

BRUNEI DARUSSALAM

1.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment
Senior Management and Board of Directors

Description of Measure : National Treatment shall not apply with respect to registration requirements for establishment of businesses for public or private company.

Sole Proprietors and Co-operative Societies

Consistent with the national and social development policies of Brunei Darussalam to nurture the development of local entrepreneurship, the registration for sole proprietorships or cooperative societies is only open to nationals of Brunei Darussalam.

Partnerships

Applications by foreign individuals¹ are subject to prior written approval or clearance by the Department of Immigration, the Department of Labour, and the Department of Economic Planning and Development, before they are registered.

Branch of a foreign company

The company must at least have one resident agent in Brunei Darussalam.

Source of Measure : - Companies Act (Cap 39)
- Business Names Act (Cap 92)
- Administrative Directives and Guidelines

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¹ For purpose of this reservation, foreign individuals refer to those who do not hold the nationality of Brunei Darussalam.

BRUNEI DARUSSALAM

2.

Sector	:	All Sectors
Sub-Sector	:	-
Industry Classification	:	-
Level of Government	:	Central
Type of Obligation	:	National Treatment Senior Management and Board of Directors
Description of Measure	:	One of the 2 directors or, where there are more than 2 directors, at least 2 of them shall be ordinarily resident in Brunei Darussalam.
Source of Measure	:	- Companies Act (Cap 39) - Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

3.

Sector : **Manufacturing and Services Incidental to Manufacturing**

Sub-Sector : -

Industry Classification : ISIC Category D
CPC 884 and 885

Level of Government : Central

Type of Obligation : National Treatment
Senior Management and Board of Directors

Description of Measure : All foreign investment in manufacturing that utilises Government industrial sites* under the control of the Industrial Development Authority (BINA) of Brunei Darussalam must have at least 30% local equity participation.

* As of the entry into force of this Agreement, the sites in operation are as follows:

1. Beribi Industrial Site
2. Lambak Kanan East Industrial Site
3. Lambak Kanan West Industrial Site
4. Serasa Industrial Site
5. Salar Industrial Site
6. Serembangun Industrial Site
7. Sungai Bera Industrial Site
8. Pekan Belait Industrial Site
9. Batu Apoi Industrial Site

Source of Measure : - National Development Plan
- Industrial Coordination Order 2001
- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

4.

Sector	: Agriculture and Services Incidental to Agriculture
Sub-Sector	: -
Industry Classification	: ISIC Category A Division 01 CPC 8811, 8812
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: All foreign investment in agriculture that utilises Government sites* as provided for by the Department of Agriculture of Brunei Darussalam must have at least 30% local equity participation.

* As of the entry into force of this Agreement, the sites in operation are as follows:

Brunei-Muara District

1. Batumpu, Bengkurong-Masin
2. KKP Tanah Tuah, Kulapis
3. KKP Si Bongkok, Kg Batong & Kg Masin
4. KKP Si Bongkok, Kg Parit, Masin
5. KKP Si Tukak 'B', Kg Limau Manis
6. KKP Lumapas
7. KKP Mulaut, Kg Mulaut
8. KKP Limpaki, Kg Mulaut
9. KKP Sungai Tajau, Wasan-Bebuloh
10. KKP Putat
11. KKP Tanjong Nangka
12. KKP Mentiri
13. KKP Wasan
14. KKP HBC Rimba
15. KKP Tungku
16. KKP Mulaut
17. KKP Limau Manis / Kuala Lurah
18. KKP Kg Bebuloh
19. KKP Jerudong (PP Luahan)
20. KKP Terunjing

Tutong District

1. KKP Sungai Paku, Mukim Telisai
2. KKP Kupang
3. KKP Maraburong
4. KKP Padnunok / Sungai Burong, Kiudang
5. KKP Bang Nukat, Lamunin (GP.133)
6. KKP Birau
7. KKP Batang Mitus
8. KKP Bang Nukat, Lamunin (GP.400)
9. KKP Sg. Supon Besar

