

Annex II-A **Schedule of Korea**

Explanatory Notes

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 8.7 (Non-Conforming Measures) and Articles 11.13 (Non-Conforming Measures), the specific sectors, subsectors or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 8.3 (National Treatment) or 11.4 (National Treatment);
 - (b) Article 8.4 (Most-Favoured-Nation Treatment) or 11.5 (Most-Favoured-Nation Treatment);
 - (c) Article 8.6 (Local Presence);
 - (d) Article 11.10 (Performance Requirements);
 - (e) Article 11.11 (Senior Management and Boards of Directors); or
 - (f) Article 8.5 (Market Access).
2. Each Schedule entry sets out the following elements:
 - (a) **Sector** refers to the sector for which the entry is made;
 - (b) **Obligations Concerned** specifies the Article(s) referred to in paragraph 1 that, pursuant to Articles 8.7.2 (Non-Conforming Measures) and 11.13.2 (Non-Conforming Measures), do not apply to the sectors, subsectors or activities scheduled in the entry;
 - (c) **Description** sets out the scope of the sectors, subsectors or activities covered by the entry; and
 - (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors or activities covered by the entry.
3. In accordance with Articles 8.7.2 (Non-Conforming Measures) and 11.13.2 (Non-Conforming Measures), the Articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the sectors, subsectors and activities identified in the **Description** element of that entry.

4. For Korea, **foreign person** means a foreign national or an enterprise organized under the laws of another country.

5. For greater certainty, Articles 8.6 (Local Presence) and 8.3 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 8.6 (Local Presence) need not be reserved against Article 8.3 (National Treatment).

6. For greater certainty, the specific commitments applying to the temporary entry and stay of the business persons are set out in the Annex 9-A (Specific commitments).

1. Sector:

All Sectors

Obligations Concerned:

National Treatment (Article 11.4)
Performance Requirements (Article 11.10)

Description:

Investment

Korea reserves the right to adopt, with respect to the establishment or acquisition of an investment, any measure pursuant to Article 4 of the *Foreign Investment Promotion Act* and Article 5 and 5-2 of the *Enforcement Decree of the Foreign Investment Promotion Act*.

Existing Measures:

Foreign Investment Promotion Act

Enforcement Decree of the Foreign Investment Promotion Act

| | |
|-------------------------------|--|
| 2. Sector: | All Sectors |
| Obligations Concerned: | <p>National Treatment (Articles 8.3 and 11.4)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Boards of Directors (Article 11.11)</p> <p>Local Presence (Article 8.6)</p> |
| Description: | <u>Investment</u> |
| | <p>Korea reserves the right to adopt or maintain any measure with respect to the transfer or disposition of equity interests or assets held by state enterprises or governmental authorities.</p> <p>Such a measure shall be implemented in accordance with the provisions of Chapter 15 (Transparency).</p> <p>This entry does not apply to former private enterprises that are owned by the state as a result of corporate reorganisation processes.</p> <p>For purposes of this entry:</p> <p>A state enterprise shall include any enterprise created for the sole purpose of selling or disposing of equity interests or assets of state enterprise or governmental authorities.</p> |
| | <p><u>Cross-Border Trade in Services and Investment</u></p> <p>Without prejudice to Korea's commitments undertaken in Annex I and Annex II, Korea reserves the right to adopt or maintain any measure with respect to the transfer to the private sector of all or any portion of services provided in the exercise of governmental authority.</p> |
| Existing Measures: | <i>Financial Investment Services and Capital Markets Act</i> |

| | |
|-------------------------------|--|
| 3. Sector: | All sectors |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) Market Access (Article 8.5) Local Presence (Article 8.6) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | Korea reserves the right to adopt or maintain any measure with respect to the defense industry. |
| Existing Measures: | <i>Foreign Investment Promotion Act</i> <i>Defense Acquisition Program Act</i> |

