is there a universal service obligation?:			
Category	How is USO defined?	What instruments are used (eg consumer subsidy, producer subsidy cross subsidy, free provision, subsidised insurance):	How is it funded (eg cross subsidy, budget allocation, industry fund)?:
Hospital			
Medical laboratory			
Ambulance			

26. Are foreign <i>providers</i> restricted in their access to producer subsidies? Are their local clients (nationals) restricted in their access to consumer subsidies? Please specify:		
	Producer subsidies?	Consumer subsidies?
Hospital		
Medical laboratory		
Ambulance		

27. Are there any specific local policies and initiatives to attract foreign clients/patients (mode 1 or mode 2)? Please specify:	
Hospital	
Medical laboratory	
Ambulance	

28. Are local providers (domestic or foreign invested) restricted in their access to producer subsidies when they serve foreign clients? Please specify:	
Hospital	
Medical laboratory	
Ambulance	

29. Which of the following are consulted in advance of regulatory changes (eg accreditation requirements)?			
	Service providers	Users	Other (specifiy):
Hospital	<input type="checkbox"/>	<input type="checkbox"/>	
Medical laboratory	<input type="checkbox"/>	<input type="checkbox"/>	
Ambulance	<input type="checkbox"/>	<input type="checkbox"/>	

30. How are laws and regulatory decisions made public?			
	Regulator's website	Official gazette	Other (specifiy):
Hospital	<input type="checkbox"/>	<input type="checkbox"/>	
Medical laboratory	<input type="checkbox"/>	<input type="checkbox"/>	
Ambulance	<input type="checkbox"/>	<input type="checkbox"/>	



## ERIA TRADE IN SERVICES SECTORAL SERVICES QUESTIONNAIRE – BANKING SERVICES

### COVERAGE (CPC Codes)

7.B.a. Acceptance of deposits and other repayable funds from the public	81115-81119
7.B.b. Lending of all types, incl., inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction	8113

Banking services can be delivered through all four GATS modes of supply — cross-border (mode 1), via the movement of consumers (mode 2), via commercial presence (mode 3) and via the movement of individual bank personnel (including the employees of banking firms — mode 4).

The GATS does not cover prudential regulation, and it is typically also excluded from regional trading arrangements. This questionnaire therefore focuses on non-prudential regulation.

### INTRODUCTION

The questionnaire covers: the conditions of *competition* in the sector, notably policy restrictions on entry and ongoing operations; restrictions on *ownership*, private and foreign; and *regulation* other than prudential regulation.

Note (1): Please give information for the current year only.

Note (2): Whenever a question is not applicable, (eg because the particular activity, service or institution does not occur, or is not allowed), please indicate using 'NA', rather than leaving the cell blank.

Note (3): Where reporting monetary values, please note currency.

Note (4): If insufficient space is provided, please attach additional information on separate sheets.

### SUGGESTED INFORMATION SOURCES

Central bank

Government department in charge of regulating the financial sector

Independent regulatory body overseeing banking activity (if different from either of the above two institutions)

A domestic commercial bank (if necessary)

A foreign-invested commercial bank (if necessary)

A. Market Access

a. Macroeconomic policies

1. Are there restrictions on capital flows?		
Capital inflows	Capital outflows	If yes, what type of restrictions? What coverage (eg portfolio investment, FDI)? Is the authority allowed to impose temporary restrictions?
Short term <input type="checkbox"/> No <input type="checkbox"/> Yes	Short term <input type="checkbox"/> No <input type="checkbox"/> Yes	
Long term <input type="checkbox"/> No <input type="checkbox"/> Yes	Long term <input type="checkbox"/> No <input type="checkbox"/> Yes	

b. Commercial presence (mode 3)

2. Are there policy restrictions on new entry of banks?					
Entry by any bank	If yes, total number of banks allowed	Entry by domestic banks	If yes, total number of domestic banks allowed	Entry by foreign banks (includes branches and subsidiaries)	If yes, total number of foreign banks allowed
<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

