

# TRANS-PACIFIC PARTNERSHIP AGREEMENT

## OUTCOMES: SERVICES MARKET ACCESS

Australia's services exports to TPP countries were worth over \$23 billion in 2015-16 (34 per cent of total Australian services exports). The TPP will create a platform for growth in these exports by removing key barriers and providing Australian service suppliers with more transparent and predictable operating conditions.

By locking in existing market conditions in a number of key sectors, the TPP will provide certainty for Australian businesses operating overseas. The TPP will also capture future market reforms in services sectors, meaning that any liberalisation will flow through to Australian service providers.

### Financial services

Highlights of TPP market access outcomes for Australian financial services exporters include:

- Guaranteed market access in all TPP countries for investment advice and portfolio management services to collective investment schemes, as well as insurance of risks relating to maritime shipping and international commercial aviation and freight;
- Vietnam has increased its foreign equity cap for 'strategic' investors in joint stock commercial banks from 15 to 20 per cent;
- Malaysia has agreed to remove all foreign equity caps. In addition, Australian insurance providers will be able to offer product liability and directors' and officers' liability insurance to Malaysians on a cross-border basis; and
- Singapore has committed to allowing Australian companies to provide brokerage services, on a cross-border basis, for insurance of maritime, aviation and transport-related risks.

For more information, refer to: [Outcomes: Financial Services](#)

### Professional, technical and other business services

Key TPP market access outcomes for Australian exporters of professional, technical and other business services include:

- Malaysia has agreed to lift its ban on lawyers providing advice on a 'fly-in fly-out' basis;
- Canada, Mexico, Malaysia, Peru, Brunei Darussalam and several additional US States (Arizona, Indiana, Louisiana, Massachusetts, New Mexico, North Carolina, Missouri and Utah) have agreed



to offer guaranteed access for Australian lawyers to provide legal advice on Australian, international or third party law on a fly-in, fly-out basis;

- Guaranteed market access arrangements for engineers (including for integrated engineering services), urban planners and architects (including landscape architectural services) in Brunei Darussalam, Canada, Chile, Mexico and Peru; and
- Malaysia has agreed to lock in current market access arrangements in the construction and related engineering services sector, and also guaranteed that future market opening of these sectors will be captured as a TPP commitment.

For more information, refer to: [Outcomes: Professional and Other Business Services](#)

### Education services

Key TPP market access outcomes for Australian exporters of education services include:

- Commitments guaranteeing access to key existing markets and markets with growth potential for Australian universities and vocational institutions to deliver education services, including online education services;
- Australian universities and vocational education providers will be able to pursue new opportunities to establish or expand a campus or institution in Brunei Darussalam, Japan, Malaysia, Mexico, Peru and Vietnam;
- Australian universities and vocational education providers will be able to offer a wider range of courses to Vietnamese students, including new and emerging technical disciplines;
- Malaysia has agreed that international schools can be 100 per cent foreign owned;
- Vietnam has locked in the current percentage of Vietnamese students permitted to be enrolled in international schools and guaranteed that any future reforms which increase that percentage will be captured as a TPP commitment; and
- Vietnam has agreed to further cooperation in the education sector through a pilot program that will enable Australian universities to provide online courses to Vietnamese students.

For more information, refer to: [Outcomes: Education Services](#)

### Mining services

Key TPP market access outcomes for Australian exporters of mining services include:

- Mexico locking in recent reforms to the energy sector, enabling foreign companies, for the first time, to bid to participate in the exploration, production, processing and refinement of oil and gas;
- Vietnam opening its mining investment regime, providing Australian investors with new opportunities and greater transparency regarding the investment screening process for prospective investments;

- First time commitments from Malaysia in relation to the oil and gas sector, providing Australian service suppliers and investors with greater transparency regarding operating conditions;
- Brunei Darussalam making first time commitments on investment in the mining sector, including coal;
- Brunei Darussalam and Vietnam locking in, for the first time, their investment and local content regimes for oil, gas and power development as well as future reforms. These commitments will provide existing and prospective Australian investors with more transparent and predictable operating conditions;
- Australian suppliers of mining-related consulting, research and development, engineering, environmental, mining and technical testing and analysis services will achieve guaranteed access through new commitments from Chile (additional to our bilateral FTA), Mexico and Peru; and
- Australia's privately-owned mining, oil and gas companies will be able to compete on a more level playing field with the large state-owned enterprises (SOEs) that dominate these sectors in some TPP countries through TPP commitments on SOEs.