| | |
|-------------------------------|---|
| 4. Sector: | All sectors |
| Obligations Concerned: | <p>National Treatment (Articles 8.3 and 11.4)</p> <p>Most-Favored-Nation Treatment (Articles 8.4 and 11.5)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Boards of Directors (Article 11.11)</p> |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | <p>Korea reserves the right to adopt or maintain any measure with respect to the critical technology, including National Core Technology which is in the <i>Act on Prevention of Divulgence and Protection of Industrial Technology</i> and National high-tech strategic technology which is in the <i>Act on Special Measures for Strengthening the Competitiveness of and Protecting National High-Tech Strategic Industries</i>.</p> |
| Existing Measures: | <p><i>Act on Prevention of Divulgence and Protection of Industrial Technology</i></p> <p><i>Enforcement Decree of the Act on Prevention of Divulgence and Protection of Industrial Technology</i></p> <p><i>Foreign Investment Promotion Act</i></p> <p><i>Enforcement Decree of the Foreign Investment Promotion Act</i></p> <p><i>Act on Special Measures for Strengthening the Competitiveness of and Protecting National High-Tech Strategic Industries</i></p> <p><i>Enforcement Decree of the Act on Special Measures for Strengthening the Competitiveness of and Protecting National High-Tech Strategic Industries</i></p> |

| | |
|-------------------------------|---|
| 5. Sector: | All sectors |
| Obligations Concerned: | <p>National Treatment (Articles 8.3 and 11.4)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)</p> <p>Local Presence (Article 8.6)</p> <p>Performance Requirements (Article 11.10)</p> <p>Senior Management and Boards of Directors (Article 11.11)</p> |
| Description: | <p><u>Cross-Border Trade in Services and Investment</u></p> <p>Korea reserves the right to adopt or maintain any measure relating to investment or the supply of services in industries other than those recognised or other than those that should have been recognised by the Government of Korea owing to the circumstances as of the date of entry into force of this Agreement.</p> <p>Any services classified positively and explicitly in Korea Standard Industry Code (KSIC) or Central Product Classification (CPC), as of the date of entry into force of this Agreement should have been recognised by the Government of Korea at that time.</p> <p>Korea reserves the right to adopt or maintain any measure relating to investment or the supply of services in industries which were not technically feasible as of the date of entry into force of this Agreement.</p> |

| | |
|---|-----------------------------------|
| 6. Sector: | Acquisition of Land |
| Obligations Concerned: | National Treatment (Article 11.4) |
| Description: | <u>Investment</u> |
| <p>Korea reserves the right to adopt or maintain any measure with respect to the acquisition of land by foreign persons, except that a juridical person shall continue to be permitted to acquire land where the juridical person:</p> | |
| <p>(a) is not deemed foreign under Article 2 of the <i>Act on Report on Real Estate Transactions</i>; and</p> | |
| <p>(b) is deemed foreign under the <i>Act on Report on Real Estate Transactions</i> or is a branch of a foreign juridical person subject to approval or notification in accordance with the <i>Act on Report on Real Estate Transactions</i> if the land is to be used for any of the following legitimate business purposes:</p> | |
| <p>(i) land used for ordinary business activities;</p> | |
| <p>(ii) land used for housing for senior management; and</p> | |
| <p>(iii) land used for fulfilling land-holding requirements stipulated by pertinent laws.</p> | |

Korea reserves the right to adopt or maintain any measure with respect to the acquisition of farmland by foreign persons.

| | |
|---------------------------|--|
| Existing Measures: | <i>Act on Report on Real Estate Transactions</i> |
| | <i>Farmland Act</i> |

| | |
|-------------------------------|---|
| 7. Sector: | Firearms, Swords, Explosives and Similar Items |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the firearms, swords, explosives, gas sprays, electric shocks and crossbows sector, including the manufacture, use, sale, storage, transport, import, export and possession of firearms, swords, explosives, gas sprays, electric shocks and crossbows. |

| | |
|-------------------------------|---|
| 8. Sector: | Disadvantaged Groups |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords rights or preferences to socially or economically disadvantaged groups, such as the disabled, persons who have rendered distinguished services to the state and ethnic minorities. |

9. Sector: State-Owned National Electronic/Information System

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Local Presence (Article 8.6)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure affecting the administration and operation of any state-owned electronic information system that contains proprietary government information or information gathered pursuant to the regulatory functions and powers of the government.