3. If entry is restricted, what are the reasons provided by government? (tick all relevant reasons)			
	All	Domestic	Foreign
To give state-owned or national banks time to prepare for competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To increase government revenue from privatisation or license fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights to allow the provision of universal service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excessive entry believed to threaten financial stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate regulatory or supervisory capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perception of no economic need for new banks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to geographic location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Only on a reciprocal basis			<input type="checkbox"/>
Other (specify):			

4. If entry by domestic or foreign banks is restricted by screening or needs tests (other than licensing requirements, which are covered later), what is the nature of the test (tick which applies)?		
	Domestic	Foreign-invested
Must show economic benefit	<input type="checkbox"/>	<input type="checkbox"/>
Approval unless contrary to the national interest	<input type="checkbox"/>	<input type="checkbox"/>
Notification (pre or post) requirements	<input type="checkbox"/>	<input type="checkbox"/>
No screening or approval requirements	<input type="checkbox"/>	<input type="checkbox"/>

5. Which of the following legal forms of establishment are allowed for foreign banks? (tick all relevant forms)			
Subsidiaries	Branches — able to lend against local capital	Branches — able to lend against parent capital	Representative offices
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Are there restrictions on the ability of banks to raise funds? (tick all that apply)?		
	Domestic banks	Foreign-invested banks
Unable to raise funds domestically	<input type="checkbox"/>	<input type="checkbox"/>
Limited in the amount that can be raised domestically (state absolute or % limit)		
Limited in the form that can be raised (eg only through deposits or local currency) (state form)		
Limited to raising funds from particular groups (eg only from non-resident entities in your country) (state group)		
Some or all fund raising must be conducted in subsidiaries (ie branches restricted to wholesale banking)	<input type="checkbox"/>	<input type="checkbox"/>
Fund raising subject only to prudential restrictions	<input type="checkbox"/>	<input type="checkbox"/>

7. Are there restrictions on the ability of banks to lend? (tick all that apply)?		
	Domestic banks	Foreign-invested banks
Not allowed to lend to domestic borrowers	<input type="checkbox"/>	<input type="checkbox"/>
Limited in the amount that can be lent domestically (state absolute or % limit)		
Limited in the form that can be lent (eg only through credit cards, not through consumer finance) (state form limitation)		
Directed to lend to particular groups (eg housing, small business, government, particular regions) (state group)		
Some or all lending must be conducted in subsidiaries	<input type="checkbox"/>	<input type="checkbox"/>
Lending subject only to prudential restrictions	<input type="checkbox"/>	<input type="checkbox"/>

8. Which of the following services are <i>domestic</i> commercial banks permitted to provide domestically? (tick which applies)?				
	All (only with prudential regulation)	Some	Only through subsidiaries	None
Settlement services (eg collection, payment)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Securities activities (eg underwriting, dealing, brokering)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Real estate business ( investment, development, management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign exchange services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Which of the following services are <i>foreign-invested</i> commercial banks permitted to provide domestically? (tick which applies)?				
	All (only with prudential regulation)	Some	Only through subsidiaries	None
Settlement services (eg collection, payment)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Securities activities (eg underwriting, dealing, brokering)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Real estate business ( investment, development, management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign exchange services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. What restrictions (if any) apply to expanding operations — street branches, offices and ATMs (tick which restrictions apply)?		
	Domestic banks	Foreign-invested banks
One banking outlet with no new outlets permitted	<input type="checkbox"/>	<input type="checkbox"/>
Number of outlets limited in number and/or location	<input type="checkbox"/>	<input type="checkbox"/>
Expansion of outlets subject to non-prudential regulatory approval	<input type="checkbox"/>	<input type="checkbox"/>
No restrictions	<input type="checkbox"/>	<input type="checkbox"/>

c. Cross-border trade (Mode 1)

11. Are foreign banks located abroad able to lend or raise funds in your country? (tick which apply)?		
	Lending	Raising funds
Not permitted	<input type="checkbox"/>	<input type="checkbox"/>
Limited in amount (state absolute or % limit)		
Limited in form (state form)		
Limited to specific groups (eg other banks, corporations) (state group)		
Permitted subject only to prudential restrictions	<input type="checkbox"/>	<input type="checkbox"/>