For more information, refer to: [Outcomes: Resources and Energy](#)

#### Transport and logistics services

Key TPP market access outcomes for Australian exporters of transport and logistics services include:

- Malaysia locking in its investment regime for freight transport and guaranteeing that any future market reforms will flow through to Australian providers;
- Vietnam locking in its current investment regime for road freight transport services and guaranteeing that any future market reforms will flow through to Australian providers;
- Vietnam locking in its investment regime in aviation (including the current 30 per cent foreign equity limitation) and guaranteeing that any future reforms will flow through to Australian airlines established in the Vietnamese market; and
- Japan guaranteeing market access for Australian suppliers of ground-handling services and offering commitments, which will provide Australian service suppliers and investors with greater certainty regarding investment conditions in airports and the supply of airport operation services by foreign providers.

For more information, refer to: [Outcomes: Transport and Logistics](#)

#### Health

Key TPP market access outcomes for Australian exporters of health services include:

- Commitments from Malaysia, Mexico and Vietnam will give Australian providers of private health and allied health services with greater certainty regarding access and operating conditions in these markets;
- New government procurement opportunities to provide health services in Brunei Darussalam, Malaysia and Peru; and
- Commitments from all TPP Parties in relation to government purchasing by the health department or ministry, including the purchasing undertaken by all public hospitals in Malaysia and 34 hospitals operating as State Owned Enterprises in Viet Nam.

For more information, refer to: [Outcomes: Health](#)

### E-Commerce and telecommunications

State of the art outcomes on e-commerce and telecommunications will deliver significant benefits to Australian businesses and consumers by fostering greater competition, trade and investment between TPP countries. The TPP will not alter Australia's broadcasting regime, or the ability of the Australian governments to support Australia's cultural industries. E-commerce outcomes are consistent with Australia's regulatory framework, including Australia's e-health record system and Privacy Act.

Key e-commerce and telecommunications outcomes include:

- A guarantee not to prevent service suppliers and investors from transferring data across borders where it is part of business activity;
- Businesses will not be forced to build data storage centres, or use local computing services, in TPP countries where they wish to conduct business;
- Legal protection for consumers across TPP markets to protect privacy, enforce consumer protection rights, and combat 'spam' messages;
- TPP countries have agreed to work cooperatively to promote reasonable international mobile roaming rates. TPP countries can enter into arrangements with each other on rates and conditions for wholesale international mobile roaming services; and
- Australian providers stand to benefit from the phasing out of foreign equity limits in Vietnam's telecommunications sector five years after the entry into force of the TPP. They will also be able to apply to wholly own telecommunications ventures in Malaysia.

For more information, refer to: [Outcomes: Trade in the digital age](#)

### Temporary entry of business persons

The TPP commitments on temporary entry of business persons will help facilitate increased trade and investment between TPP countries, enabling business people to enhance their commercial relationships and pursue new opportunities.

Australia is offering temporary entry to business persons on a reciprocal basis to those TPP countries offering similar substantive levels of access for Australian business persons.

Australia's TPP commitments are consistent with Australia's existing immigration and workplace relations frameworks and the approach taken in other free trade agreements.

Highlights of key TPP outcomes for Australia with regard to temporary entry of business persons include:

- Australian intra-corporate transferees will benefit from guaranteed initial lengths of stay in TPP countries of between one and five years, without being subject to quotas or economic needs tests;
- Vietnam will waive the requirement obtain a work permit for intra-corporate transferees working in a broad range of service sectors;
- Australian business persons who possess specialist trade, professional and technical knowledge, and offer services on a contractual basis will benefit from guaranteed initial lengths of stay in TPP countries of between three months and five years, without being subject to quotas or economic needs tests; and
- Australian business persons pursuing opportunities in TPP countries and wishing to stay for a short period of time (short-term business visitors) will benefit from greater certainty on length of stay, including for up to three months in Chile (extendable), Japan (extendable), Malaysia and Singapore; for up to six months in Canada, Mexico, Peru and Vietnam; and up to 12 months in Brunei Darussalam.

For more information, refer to: [Outcomes: Temporary Entry of Business People](#)