| | |
|-------------------------------|---|
| 10. Sector: | Social Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favored-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for public purposes: income security or insurance, social security or insurance, social welfare, public training, public utilities, public transport, public housing, health and child care. |

| | |
|---|---------------------------------------|
| 11. Sector: | All Sectors |
| Obligations Concerned: | Market Access (Article 8.5) |
| Description: | <u>Cross-Border Trade in Services</u> |
| <p>Korea reserves the right to adopt or maintain any measure that is not inconsistent with Korea's obligations under Article XVI of GATS as set out in Korea's Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1).</p> | |
| <p>For purposes of this entry only, Korea's Schedule is subject to the following modifications:</p> | |
| <p>(a) for any sector and subsector with regard to which Korea's Annex I contains an entry (other than an entry with regard to "All Sectors") that does not list Market Access as one in the Obligations Concerned element, "None" is inscribed in the Market Access column for modes 1, 2, and 3; and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" is inscribed for mode 4;</p> | |
| <p>(b) for any sector and subsector with regard to which Korea's Annex I contains an entry (other than an entry with regard to "All Sectors") that lists a limitation to the Market Access obligation, that limitation is inscribed in the Market Access column with regard to the appropriate mode of supply; and</p> | |
| <p>(c) for any sector and subsector listed in Appendix II-A, Korea's Schedule is modified as indicated in the Appendix II-A.</p> | |

These modifications shall not affect any limitation relating to sub-paragraph (f) of paragraph 2 of Article XVI of GATS inscribed in the Market Access column of Korea's Schedule.

For greater certainty, an entry of "None" in the Market Access column of Korea's Schedule shall not be construed to alter the application of Article 8.6 (Local Presence) as modified by Article 8.7 (Non-Conforming Measures).

| | |
|-------------------------------|--|
| 12. Sector: | All Sectors |
| Obligations Concerned: | Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | <p>Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.¹</p> <p>Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:</p> <ul style="list-style-type: none"> (a) aviation; (b) fisheries; (c) maritime matters, including salvage; (d) railroad transportation; or (e) telecommunications. |

¹ For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement.

| | |
|-------------------------------|---|
| 13. Sector: | Communication Services - Broadcasting Services |
| Obligations Concerned: | Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords differential treatment to persons of other countries due to the application of reciprocity measures or through international agreements involving sharing of the radio spectrum, guaranteeing market access or national treatment with respect to the one-way satellite transmission of direct-to-home (DTH) and direct broadcasting satellite (DBS) television services and digital audio services. |

14. Sector: Environmental Services - Treatment and Supply Services for Potable Water; Collection and Treatment Services for Municipal Sewage; Collection, Transportation, and Disposal Services for Municipal Refuse; Sanitation and Similar Services; Nature and Landscape Protection Services (Except for Environmental Impact Assessment Services)

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to the following environmental services: treatment and supply of potable water; collection and treatment of municipal sewage; collection, transportation and disposal of municipal refuse; sanitation and similar services; and nature and landscape protection services (except for environmental impact assessment services).

This entry shall not apply to the supply of the aforementioned services pursuant to a contract between private parties, to the extent private supply of such services is permitted under relevant laws and regulations.

| | |
|-------------------------------|--|
| 15. Sector: | Atomic Energy - Nuclear Power Generation; Manufacturing and Supply of Nuclear Fuel; Nuclear Materials; Radioactive Waste Treatment and Disposal (including treatment and disposal of spent and irradiated nuclear fuel); Radioisotope and Radiation Generation Facilities; Monitoring Services for Radiation; Services Related to Nuclear Energy; Planning, Maintenance, and Repair Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the atomic energy industry. |

| | |
|-------------------------------|--|
| 16. Sector: | Energy Services - Electric Power Generation other than Nuclear Power Generation; Electric Power Transmission, Distribution, and Sales; Electricity Business |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <p><u>Cross-Border Trade in Services and Investment</u></p> <p>Korea reserves the right to adopt or maintain any measure with respect to electric power generation, transmission, distribution and sales.</p> <p>Any such measure shall not decrease the level of foreign ownership permitted in the electric power industry as provided by the entry in Korea's Schedule to Annex I related to Energy Industry (electric power).</p> <p>Notwithstanding this entry, Korea shall not adopt or maintain any measure inconsistent with Article 11.10.1(f).</p> |

| | |
|-------------------------------|---|
| 17. Sector: | Energy Services - Gas industry |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the import and wholesale distribution of natural gas and the operation of terminals and the national high pressure pipeline network. Any such measure shall not decrease the level of foreign ownership permitted in the gas industry as provided by the entry in Korea's Schedule to Annex I related to Energy Industry (gas industry). |