BRUNEI DARUSSALAM

Belait District

1. KKP Rampayoh, Kg Labi
2. KKP Merangking, Bukit Sawat
3. KKP Sungai Liang
4. KKP Tunggulian, Kg Tunggulian, Mukim Liang
5. KKP Lot Sengkuang, Labi
6. KKP Malayan 'A'
7. KKP Malayan 'B'
8. KKP Labi Lama, Kg Tarunan, Labi
9. KKP Kg. Sungai Petai, Mukim Labi
10. KKP Kg. Mumong, Mukim Kuala Belait
11. KKP Kg. Kenapol
12. KKP Kg. Singap
13. KKP Kg. Buau
14. KKP Kg. Tanjung Sudai

Temburong District

1. KKP Labu Estate A
2. KKP Labu Estate B
3. KKP Bakarut
4. KKP Perdayan
5. KKP Selapon A
6. KKP Selapon B
7. KKP Senukoh A
8. KKP Senukoh B
9. KKP Lakiun
10. KKP Sembabat
11. KKP Kampong Puni

*KKP: Kawasan Kemajuan Pertanian (Agricultural Development Area).

Source of Measure : - National Development Plan
- Halal Meat Act (Cap 183)
- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

5.

- Sector** : **Fishery and Services Incidental to Fishing**
- Sub-Sector** : -
- Industry Classification** : ISIC Category B
CPC 882
- Level of Government** : Central
- Type of Obligation** : National Treatment
- Description of Measure** : National Treatment shall not apply to any measure relating to any fishery activities in Brunei Darussalam, including its Economic Exclusive Zone (EEZ). This may include the requirement for all catch/produce to be processed/landed in Brunei Darussalam.

All foreign investment in this sector that utilises Government sites* as provided for by the Department of Fisheries of Brunei Darussalam must have at least 30% local equity participation.

*As of the entry into force of this Agreement, the sites in operation are as follows:

Aquaculture sites

1. Tanjung Pelompong
2. Pengkalan Sibabau, Phase I and I
3. Telisai, Phase I
4. Lalan Pulau Kaingaran
5. Tunggulian, Phase I and III

- Source of Measure** : - National Development Plan
- Fisheries Order, 2009
- Fisheries (Fish Culture Farms) Regulations, 2002
- Fisheries (Fish Landing Complexes) Regulations, 2002
- Fisheries (Fish Processing Establishments) Regulations, 2002
- Fisheries Limits Act (Cap 130)
- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

6.

Sector	:	Forestry and Services Incidental to Forestry <u>Except</u> logging and sawmilling
Sub-Sector	:	-
Industry Classification	:	ISIC Category A, Division 02 CPC 8814
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	All foreign investment in this sub-sector must have at least 30% local equity participation.
Source of Measure	:	<ul style="list-style-type: none">- National Development Plan- Forest Act (Cap 46), including any Subsidiary Legislation- National Forestry Policy (1990)

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BRUNEI DARUSSALAM

7.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment

Description of Measure : National Treatment shall not apply to any measure as may be stipulated by royal decree or 'titah' of His Majesty the Sultan and Yang Di-Pertuan of Negara Brunei Darussalam.

Note:

Any amendment or modification of an existing measure or adoption of a new measure shall not be more restrictive to existing investors and their investments than the measure applied to such investors or investments immediately before such amendments or modification or adoption.

Source of Measure : Constitution of Brunei Darussalam: Article 4(1), 39, 83(3) and 84 (2)

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BRUNEI DARUSSALAM

8.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment

Description of Measure : National Treatment shall not apply to any measure affecting:

- (i) the commercialisation of projects, privatisation, corporatisation, or divestment of assets owned by the Government.
- (ii) the transfer or disposal of equity interests or assets of a state enterprise, a government entity, or a government-linked company (GLC) of Brunei Darussalam.

Source of Measure : - National Development Plan
- Long-Term Development Plan
- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

9.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment

Description of Measure : National Treatment shall not apply to any measure on imposing licensing requirements on any business activity, including the regulation and control of such business activity, and to approve or reject the application of such licenses by foreigners, in accordance with its relevant laws and national policies.

Note 1:

This includes application of licenses for new business activities and application for renewal of licenses for existing business activities.