12. Are foreign banks located abroad able to provide the following services domestically? (tick which apply)?			
	No	Yes, with some restrictions	Yes, with only prudential restrictions
Cross-border settlement services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cross border securities business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cross-border foreign exchange business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cross-border insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d. Consumption abroad (Mode 2)

13. Can domestic residents purchase financial services while abroad? (tick which apply)?	
Not permitted	<input type="checkbox"/>
Quotas related to the value of transactions, the number of operations or the number of nationals travelling abroad (visa restrictions)	<input type="checkbox"/>
Taxes or registration/authorisation requirements on consumers travelling abroad	<input type="checkbox"/>
No restrictions	<input type="checkbox"/>

e. Movement of natural persons (Mode 4)

14. Are there residency or nationality requirements or quotas for any of the following categories of personnel employed by locally established foreign financial banking services companies?	
	Minimum number/percentage of nationals/residents (please specify)
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

15. Identify the categories of intra-corporate transferees whose entry and stay is subject to labour market tests?	
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

16. Identify the permitted length of short-term visit (in days) for foreign bank personnel. Identify the permitted length of long-term stay (in years) of foreign intra-corporate transferees.	
Short-term	
Long-term	

*B. Ownership*

17. Is private ownership in the provision of banking services allowed?				
	Existing banks	Maximum private equity permitted (%)	New entrants	Maximum private equity permitted (%)
	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

18. Is foreign ownership in the provision of banking services allowed?				
	Existing operators	Maximum foreign equity permitted (%)	New entrants	Maximum foreign equity permitted (%)
	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

19. Are there restrictions on bank ownership of non-financial firms? (tick which applies)?		
	Domestic banks	Foreign-invested banks
Not allowed to own non-financial firms	<input type="checkbox"/>	<input type="checkbox"/>
Allowed to own less than 100% of non-financial firms	<input type="checkbox"/>	<input type="checkbox"/>
Allowed to own 100% of a non-financial firm, but ownership limited based on a bank's equity capital	<input type="checkbox"/>	<input type="checkbox"/>
Ownership without restrictions	<input type="checkbox"/>	<input type="checkbox"/>

*C. Regulation*

*a. The regulator*

20. Institutional status of the regulator				
	Name the regulator	When established	Independent from Ministry?	If yes, when made independent?

21. How is the sector regulator financed?			
	Licence and other fees (%)	State budget (%)	Other (please specify) (%)

*b. Registration, authorisation or licensing*

22. Is registration, authorisation or licensing required for establishment? Is the licence limited temporally? Are separate licenses required to establish branches in each state/province? Are licences limited geographically in other ways?					
	Required?	Licence granted in perpetuity?	For fixed term (state term)	Separate licence for each state?	Licence limited geographically?
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>



23. If the number of providers is <i>not</i> limited by policy, specify the main conditions new entrants must fulfil to be registered/authorised/licensed.		
	Domestic banks	Foreign-invested banks
Payment of license fee (indicate amount)		
Presentation of detailed business plan	<input type="checkbox"/>	<input type="checkbox"/>
Minimum capital (indicate amount)		
Compatible home country regulation	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)		

24. If the number of providers <i>is</i> limited by policy, through what mechanism are licenses allocated?	
First come, first served	<input type="checkbox"/>
Discretionary decision by issuing authority	<input type="checkbox"/>
Competitive bidding	<input type="checkbox"/>
Other (specify)	

25. Are foreign firms subject to different licensing requirements from domestic firms?	
No	<input type="checkbox"/>
Yes	<input type="checkbox"/>
If yes, then specify	

26. Are the following interest rates <i>set</i> by government? Do they need to be <i>approved</i> by government?				
	Domestic banks		Foreign-invested banks	
Lending rates	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Borrowing rates	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Interest gap between lending and borrowing rates	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved

*D. Past and Future Trade Policy Commitments in Banking Services*

27. Please indicate any trade agreements signed by your country that have included, or will include, commitments on trade and/or investment in banking services. Please indicate briefly the nature of the commitment. Please include WTO commitments as well as those in free trade agreements.