18. Sector: Distribution Services - Commission Agents' Services, Wholesaling and Retailing of Agricultural Raw Materials and Live Animals (*nong chuk san mul*)

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to:

- (a) commission agents' services of agricultural raw materials, live animals, food products, beverage;
- (b) wholesaling (including importation) services of grain, meat, poultry, grain powder, ginseng, red ginseng, fertilizers; and
- (c) retailing services of rice, ginseng and red ginseng.

19. Sector: Transportation Services – Road Transportation Services (not including Freight Road Transportation Services Related to Courier Services)

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Local Presence (Article 8.6)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to road transportation services, not including road transportation of containerised freight (excluding cabotage) by international shipping companies and road transportation services related to courier services.

20. Sector: Transportation Services - Internal Waterways
Transportation Services and Space
Transportation Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to internal waterways transportation services and space transportation services.

21. Sector: Transportation Services - Storage and Warehousing Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to storage and warehousing services related to agricultural, fisheries and livestock products.

22. Sector: Communication Services - Non-monopoly Postal Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to:

- (a) the supply of support services to postal offices by military service personnel or other personnel of equivalent status; and
- (b) the Minister of Science and ICT not needing authorisation from the Minister of Land, Infrastructure and Transport in determining the total number of vehicles that may belong to the Ministry of Science and ICT and allocating the vehicles to postal offices.

The Korean Postal Authority reserves exclusive rights for collecting, processing and delivering domestic and international letters.

The exclusive rights of the Korean Postal Authority include the right of access to its postal network and operation thereof.

Existing Measures: *Postal Service Act*

Military Service Act

Regulations on Management of Common-Purpose Motor Vehicles

Foreign Investment Promotion Act

| | |
|-------------------------------|--|
| 23. Sector: | Communication Services - Broadcasting Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Market Access (Article 8.5) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure relating to broadcasting services. |

24. Sector: Communication Services - Broadcasting and Telecommunications Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)
Market Access (Article 8.5)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to subscription-based video services.

For purposes of this entry, **subscription-based video services** means subscription-based video services that are supplied to end-users over dedicated transmission capacity that the supplier owns or controls (including by leasing) and includes Internet Protocol-based Television (IPTV) and Interactive Broadcasting.

Existing Measures: *Internet Multimedia Broadcasting Act*

Enforcement Decree of the Internet Multimedia Broadcasting Act

25. Sector: Communication Services - Broadcasting and Audio-Visual Services

Obligations Concerned: Most Favored-Nation Treatment (Articles 8.4 and 11.5)
Performance Requirements (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any preferential co-production arrangement for film or television program productions. Official co-production status, which may be granted to a co-production produced under such a co-production arrangement, confers national treatment on works covered by a co-production arrangement.

Existing Measures: *Promotion of the Motion Pictures and Video Products Act*

Notice on Programming

| | |
|-------------------------------|---|
| 26. Sector: | Communication Services - Broadcasting and Audio-Visual Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | Korea reserves the right to adopt or maintain any measure setting criteria for determining whether broadcasting or audio-visual programs are Korean. |
| Existing Measures: | <p><i>Act on Promotion of Motion Pictures and Video Products</i></p> <p><i>Enforcement Decree of the Act on Promotion of Motion Pictures and Video Products</i></p> <p><i>Enforcement Regulations of the Act on Promotion of Motion Pictures and Video Products</i></p> <p><i>Notice on Programming</i></p> |

27. Sector: Business Services - Real Estate Services (not including Real Estate Brokerage and Appraisal Services)

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to real estate development, supply, management, sale and rental services, except for brokerage and appraisal services.

28. Sector: Business Services - Insolvency and Receivership Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to insolvency and receivership services.