Note 2:

This reservation shall not include local equity requirements unless otherwise provided for in this schedule.

Source of Measure : - National Development Plan
- Long-Term Development Plan
- Miscellaneous Licenses (Chapter 127)
- Industrial Coordination Order 2001
- Poisons Act (1984 ed)
- Petroleum Mining Act (Chapter 44)
- Telecoms Order 2001
- Authority for Info-Communications Technology Industry of Brunei (AITI) Operational Handbook
- Architects, Professional Engineers and Quantity Surveyors, Order 2008
- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

10.

Sector	:	Agriculture, Fishery, Manufacturing and Forestry, and Services Incidental to these Sectors
Sub-Sector	:	-
Industry Classification	:	-
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	National treatment shall not apply to any measure with respect to any activities which relate to national food security.
Source of Measure	:	<ul style="list-style-type: none">- Long-Term Development Plan- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

11.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: National Treatment shall not apply to any measure relating to the activities using natural resources. This may include limitations in the issuance of permits and quotas.
Source of Measure	: <ul style="list-style-type: none">- Long-Term Development Plan- Administrative Directives and Guidelines- Forest Act (Cap 46), including any Subsidiary Legislation- National Forestry Policy (1990)- Wild Life Protection Act (Cap 102)- Wild Flora and Fauna Order. (2007)

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BRUNEI DARUSSALAM

12.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment

Description of Measure : National Treatment shall not apply to:

- (i) any measure affecting all land transactions and use, including ownership and lease of land of property, and conditions on which such land shall be held, including the use of natural resources associated with such land, as subject to approval and consent by His Majesty-in-Council.
- (ii) any measure affecting subdivision and consolidation of land, land use land planning and earthwork and building applications on state and private land.

Source of Measure : - Land Code, Revised Edition 1984 (Chapter 40)
- Land Code (Strata), Revised Edition 2000 (Chapter 189)
- The Control of Subdivision and Consolidation of Land Regulation 1973
- The Control of Development and Use of Land and Building Regulation 1974
- Town and Country Planning Act 1972

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BRUNEI DARUSSALAM

13.

Sector	: Forestry and Services Incidental to Forestry
Sub-Sector	: Logging and sawmilling
Industry Classification	: ISIC 0200 CPC 8814
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Permits and licenses are no longer issued for this sub-sector following the implementation of the National Forestry Policy 1990.
Source of Measure	: <ul style="list-style-type: none">- National Development Plan- Long-Term Development Plan- Forest Act (Cap 46), including any Subsidiary Legislation- National Forestry Policy (1990)- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

14.

Sector	:	Mining and Quarrying, and Services incidental to Mining and Quarrying
Sub-Sector	:	Oil and Gas
Industry Classification	:	ISIC Category C, Division 11 CPC 883: Services incidental to mining
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	National Treatment shall not apply to any measure relating to the oil and gas sector.
Source of Measure	:	<ul style="list-style-type: none">- Petroleum Mining Act (Cap 44)- Petroleum (Pipelines) Act (Cap45)- Brunei National Petroleum Company Order 2002.- Income Tax (Petroleum) Act (Cap 119)- Mining Act (Chapter 42)- Administrative Directives and Guidelines

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BRUNEI DARUSSALAM

15.

Sector	:	Mining and Quarrying, and Services Incidental to Mining and Quarrying
Sub-Sector	:	-
Industry Classification	:	ISIC Category C, Division 10, Division 14 No CPC Code Available
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	National treatment shall not apply to any measure affecting the sectoral activities. Foreign equity participation will be considered on a case-by-case basis.
Source of Measure	:	<ul style="list-style-type: none">- Land Code, Revised Edition 1984 (Chapter 40)- Land Code, (Strata) (Chapter 189), Revised Edition 2000- Pollution Control Guidelines for Industrial Development for Brunei Darussalam- Town and Country Planning Act 1972- Water Supply Act (Revised Edition 1984) (Chapter 121)- Antiquities and Treasure Trove Act 1967 (Revised 1984, 1991, 2002)- Mining Act (Chapter 42)- Administrative Directives and Guidelines

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