Trade Agreement	Year agreement (or amendment) signed	Description of commitment

If you have any queries about this questionnaire, please contact the Project Leader.

Please, provide the name and contact information of the respondent of this questionnaire, or of a specialist from whom we can obtain clarifications if necessary.

Name \_\_\_\_\_  
Telephone \_\_\_\_\_  
Fax \_\_\_\_\_  
E-mail address: \_\_\_\_\_

## ERIA TRADE IN SERVICES SECTORAL QUESTIONNAIRE – INSURANCE SERVICES

### COVERAGE (CPC Codes)

#### 7. FINANCIAL SERVICES

7.A. <u>All insurance and insurances-related services</u>	812
7.A.a. Life, accident and health insurance services	8121
7.A.b. Non-life insurance services	8129
7.A.c. Re-insurance and retrocession	81299
7.A.d. Services auxiliary to insurance (incl. broking and agency services)	8140

Insurance services can be delivered through all four GATS modes of supply — cross-border (mode 1), via the movement of consumers (mode 2), via commercial presence (mode 3) and via the movement of individual insurance personnel (either insurance brokers or the employees of insurance firms — mode 4).

The GATS does not cover prudential regulation, and it is typically also excluded from regional trading arrangements. This questionnaire therefore focuses on non-prudential regulation.

### INTRODUCTION

The questionnaire covers: the conditions of *competition* in the sector, notably policy restrictions on entry and ongoing operations; restrictions on *ownership*, private and foreign; and *regulation* other than prudential regulation.

Note (1): Please give information for the current year only.

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Note (3): Where reporting monetary values, please note currency.

Note (4): If insufficient space is provided, please attach additional information on separate sheets.

### SUGGESTED INFORMATION SOURCES

Central bank

Government department in charge of regulating the financial sector

Independent regulatory body overseeing insurance activity (if different from either of the above two institutions)

A domestic insurance company (if necessary)

A foreign-invested insurance company (if necessary)

A. Market Access

a. Macroeconomic policies

1. Are there restrictions on capital flows?		
Capital inflows	Capital outflows	If yes, what type of restrictions? What coverage (eg portfolio investment, FDI)? Is the authority allowed to impose temporary restrictions?
Short term <input type="checkbox"/> No <input type="checkbox"/> Yes	Short term <input type="checkbox"/> No <input type="checkbox"/> Yes	
Long term <input type="checkbox"/> No <input type="checkbox"/> Yes	Long term <input type="checkbox"/> No <input type="checkbox"/> Yes	

b. Commercial presence (mode 3)

2. Are there policy restrictions on new entry of insurance providers in the following segments?				
	Entry by any insurance providers	If yes, total number of firms allowed	Entry by foreign insurance providers	If yes, total number of foreign firms allowed
Life insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Property insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Re-insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Auxiliary services e.g. broking	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

3. If entry is restricted, what are the reasons provided by government? (tick all relevant reasons)					
	Life	Medical	Property	Re-insurance	Broking
To give incumbent firms time to prepare for competition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To increase government revenue from privatisation or license fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclusive rights to allow the provision of universal service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excessive entry believed to threaten financial stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perception of no economic need for new insurance companies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entry subject to geographic location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):					

4. If entry by domestic or foreign invested firms is restricted by screening or needs tests (other than licensing requirements, which are covered later), what is the nature of the test (tick which applies)?		
	Domestic	Foreign-invested
Must show economic benefit	<input type="checkbox"/>	<input type="checkbox"/>
Approval unless contrary to the national interest	<input type="checkbox"/>	<input type="checkbox"/>
Notification (pre or post) requirements	<input type="checkbox"/>	<input type="checkbox"/>
No screening or approval requirements	<input type="checkbox"/>	<input type="checkbox"/>