Korea reserves the right to adopt or maintain any measure with respect to corporate restructuring services, including corporate restructuring companies, corporate restructuring partnerships and corporate restructuring vehicles.

| | |
|-------------------------------|--|
| 29. Sector: | Digital Audio or Video Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | <p>Korea reserves the right to adopt any measure to ensure that, upon a finding by the Government of Korea that Korean digital audio or video content or genres thereof is not readily available to Korean consumers, access to such content is not unreasonably denied to Korean consumers. With respect to digital audio or video services targeted at Korean consumers, Korea reserves the right to adopt any measure to promote the availability of such content.</p> <p>For purposes of this entry, digital audio or video service means a service that provides streaming audio content, films or other video downloads or streaming video content regardless of the type of transmission (including through the Internet), but does not include broadcasting services as defined by the <i>Broadcasting Act</i> as of the date this Agreement enters into force or subscription-based video services as defined in the Communications Services – Broadcasting and Telecommunications Services entry in Korea's Schedule to Annex II.</p> |
| Existing Measures: | <i>Contents Industry Promotion Act</i> |

30. Sector: Business Services - Cadastral Surveying Services and Cadastral Map-Making Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to cadastral surveying services and cadastral map related services.

| | |
|-------------------------------|---|
| 31. Sector: | Business and Environmental Services - Examination, Certification, and Classification of Agricultural Raw Materials and Live Animals (<i>nong chuk san mul</i>) |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to examination, certification and classification of agricultural raw materials and live animal products. |

32. Sector: Business Services - Services Incidental to Agriculture, Hunting, Forestry, and Fishing

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to services incidental to agriculture, forestry and livestock, including genetic improvement, artificial insemination, rice and barley polishing and activities related to a rice processing complex.

Korea reserves the right to adopt or maintain any measure with respect to the supply of services incidental to agriculture, hunting, forestry and fishing by the Agricultural Cooperatives, the Forestry Cooperatives and the Fisheries Cooperatives.

33. Sector: Fishing

Obligations Concerned: National Treatment (Article 11.4)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to fishing activities in Korea's territorial waters and Exclusive Economic Zone.

| | |
|-------------------------------|---|
| 34. Sector: | Publishing of Newspapers |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the publishing (including printing and distribution) of newspapers. |
| Existing Measures: | <i>Act on the Promotion of Newspapers, Etc.</i> <i>Enforcement Decree of the Act on the Promotion of Newspapers, Etc.</i> |

35. Sector: Education Services - Pre-Primary, Primary, Secondary, Higher, Adult, and Other Education

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Market Access (Article 8.5)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to pre-primary, primary and secondary education; health and medicine-related higher education; higher education for prospective pre-primary, primary and secondary teachers; professional graduate education in law; distance education at all education levels (except adult education services other than health and medicine-related adult education services, provided that such services do not confer academic credit, diplomas, or degrees); and other education services.

| | |
|-------------------------------|--|
| 36. Sector: | Social Services - Human Health Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favored-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to human health services. |

37. Sector: Recreational, Cultural, and Sporting Services - Motion Picture Promotion, Advertising or Post-Production Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to motion picture promotion, advertising or post-production services.

| | |
|-------------------------------|---|
| 38. Sector: | Recreational, Cultural, and Sporting Services - Museum and Other Cultural Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | Korea reserves the right to adopt or maintain any measure with respect to the conservation and restoration of cultural heritage and properties, including the excavation, appraisal, or dealing of cultural heritage and properties. |
| Existing Measures: | <p><i>Cultural Heritage Protection Act</i></p> <p><i>Act on Protection and Inspection of Buried Cultural Heritage</i></p> <p><i>Act on Cultural Heritage Maintenance, Etc</i></p> <p><i>Special Act on the Preservation and Promotion of Ancient Cities</i></p> <p><i>Special Act on the Restoration and Maintenance of Core Ruins of the Silla Royal Capital</i></p> <p><i>Special Act on Conservation, Management and Utilization of World Heritage</i></p> <p><i>Special Act on the Maintenance of Historical and Cultural Zones</i></p> <p><i>Special Act on the Preservation and Management of Pungnap-toseong</i></p> |

39. Sector: Other Recreational Services

Obligations Concerned: National Treatment (Article 11.4)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to tourism in rural, fishery and agricultural sites.

| | |
|-------------------------------|---|
| 40. Sector: | Gambling and Betting Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Most-Favoured-Nation Treatment (Articles 8.4 and 11.5) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) Local Presence (Article 8.6) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> |
| | Korea reserves the right to adopt or maintain any measure with respect to gambling and betting services. For greater certainty, “gambling and betting” includes such services supplied through electronic transmission and services that use <i>sa-haeng-seong-ge-im-mul</i> . “ <i>Sa-haeng-seong-ge-im-mul</i> ”, as defined in Article 2 of Korea’s Game Industry Promotion Act, includes, <i>inter alia</i> , gaming instruments which result in financial loss or gain through betting or by chance. |
| Existing Measures: | <i>Tourism Promotion Act</i> <i>Special Act on the Assistance to the Development of Abandoned Mine Areas</i> <i>National Sports Promotion Act</i> <i>Enforcement Decree of the National Sports Promotion Act</i> <i>Korea Racing Association Act</i> <i>Traditional Bull Fighting Act</i> <i>Bicycle and Motorboat Racing Act</i> <i>Game Industry Promotion Act</i> <i>Act on Special Cases concerning Regulation and Punishment of Speculative Acts, etc.</i> |

National Gambling Control Commission Act

*Enforcement Decree of National Gambling Control
Commission Act*

41. Sector: Legal Services - Foreign Legal Consultants

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Market Access (Article 8.5)
Most Favoured-Nation Treatment (Articles 8.4 and 11.5)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

1. Korea reserves the right to adopt or maintain any measures including but not limited to:

- (a) restrictions on certification, approval, registration, admission and supervision of, and any other requirements with respect to, foreign country-licensed lawyers or foreign law firms supplying any type of legal services in Korea;
- (b) restrictions on foreign country-licensed lawyers or foreign law firms entering into partnerships, commercial associations, affiliations or any other type of relationship regardless of legal form, with *byeon-ho-sa* (Korean-licensed lawyers), Korean law firms, *beop-mu-sa* (Korean-certified judicial scriveners), *byeon-ri-sa* (Korean-licensed patent attorneys), *gong-in-hoe-gye-sa* (Korean-certified public accountants), *se-mu-sa* (Korean-certified tax accountants), or *gwan-se-sa* (Korean customs brokers);
- (c) restrictions on foreign country-licensed lawyers or foreign law firms hiring *byeon-ho-sa* (Korean-licensed lawyers), *beop-mu-sa* (Korean-certified judicial scriveners), *byeon-ri-sa* (Korean-licensed patent attorneys), *gong-in-hoe-gye-sa* (Korean-certified public accountants), *se-mu-sa* (Korean certified

tax accountants), or *gwan-se-sa* (Korean customs brokers) in Korea; and

(d) restrictions on senior management and the board of directors of legal entities supplying foreign legal consulting services, including with respect to the chairman.

2. Notwithstanding paragraph 1,

(a) Korea shall allow, subject to certain requirements consistent with this Agreement, Malaysia's law firms to establish representative offices (Foreign Legal Consultant offices or FLC offices) in Korea and attorneys licensed in Malaysia to provide legal advisory services on laws of the jurisdiction where they are licensed and public international law as FLCs in Korea.

(b) Korea shall allow FLC offices, subject to certain requirements consistent with this Agreement, to enter into specific cooperative agreements with Korean law firms in order to be able to jointly deal with cases where domestic and foreign legal issues are mixed, and to share profits derived from such cases.

(c) However, they shall not be engaged in:

(i) representation for juridical or statutory procedures in courts and other government agencies as well as preparation of legal documents for such procedures;

(ii) legal representation for the entrustment of the preparation of notarial deeds;

(iii) activities concerning labour affairs consulting services or a legal case whose objective is the

acquisition or loss or change of rights concerning real property in Korea, intellectual property rights, mining rights or other rights arising upon registration thereof with government agencies in Korea; and

- (iv) activities in legal cases concerning family relations or inheritance, in which a Korean national is involved as a party or the property concerned is located in Korea.