5. Which of the following legal forms of establishment are allowed for foreign insurance companies? (tick all relevant forms)

	Subsidiaries	Branches	Representative offices	All
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Auxiliary services e.g. broking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Are foreign insurance firms *prohibited* from establishing in a joint venture with local firms? Are they *required* to establish in a JV? Are there restrictions on JVs (eg equity limits)

	JV prohibited?	JV required?	Restrictions on JVs
Life insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Property insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Re-insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Auxiliary services e.g. broking	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes	

7. Which of the following services are insurance companies located in your country permitted to provide domestically?

	Domestic	Foreign-invested
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>
Property - marine, aviation, transport (MAT)	<input type="checkbox"/>	<input type="checkbox"/>
- automobile	<input type="checkbox"/>	<input type="checkbox"/>
- freight	<input type="checkbox"/>	<input type="checkbox"/>
- other (eg building)	<input type="checkbox"/>	<input type="checkbox"/>
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>
Broking or agency activities	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)_____	<input type="checkbox"/>	<input type="checkbox"/>

8. Are any of the following insurance services subject to monopoly provision (tick which applies)?

	National monopoly	Regional monopoly	No monopoly
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property - marine, aviation, transport (MAT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- automobile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- freight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- other (eg building)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. What restrictions (if any) apply to reinsurance by resident insurance companies (tick which restrictions apply)?		
	Domestic insurance companies	Foreign-invested insurance companies
Reinsurance prohibited	<input type="checkbox"/>	<input type="checkbox"/>
Reinsurance restricted to foreign reinsurance companies	<input type="checkbox"/>	<input type="checkbox"/>
Ceding percentage — the percentage of premiums that insurers are required to cede or reinsure with domestically appointed insurers (please state %)		
Other restrictions (please state)		
No restrictions	<input type="checkbox"/>	<input type="checkbox"/>

10. What restrictions (if any) apply to the placement of assets by resident insurance companies (tick which restrictions apply)?		
	Domestic insurance companies	Foreign-invested insurance companies
Required to hold all assets locally	<input type="checkbox"/>	<input type="checkbox"/>
Restricted in the amount of assets that can be held abroad	<input type="checkbox"/>	<input type="checkbox"/>
Other restrictions (eg on type of financial instruments that can be held) (please state)		
No restrictions	<input type="checkbox"/>	<input type="checkbox"/>

11. What restrictions (if any) apply to expanding operations — street branches, offices (tick which restrictions apply)?		
	Domestic insurance companies	Foreign-invested insurance companies
One insurance outlet with no new outlets permitted	<input type="checkbox"/>	<input type="checkbox"/>
Number of outlets limited in number and/or location	<input type="checkbox"/>	<input type="checkbox"/>
Expansion of outlets subject to non-prudential regulatory approval		
No restrictions	<input type="checkbox"/>	<input type="checkbox"/>

c. Cross-border insurance trade (Mode 1)

12. Can domestic residents purchase the following kinds of insurance cross-border from a foreign insurance company? Are any of the purchases subject to limits?				
	No	Only through a resident intermediary	Yes	Limits?
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Property - marine, aviation, transport (MAT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- automobile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- freight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- other (eg building)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Auxiliary services e.g. broking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

13. Are offshore insurance firms allowed to solicit business through advertising in the domestic country?		
	Yes	No
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>
Property - marine, aviation, transport (MAT)	<input type="checkbox"/>	<input type="checkbox"/>
- automobile	<input type="checkbox"/>	<input type="checkbox"/>
- freight	<input type="checkbox"/>	<input type="checkbox"/>
- other (eg building)	<input type="checkbox"/>	<input type="checkbox"/>
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>
Auxiliary services e.g. broking	<input type="checkbox"/>	<input type="checkbox"/>

d. Consumption abroad (Mode 2)

14. Can domestic residents purchase the following kinds of insurance from a foreign insurance company while abroad? Are any of the purchases subject to limits?				
	No	Yes, with restrictions	Yes	Limits?
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Property - marine, aviation, transport (MAT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- automobile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- freight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- other (eg building)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Auxiliary services e.g. broking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

e Movement of natural persons (Mode 4)