3. Korea shall maintain, at a minimum, the measures adopted to implement its commitments in paragraph 2.

4. For transparency purposes:

- (a) A foreign lawyer who wishes to practice law as a FLC in Korea must be approved by the Minister of Justice, must register with the Korean Bar Association, must have practiced law for at least 3 years in the jurisdiction where he/she is qualified as a lawyer and must be in good standing of the legal profession in the jurisdiction.
- (b) Permission of the Minister of Justice is required for the establishment of a representative office in Korea. The representative office consists of a FLC or FLCs approved by the Minister of Justice. It must have credibility and expertise, and sufficient capability to compensate for damages caused to the client, if any. The chief of the representative office must have practiced law for at least 5 years, including 3 years in the jurisdiction of his/her qualification.
- (c) A representative office can conduct profit-making activities provided that such presence in Korea maintains proper

business plans and financial bases and must observe the Foreign Legal Consultant Act, its presidential decree and enforcement rule.

(d) For the purpose of this entry, only the law firm which is organised under relevant law of Malaysia and headquartered in Malaysia can establish its representative office in Korea. Any type of subordinate or dependent legal entity, including but not limited to a branch, a local office, a subsidiary or a joint-venture firm of the law firm of a country other than Malaysia shall not be permitted to establish its representative office in Korea.

5. For purposes of this entry, **Malaysia's law firm** means a law firm organised under Malaysia's laws and headquartered in Malaysia.

6. For greater certainty,

(a) foreign lawyers are permitted temporary practice of and representation in international arbitration case² without registering as FLC in Korea, provided that their period of stay is less than 90 days in any given calendar year.

(b) use of firm name is permitted, provided that it is used with reference to "Foreign legal consultants' office" in Korean.

² International arbitration case means a civil or commercial arbitration case for which Korea is the place of arbitration and to which statutes of a country other than Korea, a treaty concluded between Korea and a foreign country, a treaty among countries other than Korea or generally accepted customary international law is or can be applied.

42. Sector: Professional Services - Foreign Certified Public Accountants

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Market Access (Article 8.5)
Most Favored-Nation Treatment (Articles 8.4 and 11.5)
Local Presence (Article 8.6)
Senior Management and Boards of Directors (Article 11.11)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to public accountancy services. Foreign public accountants intending to provide accountancy services in Korea must be domestically licensed and registered under the *Certified Public Accountant Act*. Their offices must be established within Korea.

A Korean accounting firm or office may, by paying an annual membership fee, acquire membership to international accounting organisations which have world-wide business networks. The following services may be supplied to a Korean accounting firm or office through a membership contract: consultancy for foreign accounting standards and auditing, training of Certified Public Accountants (CPAs), transfer of auditing technology and exchange of information.

43. Sector: Professional Services – Foreign Certified Tax Accountants

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Market Access (Article 8.5)
Most Favored-Nation Treatment (Articles 8.4 and 11.5)
Senior Management and Boards of Directors (Article 11.11)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measures with respect to *se-mu-sa* (Korean-certified tax accountants) services including those concerning ownership, partnership, nationality of executives and directors and the scope of services to be provided. Foreign-certified tax accountants intending to provide *se-mu-sa* (Korean-certified tax accountants) services in Korea must be domestically licensed and registered under the *Certified Tax Accountant Act*. Their offices must be established within Korea.

| | |
|-------------------------------|---|
| 44. Sector: | Business Services |
| Obligations Concerned: | National Treatment (Articles 8.3 and 11.4) Local Presence (Article 8.6) Most Favored-Nation Treatment (Articles 8.4 and 11.5) |
| Description: | <u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the exportation and re-exportation of controlled commodities, software and technology. Only persons residing in Korea may apply for a license to export or re-export such commodities, software or technology. |

| | |
|-------------------------------|---|
| 45. Sector: | All Sectors |
| Obligations Concerned: | National Treatment (Article 11.4) Performance Requirements (Article 11.10) Senior Management and Boards of Directors (Article 11.11) |
| Description: | <u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to an investment to supply a service in the exercise of governmental authority, as that term is defined in Article 8.1 (Definitions), such as law enforcement and correctional services. This entry does not apply to an investor or covered investment that has entered into an agreement with Korea with respect to the supply of such services |

46. Sector: Transportation Services - Maritime Passenger Transportation and Maritime Cabotage

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most Favoured-Nation Treatment (Articles 8.4 and 11.5)
Senior Management and Boards of Directors (Article 11.11)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to the provision of international maritime passenger transportation services, maritime cabotage and the operation of Korean vessels, including the following measures:

A person that supplies international maritime passenger transportation services must obtain a license from the Minister of Oceans and Fisheries, which is subject to an economic needs test.

Maritime cabotage is reserved for Korean vessels. Maritime cabotage includes maritime transportation between harbours located along the entire Korean peninsula and any adjacent islands.

Korean vessel means:

- (a) a vessel owned by the Korean government, a state enterprise or an institution established under the Ministry of Maritime Affairs and Fisheries;
- (b) a vessel owned by a Korean national;
- (c) a vessel owned by an enterprise organised under the Korean Commercial Code;
- (d) a vessel owned by an enterprise organised under foreign law that has its principal office in Korea and whose *dae-pyo-ja* (for example, a chief executive officer, president or similar principal

senior officer) is a Korean national. In the event there is more than one, all *dae-pyo-ja* must be Korean nationals.

For greater certainty, measures relating to the landside aspects of port activities are subject to the application of Article 16.4 (Security Exceptions).

47. Sector: Air Services

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most Favoured-Nation Treatment (Articles 8.4 and 11.5)
Senior Management and Boards of Directors (Article 11.11)
Performance Requirements (Article 11.10)
Local Presence (Article 8.6)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to air services except aircraft repair and maintenance services, computer reservation system services and the selling and marketing of air transport services.

48. Sector: Manufacturing of Liquor

Obligations Concerned: Performance Requirements (Article 11.10)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to the manufacturing of liquor.

49. Sector: All sectors

Obligations Concerned: National Treatment (Articles 8.3 and 11.4)
Most-Favoured-Nation Treatment (Articles 8.4 and 11.5)
Market Access (Article 8.5)
Local Presence (Article 8.6)
Performance Requirements (Article 11.10)
Senior Management and Boards of Directors (Article 11.11)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure that it considers necessary for the protection of its own essential security interests.

APPENDIX II-A

For the following Sectors, Korea's obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea's Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.

| Sector/Subsector | Market Access Improvements |
|---|---|
| Research and Development Services: | |
| (a) Research and development services on natural sciences | Insert new commitments with “None” for modes 1 and 2, “Unbound” for mode 3 and “Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)” for mode 4 |
| (b) Research and development services on social sciences and humanities | Modify mode 1 and 2 limitations from “Unbound” to “None” |
| (c) Interdisciplinary research and development services | Insert new commitments with “None” for modes 1 and 2, “Unbound” for mode 3 and “Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)” for mode 4 |
| Market research and public opinion polling services | Modify mode 1 and 2 limitations from “Unbound” to “None” |
| Services incidental to mining | Modify mode 1 and 2 limitations from “Unbound” to “None” |

For the following Sectors, Korea's obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea's Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.

| Sector/Subsector | Market Access Improvements |
|---|--|
| Packaging services | Modify mode 1 and 2 limitations from "Unbound" to "None" |
| Tourism and travel related services: <ul style="list-style-type: none"> <li data-bbox="287 1019 779 1289">(a) Beverage serving services without entertainment Excluding rail and air transport related facilities in beverage serving services without entertainment <li data-bbox="287 1334 779 1468">(b) Tour operator services <li data-bbox="287 1513 779 1648">(c) Tourist Guides Services | Insert new commitments with "Unbound*" for mode 1, "None" for mode 2 and 3 and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 Insert new commitments with "None" for mode 1, 2 and 3 and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 Modify mode 3 from "Only travel agencies are allowed to supply tourist guide services" to "None" |
| Convention services other than Convention agency services | Insert new commitments with "None" for mode 1, 2 and 3 and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 |

For the following Sectors, Korea's obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea's Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.

| Sector/Subsector | Market Access Improvements |
|---|---|
| Building-cleaning services (CPC 874* excluding 87409) | Insert new commitments with "Unbound*" for mode 1, "None" for modes 2 and 3, "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 |
| Environment consulting services (CPC 9409*) | Insert new commitments with "None" for modes 1, 2 and 3 and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 |
| Recreational, Cultural and Sporting Services D. Other - Game Services (CPC 964* excluding 96492) | Insert new commitments with "Unbound" for mode 1, "None" for modes 2 and 3 and "Unbound except as per the commitments in Chapter 9 (Temporary Entry for Business Persons)" for mode 4 |