15. Are there residency or nationality requirements or quotas for any of the following categories of personnel employed by locally established foreign insurance companies?	
	Minimum number/percentage of nationals/residents (please specify)
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

16. Identify the categories of intra-corporate transferees whose entry and stay is subject to labour market tests?	
Members of the board of directors	
Executives	
Managers	
Skilled workers	
Unskilled workers	
Other staff (specify):	

17. Identify the permitted length of short-term visit (in days) for foreign insurance personnel (eg brokers). Identify the permitted length of long-term stay (in years) of foreign intra-corporate transferees.	
Short-term	
Long-term	

B. Ownership

18. Is private ownership in the provision of insurance services allowed?				
	Existing providers		New entrants	
	Maximum private equity permitted (%)		Maximum private equity permitted (%)	
Life insurance	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Medical insurance	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Property insurance	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Re-insurance	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Broking	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes



19. Is foreign ownership in the provision of services allowed?				
	Existing operators	Maximum foreign equity permitted (%)	New entrants	Maximum foreign equity permitted (%)
Life insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Medical insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Property insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Re-insurance	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	
Broking	<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes	

### C. Regulation

#### a. The regulator

20. Institutional status of the regulator				
	Name the regulator	When established	Independent from Ministry?	If yes, when made independent?†
Life insurance				
Medical insurance				
Property insurance				
Re-insurance				
Broking				

21. How is the sector regulator financed?			
	Licence and other fees (%)	State budget (%)	Other (please specify) (%)
Life insurance			
Medical insurance			
Property insurance			
Re-insurance			
Broking			

#### b. Registration, authorisation or licensing

22. Is registration, authorisation or licensing required for establishment? Is the licence limited temporally? Are separate licenses required to establish branches in each state/province? Are licences limited geographically in other ways?					
	Required?	Licence granted in perpetuity?	For fixed term (state term)	Separate licence for each state?	Licence limited geographically?
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Medical insurance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Property insurance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Re-insurance	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Broking	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

23. If the number of providers is <i>not</i> limited by policy, specify the main conditions new entrants must fulfil to be registered/authorised/licensed.					
	Life	Medical	Property	Re-insurance	Broking
Payment of license fee (indicate amount)					
Presentation of detailed business plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimum capital (indicate amount)					
Compatible home country regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)					

24. If the number of providers <i>is</i> limited by policy, through what mechanism are licenses allocated?					
	Life	Medical	Property	Re-insurance	Broking
First come, first served	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discretionary decision by issuing authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competitive bidding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)					

25. Are foreign firms subject to different licensing requirements from domestic firms?					
	Life	Medical	Property	Re-insurance	Broking
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, then specify					

26. Are the prices of any of the following insurance products <i>set</i> by government? Do they need to be <i>approved</i> by government?				
	Domestic insurance companies		Foreign-invested insurance companies	
Life insurance	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Medical insurance	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Property - marine, aviation, transport (MAT)	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
- automobile	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
- freight	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
- other (eg building)	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Re-insurance	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved
Auxiliary services e.g. broking	<input type="checkbox"/> Set	<input type="checkbox"/> Approved	<input type="checkbox"/> Set	<input type="checkbox"/> Approved

*D. Past and Future Trade Policy Commitments in Insurance Services*

27. Please indicate any trade agreements signed by your country that have included, or will include, commitments on trade and/or investment in insurance services. Please indicate briefly the nature of the commitment. Please include WTO commitments as well as those in free trade agreements.

Trade Agreement	Year agreement (or amendment) signed	Description of commitment

If you have any queries about this questionnaire, please contact the Project Leader.

Please, provide the name and contact information of the respondent of this questionnaire, or of a specialist from whom we can obtain clarifications if necessary.

Name \_\_\_\_\_  
Telephone \_\_\_\_\_  
Fax \_\_\_\_\_  
E-mail address: \_\_\_\_\_

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